

## Essex Admission Forum

Minutes of a meeting of the Essex Admission Forum held at 2.00 pm at County Hall, Chelmsford on 5 July 2011

### Membership/Attendance

Representatives of the following:

#### **Schools (9)**

##### Community Schools (2)

Mrs G Field

Vacancy (Vice-Chairman)

##### Voluntary Controlled (VC) Schools (1)

\* Mr P Tidmarsh

##### Voluntary Aided (VA) Schools (2)

Vacancy (primary)

\* Mr Antony Schular (secondary)

##### Foundation Schools (2)

\* Mrs T Boothman

\* Mr J Tippet

##### Academies (1)

Mr Steve Leverett

##### Selective Schools (1)

Mr K Jenkinson

#### **Religious Bodies (2)**

\* Mrs B Harris (RC Diocese of Brentwood)

Mrs E Marshall (Anglican Diocese of Chelmsford)

#### **Parents (2)**

Vacancy (Primary)

Mr R Carson (Secondary)

#### **Community Representatives (7)**

##### County Councillors (4)

Cllr R G Gooding (Chairman)

\* Cllr Mrs T Higgins

Cllr S Castle

\* Cllr R A Pearson (in the Chair)

##### Looked After Children (1)

Cathryn Adams, Narrowing the Gap Officer, Essex CC

##### Children with Special Educational Needs (1)

\* Ms A Stanford, Manager, Statutory Assessment Service, Essex CC

##### Neighbouring Local Authority (1)

Ms H Cole (London Borough of Redbridge)

\* Present

The following were also present: -

Mr S Noor	School Planning and Admissions Manager
Mr D Jones	Secretary to the Forum
Mrs H Cleary	Governance Officer
Hayley Jordan	Choice Advisor

**Mr D Jones, Secretary to the Forum, in the Chair**

**25. Election of Chairman**

The Chairman of the Forum, Councillor R G Gooding, had sent apologies for the meeting and it was necessary to elect a Chairman. Upon being put to the meeting it was

**Resolved:**

That Councillor R A Pearson act as chairman for the meeting.

**Councillor R A Pearson in the Chair**

**26. Death of Councillor Margaret Hutchon**

The Chairman advised the Forum that Councillor Margaret Hutchon had sadly passed away on 26 March after a long illness.

Members stood in silence in memory of the deceased.

**27. Membership Issues**

Members noted the resignations of Mr Owen Richards (Parent Governor Primary Representative) and Mrs Joyce Woodham (Community Schools Representative). It was agreed that the Secretary should write to Mr Richards and Mrs Woodham on the Forum's behalf, thanking them for their contributions.

**28. Apologies for Absence**

Apologies for absence were received from, Ms H Cole, Councillor R Gooding, Councillor S Castle, Ms Cathryn Adams, Mrs Gina Field, Mr K Jenkinson, Mrs E Marshall, Mr S Leverett and Mr R Carson.

**29. Declarations of Interest**

No declarations of interest were made.

**30. Minutes**

The minutes of the meeting held on 30 November 2010 were agreed as a correct record and signed by the Chairman.

### 31. The Department for Education Consultation on the Draft New Schools Admissions and Schools Admissions Codes

Members considered a report (EAF/01/11) by the School Planning and Admissions Manager which summarised the key issues raised by the consultation documents released by the Department for Education.

The Forum was invited to discuss the consultation and provide comments and opinion on the proposals, the specific areas from the covering report are itemised below along with a summary of the Forum's deliberations:

- 3.3 The second question asks if consultees agree with the proposals to allow all popular and successful schools to increase their Published Admission Number (PAN). The changes would mean schools would not have to formally consult on increasing their PAN, would not need the consent of their local authority to admit above PAN and that objections to any increase could only be upheld by the Schools Adjudicator on grounds of health and safety. This will allow more freedom for more parents to be offered their preferred school(s) but may have a detrimental impact on less popular schools.

#### Resolved:

That the Forum **rejected** the proposal set out in paragraph 3.3, by a majority of 4/2. The Forum noted that the current system for increasing a schools' PAN was not overly onerous, and that the current process to increase the physical capacity of a school by 25% or more would, it appeared, remain unchanged. The Forum raised concerns that the Local Authority would struggle to retain strategic oversight for the purposes of school place planning if schools were able to alter their PANs on an ad-hoc basis without some sort of consultation process.

- 3.4 Question 3 asks whether Academies and Free Schools should be able to give priority to children on free school meals (and thus attracting the Pupil Premium) within their admission arrangements.

#### Resolved:

That the Forum unanimously **agreed** with proposal as set out in 3.4 of the consultation. The Forum noted that it was doubtful that a large number of schools would take up the opportunity to give priority to disadvantaged children that would not have already been offered a place under existing admission policy.

- 3.5 The fourth question asks whether there is support for the proposal to remove the statutory requirement for local authorities to co-ordinate in year applications. Careful thought needs to be given on this issue, since the main

reason in year co-ordination was introduced was that there was evidence nationally of schools acting inappropriately, and in some cases unlawfully, in denying children access and of parents facing the challenge of going from school to school to try and get a place in year. However, the Government feels that the process is overly bureaucratic and can lead to delays in children gaining admission.

**Resolved:**

That the Forum **agreed** (split majority) with the proposal as set out in 3.5 of the consultation. Whilst it was recognised that the introduction of co-ordinated in-year admissions had been to ensure fair access for vulnerable children, some Member of the Forum felt that the process was too bureaucratic. Some Members of the Forum felt that rather than continuing the current practice of the Local Authority co-ordinating all in-year admissions, a mechanism should be introduced to regulate schools who were acting in contravention of the Code and interests of children and young people in respect of in-year admissions.

