

Education Admission Forum	EAF01/11
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Department for Education (DfE) Consultation on Draft New School Admissions and School Admission Appeals Codes

Report by School Planning and Admissions Manager – School Planning and Admissions

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1. PURPOSE OF THE REPORT

- 1.1 To briefly summarise the key issues raised by the consultation documents released by the DfE and to facilitate discussion by Forum Members, inviting comments and opinion.

2. BACKGROUND

- 2.1 On 27 May 2011, the DfE launched a consultation inviting comments from stakeholders on revised School Admissions and School Admissions Appeal Codes. The consultation period closes on 19 August 2011.
- 2.2 The draft Codes are around a third of their original size and the Department has set out that it is intended to simplify the admissions framework and remove what it views as unnecessary and costly prescriptive burdens on schools and local authorities.
- 2.3 Clearly, when there are such extensive revisions and reductions in any statutory framework (the intention of which is to ensure fairness in the system), the consequential potential impact must be considered. The Government is clear, however, that the revised Codes are not about weakening the admissions system.
- 2.4 Given the relative brevity of the draft School Admissions Code consultation documents, they have been attached in full to this report to enable Members to review prior to meeting. The full draft Appeals Code has not been attached as it this is not thought to be necessary.

3. The Consultation Questions

- 3.1 Whilst the views of Forum Members on the documents as a whole are sought, the DfE consultation template asks for comments on a number of specific questions. These are set out below for advance ease of reference and will be considered at the Forum meeting.

- 3.2 The first question asks whether the revised Codes will achieve the aims of ensuring that all school places are offered in a fair and lawful way and that school admission appeals are heard in a fair and lawful way. It is obviously necessary to consider the Codes as a whole before being able to comment fully on this, and it is therefore suggested that this be addressed by Members at the end of the meeting.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 3.10 Questions 9 and 10 are largely administrative in nature and it is not felt that the Forum need invest time in considering them at this stage.
- 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.
- 3.12 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.
- 3.13 The draft Appeals Code proposes a number of changes, largely administrative in nature, with nothing, at first sight, that would appear to overly contentious or materially significant. It is therefore not thought necessary to go into detail on the proposed revised Appeals Code here.

4. Forum Advice and Recommendations

- 4.1 The Forum is asked to provide its advice and opinion on the issues outlined above and to consider, in detail, the proposal to remove the statutory requirement on local authorities to co-ordinate all in year applications.
- 4.2 In addition, as well as considering the variety of issues raised, the Forum is asked to give detailed consideration and opinion on the outlined revised framework for the consideration of the admission of children with challenging behaviour in year.
- 4.3 Finally, the Forum is asked to reach agreement on the manner in which the Forum's official response to the consultation is to be formulated after this meeting and a final version agreed.