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View your response

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- Please tick if you are responding on behalf of an organisation.
- Please tick if we can contact you in the future.
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Respondent Information Questions

Please tick the box that best describes you as a respondent.

- Parent
- Local Authority
- Parent Governor
- Governor
- National Representative Group
- Local Representative Group
- Headteacher/teacher
- Faith Organisation
- School

- Other (please specify)

Please Specify:

Consultation Questions

We have sought to remove all duplication and sections of the Codes that were open to (mis)interpretation, so it is clearer what admission authorities must and must not do within the new Codes as well as making them easier to read and understand.

One of the aims of reviewing the Codes was to reduce the burdens and bureaucracy that schools face by removing unnecessary prescription and elements that drove cost into the process.

The revised Codes should ensure 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

1

Do you agree that the new Codes achieve these aims?

- Agree
- Disagree
- Not sure
- No Response

Comments: In respect of the new Code ensuring that places are offered in a fair and lawful way...

1. Point 7 of the Code states only objections about admission arrangements can be investigated. It is unclear as to who is responsible for investigating operational breaches of the mandatory Code i.e. we had an example where an admission authority sent its own offer letters before national offer day. Neither the DfE nor the Adjudicator would take responsibility for investigating our complaint. There needs to be an official body that can investigate complaints about operational matters.

2. There is also an issue about whether attendance at a school's nursery can be prioritised within the oversubscription criteria. In the previous Code there was a strong presumption against but this has been removed from the draft Code. It appears that what was previously considered unfair is now considered fair? This area is now rather grey whereas before it was very clear. The vast majority of schools with nurseries will want to prioritise attendance at the nursery in their oversubscription criteria, if the government feels this is unfair it should explicitly say so in the draft Code.

3. We feel that 3.11 will not work in practice. Schools will not refer themselves to the fair access panel, they will simply tell the parents they are full and to try the school down the road. This is a consequence of not having a statutory mid year co-ordinated scheme. Although the Code allows one to operate it can only do so if all admission authorities take part, which is most unlikely without a statutory basis. Parents whose children are considered challenging will be left to contact school after school without support.

4. It is not clear how 3.8, which states that the majority of admission authorities must agree to a fair access scheme can be reconciled with 3.10. This states that all admission authorities must participate in such a scheme. How are the recalcitrant schools to be made to participate?

5. The absence of a statutory mid year co-ordinated scheme allows more scope for governors to act in an unlawful manner. Parents, by and large, do not know the rules about admission to schools and will accept whatever they are told.

6. The last sentence in 3.10 is contrary to primary legislation. There is no basis in law to state that admission authorities do not have to comply with parental preference. In fact it is the opposite, there is a duty on all admission authorities to comply with parental preference except where there is prejudice as specified in the Act.

7. Point 1.8 states that admission authorities should decide oversubscription criteria that are suitable to the school. Previously it was suitable to the local community. This seems to allow schools to determine admission policies that admit the best intake, bypass certain local primary schools, miss out particular

estates, include better estates further away, etc. Should this sentence be re-written to include 'school and local community'?

2

Do you agree with the proposals to allow all popular and successful schools to increase their Published Admission Number?

- Agree
- Disagree
- Not sure
- *No Response*

It is still unclear how any school can increase their PAN without the net capacity in place or a strategic plan to accommodate additional children in the future. Simply increasing the PAN and taking more pupils one year could reduce the capacity to take up to PAN another year. There needs to be some clear criteria which schools must meet before they can consider increasing their PAN and this should be linked to the physical capacity of the school and to the LA who still have the statutory duty to provide school places.

A county wide strategic overview is still required to maintain a balanced sustainable school system in which all schools operate to ensure that all children at all schools are offered the opportunity to reach their full potential, not just the schools which are popular and successful. Individual schools and their governing bodies are not interested in the bigger picture or the impact of their decisions on the educational provision elsewhere at other schools.

There is also no comment on the likely impact of increasing PANs of popular and successful schools on smaller more vulnerable schools that are often at the heart of a community and may lose pupils to another school and be forced to consider closure in the future if they become no longer viable. Not only could this reduce the option of a local school for the less mobile and more deprived communities but in a county like Lincolnshire it could go against the presumption of rural school closures as the smaller more vulnerable schools are left to wither and die whilst clearly being detrimental to the education of the children that still attend those schools whilst they remain open. Popular and successful schools can often be associated with the more affluent and mobile parents who choose to take their children to what is often perceived to be a better school. The less mobile and more deprived families then lose out. This model could also lead to further class division in some areas.

