

Open Report on behalf of the Executive Director Adults and Children's

Report to:	Children and Young People Scrutiny Committee
Date:	9 September 2011
Subject:	Draft School Admission Code

Summary:

The Schools Admission Code, which was first introduced in 1999 under the previous administration and it was revised a number of times, the last time being in February 2010. The coalition government has been consulting on changes to the code alongside its other education initiatives in this area, such as the introduction of the pupil premium and the management of excluded pupils. It has been written in the context of an increasing number of academies, which are independent of Local Authority control, and therefore its aims are to allow more freedom for academies to determine their admission policies.

Since its introduction the Code has become more and more prescriptive as the admission of children into schools has become more controversial. There is now far more information for parents to access to inform their decision about a choice of school, for example there has been the advent of league tables, Ofsted reports and schools being placed into special measures. Admission to a school is something that parents often regard as something fairly simple but it is now a highly regulated and complex area. The coalition government's draft School Admission Code is an attempt to simplify the process and reduce bureaucracy.

Actions Required:

To note the comments on the draft Code.

1. Background

The coalition agreement in June 2010 included plans to simplify and review school admissions alongside the introduction of the pupil premium. The planned changes were flagged up in the white paper 'The Importance of Teaching' in November 2010. The declared objectives were:

- To simplify the Admissions Code and consult on allowing academies and free schools to prioritise admission of children from disadvantaged backgrounds.
- Reduce bureaucracy by making Admissions Forum voluntary and removing the Local Authorities duty to report annually to the Chief Adjudicator.

- Academies to be brought within the scope of the Adjudicator for the first time.
- The broad objectives and function of the Code was intended to remain the same.

The draft Code was promised for early 2011 in time for the House of Commons committee stage of the Education Bill in March. However, the draft Code was not published for consultation until 27 May with a closing date of 19 August. Discussions with Department for Education officials have indicated that the draft Code is predicated on the view that we must “trust headteachers.” This is a significant change from the current Code, which has sought to limit the role of headteachers and governors by setting out in detail the admission arrangements that had to be followed.

The draft Code is much shorter at 29 pages whereas the current Code is 86 pages, so much of the detail has been omitted. The current Code has attempted to bring together in one place various aspects of legislation that impinge on school admissions. The new Code has taken the opposite view and has significantly reduced references to other legislation. For example the current Code mentions the governor’s responsibility for community cohesion but this has been removed from the draft Code because it is covered elsewhere in other legislation. We are awaiting the publication of statutory instruments, which will support the draft Code, so we still do not have a full picture of all the changes.

The principles of the draft Code remain unchanged as the aim is still to have admission arrangements that work for the benefit of all parents and children that are fair, clear and simple to use. However the view of the coalition government is that the current Code it is too prescriptive in seeking to achieve these aims, hence it has sought to reduce the level of detail. Questions have been raised asking if the draft Code has been simplified to a degree that it is no longer clear and transparent to parents. The draft Code uses words such as ‘reasonable’ and ‘fair’ and leaves it up to the governors to decide what these terms mean. Where the Code is silent on detail there is more scope for interpretation and this is a deliberate change to allow academies more freedom.

Department of Education officials are well aware that moving from a highly regulated school admission system to a more simplified system that is open to interpretation will lead to more complaints. They accept there will be a period of transition as the checks and balances constructed over the last decade are removed.

There are a number of areas where the Local Authority will be affected. Currently we act as the strategic commissioner of school places and we have a duty to ensure that the number of places in an area matches the likely demand. One way of balancing supply and demand is to ensure the numbers admitted do not overstretch the capacity and resources of the school. As part of this role the Local Authority looks at the number of children in the area rather than the number of applications for an individual school, so the fact that a school is popular and oversubscribed would not cause the Local Authority to take any action if there are sufficient places at other local nearby schools. If a governing body seeks to raise

its admission number or admit above its agreed admission number then the Local Authority can formally object on the grounds that there is no need for additional places in the area and there would be a significant effect on other nearby schools that may lose pupils and eventually become unsustainable. At the moment there are clear regulations in place to enable us to perform the role of strategic commissioner of school places.