- 3.6 Question 5 relates to random allocation. Since this is not used in Essex by any admission authority, no further detail on this is provided here.

**Resolved:**

That the Forum unanimously **agreed** with the proposal as set out in 3.6 of the consultation.

- 3.7 The sixth questions asks if there is support for the proposal to add twins and multiple births, along with children of service personnel to the list of excepted pupils in infant classes i.e. allowing admission over and above where an infant class size would exceed 30 pupils.

**Resolved:**

That the Forum unanimously **agreed** with the proposal as set out in 3.7 of the consultation.

- 3.8 Question 7 asks if there is agreement with the proposal that admission authorities who are making no change to their arrangements year on year should only be required to consult once every seven years, rather than once every three years.

**Resolved:**

That the Forum unanimously **agreed** with the proposal as set out in 3.8 of the consultation.

- 3.9 The eighth question asks if consultees agree with the proposal to allow schools to give priority for admission to children of school staff in their

oversubscription criteria. The effect of this could result in pupils living much more local to the school being displaced.

**Resolved:**

The Forum **agreed**, by a majority of 3/1 (with 4 abstentions), with the proposals set out in paragraph 3.9 of the consultation. The Forum noted that it was imperative that the definition of 'school staff' be clearly defined within any admissions policy that utilised such a criterion.

- 3.11 **However, one area where a specific question has not been posed in the DfE consultation paper is the very contentious area of the admission of children with challenging behaviour outside of the normal admission round.** The current Code effectively outlaws schools from refusing admission to such children outside of the normal round, except those schools in specific circumstances, such as defined Ofsted categories or schools failing to meet minimum achievement thresholds, as well as undersubscribed schools vulnerable to a large proportion of challenging admissions in year.

The draft Code would appear to leave the situation much more open so that, potentially, any school could refuse (or at least try to refuse) admission to a child with challenging behaviour in year. The statutory force of the Code in limiting schools power to do this is seemingly removed, with the emphasis placed very much on local authorities to reach local agreement through a Fair Access Protocol over which schools can or cannot refuse admission to such children. Whilst, to some extent, this is currently the case, the draft Code does, arguably, loosen the statutory framework which safeguards children who are vulnerable and have challenging behaviour (and their parents) from being denied access to school places. The Forum is asked for its view on this very sensitive and critically important issue and whether it feels the current Code better protects children and parents in this respect, as opposed to the revised draft Code.

**Resolved:**

That the Forum unanimously **rejected** the notion, set out in paragraphs 3.11 and 3.12, that any school could potentially refuse to admit a child with challenging behaviour mid year, even where a place was available. The Forum felt that these proposals were short-sighted with little positive reasons for introduction. Introduction of such proposals could result in a high number of children not receiving any education for significant periods of time. It may be difficult to reach agreement of, or enforce any Hard to Place (fair access) arrangements at a local level. The Forum felt it was essential that the law remained clear that the vast majority of schools cannot refuse to admit children on the basis of their poor behaviour elsewhere. The existing arrangements of protecting schools in specific categories, such as Special Measures or Notice to Improve, and protecting undersubscribed schools from admitting all challenging children mid year struck the right balance and the Forum saw little or no reason to change the current Code in this respect.

**Resolved:**

That the Forum's comments and opinions in relation to each consultation question be collated by the Planning and Admissions Manager and sent to the Department for Education by the response date of 19 August 2011.

### 32. **Forward Look**

The Forum considered report EAF/02/11) by the Secretary which presented a Forward Look detailing the Forum's future business. The report also sought Members' suggestions regarding potential topics for future consideration.

Members welcomed the introduction of the Forward Look, as agreed at the Forum's last meeting, as a helpful means of setting objectives and monitoring progress. They noted that it was a 'living document' which would be updated following each meeting and would form a standing item on the agenda for every meeting.

#### **Resolved:**

That the Forward Look be **agreed** and the following topics be added:

- That an update on the implications of the new admissions code to be given at the 13 March 2012 meeting;
- That an update on the impact of the withdrawal of the denominational transport subsidy on school admissions be given at the 29 November 2011 meeting.

### 33. **Recent Determination by the Office of the Schools Adjudicator in relation to the admission arrangements determined by Essex County Council and the Governing Body of Colchester Royal Grammar School – ADA/002141**

The Forum were advised by the Planning and Admissions Manager of a recent determination by the Office of the Schools Adjudicator (the Adjudicator) in relation to an objection it had received from a parent who had made a second application for a place at Colchester Royal Grammar School. The main thrust of the objection related to the waiting list arrangements that were in place for second applications. A full copy of the determination can be found on the Office for the Schools Adjudicator website (reference ADA/002/141).

The Adjudicator determined that the admission arrangements in relation to the holding of second waiting lists be changed for the 2012/13 admission round to ensure that only one waiting list is used for all applications.

The Forum **noted** the verbal update in relation to the recent determination by the Adjudicator.

### 34. **Dates of Future Meetings 2011/12**

In accordance with the decision taken at the previous meeting of the Forum that meetings should be scheduled in advance it was:

**Resolved:**

That meetings of the Forum be held on the following dates:

- Tuesday 29 November 2011
- Tuesday 13 March 2012

The meeting closed at 3.20pm.

Chairman  
29 November 2011