Popular and successful schools are reliant on the reputation of a head teacher. Parental opinion can change in a very short period of time following a change to the head teacher, governing body, or the teaching staff at a school, or even just a rumour. Any change in PAN should be linked strategically to the long term sustainability of the entire school system to meet the needs of local communities through best use of public funding to ensure all pupils have the best opportunity to reach their full potential. If a popular and successful school wishes to increase its PAN then consultation with the LA and other schools should take place first.

Many schools have budget deficits and will endeavour to admit as many children as possible to solve their financial issues. Standards may not be affected until two or three years later when the children take their examinations.

In relatively sparsely populated rural counties such as Lincolnshire, allowing popular and successful schools to expand will also increase travel and traffic congestion and ultimately increased CO2 emissions which goes against most government objectives.

There is nothing in the draft Code about schools admitting above PAN as there is in the current Code, however, the general thrust of the Code is to allow popular schools to expand. If schools can admit above PAN whenever they want then why do have a PAN?

1.44 Admission authorities are required to inform the Local Authority of their determined arrangements by 8 August. This is in the school holiday period and too late for most Local Authorities who have deadlines about publications. I would suggest this should be amended to 'the end of the summer term.'

1.2 states that admission authorities must notify the local authority and such persons who appear to the admission authority to have an interest in their PAN. This is very loose and allows the admission authority to miss out contacting anyone they feel may have a contrary view.

3

Do you agree that Academies and Free Schools should be able to give priority to children attracting the Pupil Premium in their admission arrangements?

- Agree
- Disagree
- Not sure
- No Response

Comments: We have disagreed as we cannot see why academies and free schools are treated any differently from foundation, aided, voluntary controlled or community schools. Whatever decision is taken should be applicable to all schools.

4

Do you support the proposal to remove the requirement for local authorities to co-ordinate in year applications?

- Yes
- No
- Not Sure
- No Response

Comments: In Lincolnshire we have 6000 transfer requests a year, most from families moving house. We need to ensure all these families are tracked and ultimately find a school place, that they are informed of their right of appeal and that they are treated in a fair and consistent manner. Without a statutory co-ordinated mid year scheme we cannot be sure that all children are tracked and placed which raises safeguarding issues for us. We are concerned that there is no check on any school that refuses a place because of perceived special educational needs, perceived behavioural issues or some other issue connected with the child. There is in essence no check on any school that operates illegally as parents do not know their rights in this area. We have delays in placing children through the scheme at present but mostly caused by admission authorities not responding quickly. It is a bureaucratic system but to improve the current scheme we would suggest that own admission authority schools must respond to the local authority within two school days. This should speed up the process for parents and schools.

The suggestion in 2.22 about own admission authority schools notifying the local authority of in-year applications simply replaces one bureaucratic system with another. It states that local authorities must be kept informed about in-year applications. It does not say anything about children that leave the school, which then creates places? Again within 2.22 we are not convinced that all admission authorities will inform all parents of their right of appeal, even though it is a must.

Point 2.21 is unclear about the use of an in-year form. Should the form allow three preferences or should the parent fill in three forms each with a single preference that is sent to each school? Can schools introduce their own forms, so that a parent applies using the local authority form but then the school insists they fill in the school form?

We find the last sentence far from helpful "Any parent can apply for a place for their child at any time to any school." This directly contradicts the efforts of all admission authorities to dampen down the number of transfers that take place. It does not recognise serial movers, parents moving their children to escape

the attention of the EWO, parents who have an issue at a school but never discuss it with anyone at the school, etc, etc. This sentence should be removed and replaced with ' Admission authorities should ensure that all parents have explored every avenue before a school transfer is considered." The aim should be to reduce the number of transfers rather than encourage them. School results show that children who join as an in-year transfer do not perform to the same degree as children who joined in year 7.

5

Do you support the proposed change to the use of random allocation?

- Yes
- No
- Not Sure
- *No Response*

Comments:

6

Do you support proposals to add twins (and multiple births) and children of service personnel to the list of excepted pupils?

- Yes
- No
- Not sure
- *No Response*

Comments: We support the fact that qualifying measure have been withdrawn in the circumstances where a child is a recognised exception. However, it appears that own admission authority schools no longer have to check with the local authority as to nearby local schools that have places (current code 2.63b). This appears to leave them free to make their own determination as to what distance is reasonable and will inevitably lead to the numbers in infant classes rising beyond 30. We can see admission authorities stretching this aspect beyond the use of distance. For example if a child is the only one in the attached nursery, only child in the village or only child on the housing estate that has not been admitted then the governors may decide that whatever the distance is to the alternative school it will be unreasonable. They can make this decision as there are no qualifying measures. There appears to be no mechanism to prevent this happening as both the parents and school will be happy, the only losing element is the target to keep infant classes to 30.

Alternatively parents can appeal for a place and often the school wants to admit the child. It is only because the governors realize that they will need to take qualifying measures that they oppose the appeal. When the appeal panel ask the admission authority why the child cannot be admitted if there are no qualifying measures needed and the school has no practical reasons to refuse, the panel may then find the decision unreasonable and uphold the appeal.