However, the draft Code has removed all the controls in this area. Schools will simply notify the Local Authority that they have increased their admission limit, and if this increased limit is reached then schools can simply admit above their admission limit if they choose. The Secretary of State has been clear in stating his belief that popular schools should be allowed to expand. The government intends to introduce market forces into school admissions with the argument that parents should not be forced to send their children to weaker schools when the popular school can admit them. The only grounds allowed for an objection will be on the safety of the pupils at the school. Our understanding is that grammar schools can also increase their admission numbers if they wish.

Another major change is around the procedures in place for mid year transfers. These are where parents wish to change schools after they had started, usually because they have moved house or because they have experienced a problem at the existing school. The previous government introduced a mandatory centrally co-ordinated system that started in September 2010. This is managed by the Local Authority on behalf of all schools and academies. Parents apply to the Local Authority who liaise with schools to find a place. In Lincolnshire we have over 6000 children a year seeking a mid year place. This system has advantages in safeguarding as every child can be tracked, it ensures parents are given the correct information and if the school, is full they are told of other local schools with a place and also informed of their right of appeal. The draft Code states that there may be a central co-ordinated scheme but in Lincolnshire without statutory backing we will not be able to retain the existing mid year scheme that we have in place. This will lead to parents contacting schools direct and with large numbers of schools being full in particular year groups it will mean parents having to contact many schools in order to find a school place and as such it is not a parent friendly system. We will not be sure that all children needing a school place will be in school in a timely manner nor would we be sure that parents have been informed of their right of appeal.

Nearly all schools give priority in their oversubscription criteria to siblings who will still be on roll when the younger child starts school in September. Keeping siblings together in the same school has obvious advantages for families of young children. The draft Code proposes to go further and allow priority if a former sibling has attended the school. This is a significant change and will most likely impact on primary schools where large numbers of parents have a child about to leave year 6 and start at a secondary school whilst at the same time having a child start in reception. These are currently classed as former siblings as they will not be on roll when the younger child starts. However, if they are allowed to be classed as siblings the effect will be that there will be fewer places to be given out to local children as siblings have a higher priority than local children in the oversubscription criteria.

Another change is that the draft Code proposes that governors can give priority in their oversubscription criteria to school employees, they can also define for themselves who is an employee, for example temporary staff, staff who work only an hour a day or supply staff. Previously governors could only give priority to children of teachers who were employed in a shortage subject. Again, this has the potential for reducing the number of places that could be offered to local children.

The draft Code allows schools to determine oversubscription criteria which are suitable for the school, whereas the current Code states it should be suitable for the community. This subtle change would potentially allow governors of a secondary school to determine an admission policy that includes particular feeder primary schools but to miss out others, or to determine a catchment area that excludes certain estates. A question could be asked about the fairness of such a policy but if the Code allows governors to determine a policy that is suitable to the school then the Adjudicator would need to balance the apparent contradiction.

There are regulations that limit infant classes to no more than 30 where there is a single qualified teacher. There are six exceptions to these regulations and the draft Code proposes two more. These are where the 31st child is a twin and children of UK personnel admitted outside the normal admission round. Previously the rules on exceptions lasted a year, so if numbers did not fall back to 30 by the next academic year the school had to employ an additional teacher to maintain the pupil teacher ratio of 1:30. This meant that 31 children would require two full time teachers in the classroom at all times until the number reduced. The draft Code proposes to remove the need to employ the extra teacher entirely and excepted children can remain exceptions and the class be above 30 throughout the child's school career.

There are a number of consequences that follow from this proposal. The first is that without the prospect of having to employ an additional teacher governors may feel that there are no sanctions if they admit above 30 per class. Secondly the local authority formula funding arrangements are based on the fact that schools will need to employ an additional teacher and if this is no longer the case the formula will need to be adjusted. We believe that by removing the need to employ an additional teacher the numbers are likely to rise above 30 per class and this is an unintended consequence of the proposed change.

2. Conclusion

The draft Code clearly indicates the coalition government's intention to loosen the regulations around school admissions and the full consequences of this action may not be known for a number of years.

3. Consultation

a) Policy Proofing Actions Required

n/a

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Comments sent in response to the consultation exercise.

5. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Draft School Admission Code	Pupil Services Manager

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