Accepting the fact that the government does not wish to remove the infant class size regulations we would suggest another excepted reason be added. This would be where the admission authority regard their own decision as unreasonable. For example late applications where there are siblings in the school or even on-time applications where the parents have forgotten to indicate there was a sibling in school. It is an anomalous situation where the appeal panel can decide to admit a child on the basis of an unreasonable decision but the admission authority itself is cannot admit children on this basis.

7

Do you agree 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?

- Agree
- Disagree
- Not sure
- *No Response*

Comments: Although we suspect that the majority of schools will forget to consult after seven years as so many staff would have moved on. We suggest that all schools have a consultation in 2013 so they all begin at the same time.

8

Do you agree with the proposal to allow schools to give priority to applications for children of staff in their over-subscription criteria?

- Agree
- Disagree
- Not sure
- *No Response*

Comments: Last year this was unfair and next year it will be fair? A typical secondary school may have 100 members of staff and if a governing body allows priority to all, on the basis of equity, then there could be a significant lessening of places for parents in the local community. By allowing governors to determine who is classified as staff it could lead to the inclusion of temporary staff, staff who only work one day a week or even unpaid volunteers?

It is similar to 1.9, which allows former siblings priority in the oversubscription criteria. This again reduces the number of places to more local children. We suggest reverting to the previous priority accorded to siblings.

9

Do you agree that anyone should be able to raise an objection about the admission arrangements they consider unfair or unlawful, of any school?

- Agree
- Disagree
- Not sure
- *No Response*

Comments: However, as stated above we feel that there must be a mechanism to allow for objections to operational practices as well as admission arrangements.

10

Do you agree that the deadline for objections to the Schools Adjudicator should be moved to 30 June from 31 July?

- Agree
- Disagree
- Not sure
- *No Response*

Comments: The new local authority report that replaces the Adjudicator's report must be published by 30 June. This means the work needs to commence early June, when appeals are only half completed. We suggest that a much more comprehensive report can be produced for 1 September as all appeals will have been heard.

11

Do you agree with the less prescriptive requirements around the operation, governance and training of appeals panels?

- Agree
- Disagree
- Not sure
- *No Response*

Comments: The ombudsman already receives most complaints about admissions and appeals from own admission authority schools. By being less prescriptive it seems as though the ombudsman's workload will increase. Own admission authority schools will not know what is expected in relation to training.

12

Do you agree that the proposed appeals timetable will give more certainty to parents and reduce the number of appeals overall?

- Agree
- Disagree
- Not sure
- *No Response*

Comments: We have been publishing such a timetable for a number of years but it has no effect on the number of appeals we hear, why would it? We support the publishing of a timetable because it is helpful to parents but we disagree that it will in any way affect the number of appeals.

13

Do you agree that the proposed new timetable for lodging and hearing appeals will reduce costs and bureaucracy for admission authorities?



- Agree
- Disagree
- Not sure
- *No Response*

Comments: Why would a timetable reduce costs? The only way to reduce costs is to have fewer appeals and we can show that producing a timetable will not affect this.

14

Do you agree that the new three stage process will provide a more effective process for appeals panels to consider multiple and individual appeals?

- Agree
- Disagree

-  Not sure
-  *No Response*

Comments: We are concerned about the change in the Appeals Code from school days to working days. This will lead to admission authorities having to hear appeals in school holidays. We suggest that the Code reverts to school days.

2.18 is prescriptive in stating that a set date must be given. We would prefer a sentence such as 'your child should start within seven school days from the date of this letter'.

3.7 is unclear where it states "The panel must take into account the appellant's reasons for expressing..." Does this mean the parents reasons on the CAF or the reasons on the appeal form? Why does the paragraph finish with "including what the school can offer the child..." This seems superfluous given that so much else has been taken out of the Code. Why is it a must when the sole reason for the panel existence is to listen to the parent's reasons?

The Code is silent on degrees of prejudice. We are aware of secondary academies who argue that a child that has three level 5s in their SATs is probably a little prejudicial and on the same day argue that a child who needs extra support is extremely prejudicial to the school. Does the DfE agree that there are degrees of prejudice or that the same arguments about prejudice should be made to all appellants?

4.2 The appeal panel can admit a child under infant class size regulations on the grounds that there was an unreasonable decision by the admission authority. However, the admission authority cannot admit children on these grounds even though it recognises that its lawful admission policy may produce an unreasonable decision. We suggest that admission authorities be allowed to admit children where it feels the decision to refuse was unreasonable.

4.4 ii uses the word 'review' when it should say 'appeal' Also on v it uses 'review', which should say 'appeal'
