

SOME FREQUENTLY ASKED QUESTIONS

What is 'the Code'?

The School Admissions Code sets out the procedures for school admissions for schools. It describes the whole process of admissions including for example the roles of admission authorities, local authorities, governing bodies and admission forums. It is published by the Stationery Office. The current Code came into force on 10th February 2009. It includes requirements which 'must' be followed and some which 'should' (www.dcsf.gov.uk/sacode). It is required by statute ie the Section 84 of the School Standards and Framework Act says that the Secretary of State shall issue a Code of Practice.

The Code was drawn up by the the Department for Children, Schools and Families. It was consulted upon then redrafted and sent to parliament for parliamentary approval. The legislation and guidance related to school admissions are in Sections 84 -108 of the School Standards and Framework Act 1998, amended by the Education Act 2002 and the Education and Inspections Act 2006. Regulations (statutory instruments) arising from these regulations cover for example selection on aptitude and co-ordination of admissions. The Education (Grammar School Ballots) Regulations 1998 Statutory Instrument 2876 cover the current arrangements for ending selection.

There is a separate Code for appeals about school admissions.

What is an admission authority?

This is the body which sets out the admissions criteria to use when schools are oversubscribed ie when there are too many applications for places at the school. All applicants are judged against these criteria to decide which ones get the places. Many authorities will use very similar criteria. The School Admissions Code requires all admission authorities to give priority to looked - after children, after that, many will give priority for example to siblings or those living nearest the school. The over subscription or admissions criteria to voluntary aided schools, trust and foundation schools are set by the school's governing body. For community schools and voluntary controlled schools the local authority is usually the admission authority and sets the criteria.

What about academies and CTCs?

Academies and CTCs are not maintained schools. Although they are publicly funded they are legally independent. They act as admission authorities and their admission criteria and arrangements are agreed with the Secretary of State. Academies are required to follow School Admissions Code and can select on aptitude in the permitted subjects.

What is the role of the local authority?

Local authorities have an overarching duty to ensure fair access. Regulations require local authorities to coordinate admissions. Coordinated schemes are a process of administration to make admissions less stressful for parents. This is for maintained schools, but academies are required to participate in local schemes and CTCs invited to do so. Applications are made on common application form when parents are asked to state their preferences for at least 3 schools in rank order. Parents involved in secondary transfer may state a preference for a school in another local authority and the home local authority has a duty to pass that on. Parents involved in transition to secondary education should have one offer of a place by March 1st and for primary schools between March and May. Cross border co-ordination is encouraged but not compulsory. Similar provisions apply for primary schemes but cross local authority consultation is not required.

Local authorities have to submit a report by June each year to the Schools Adjudicator on the admission arrangements for all maintained schools, academies and CTCs in their area on the extent to which they comply with admissions legislation and the Schools Admissions Code.

Can admission authorities set whatever criteria they like?

In setting out admission criteria admission authorities should 'act in accordance with the mandatory provisions' of the School Admissions Code, which lists criteria which are unacceptable. Oversubscription criteria must be fair.

Is there consultation on proposed admission criteria?

Admission authorities ie governing bodies or local authorities are required to consult on the admission criteria they propose to use. All local school governing bodies must be consulted. For admission in the September of the following year consultation must be completed by 1 March for a minimum of 8 weeks. By the 1st of May local authorities must publish the admission arrangements for all local schools for the September of the following year.

If there is no change proposed in the following year and there has been no objection in the past schools which are admission authorities can be allowed to consult every three years. The admission arrangements must be available to the public. The local authority must publish a composite prospectus giving details of all local schools. Parent groups are to be consulted. Parents do have

representatives on the Admission Forums who have to be consulted about proposed admission criteria.

Can schools select?

Primary legislation permits selection on ability where it existed before 1997 ie for admission to grammar schools and some schools which are partially selective on ability. However legislation forbids more schools from selecting on ability from 1997 ie when the Labour government came in. This is except for schools which use banding to decide admissions (see below). The legislation is the School Standards and Framework Act.

However all schools which consider themselves to have a specialism can select up to 10% on aptitude in specific subjects. The subjects are – sport and PE, the visual and performing arts, and languages. Schools in the past could select on technology but this is not now allowed for any schools wishing to select.

This decision is made by the admission authority. Hence most schools which select on aptitude are those where the governing body is the admission authority.

Schools may select on ability to produce a proportionate spread of abilities, known as banding.

Can parents choose schools?

No, parents can only express a preference for a particular school. The Code says the aim is to have a system *where all parents feel they have the same opportunities to apply to the school they want for their child*. However selective schools and faith schools for example have criteria which would mean local parents might not gain a place. The admissions criteria might mean that in effect the school is choosing the pupil, not the other way round.

Parents are required by the rules to rank their preferences, and the aim is that these will be met where possible. However the Code allows the local authority to treat preferences as equal.

Before the current Code some all ability schools in selective areas set admission criteria giving priority to parents who put them first. This is because they wished for a more genuine all ability intake, otherwise parents who want an all ability school and do not want a selective education find that a place they might have had is taken by a parent who lives nearer but actually wanted a grammar school place, but their child failed the test. This 'first preference first' is now not allowed. Neither is it allowed for schools to give a lower priority to put parents who give other named schools a higher priority such as faith schools discriminating against parents who put a grammar school as a higher preference (conditionality). The Code also encourages local authorities to ensure the parents can express a preference for a school once they know if their child has passed the test for the grammar school. So essentially parents with children they wish to go to grammar schools get more choices those who do not.

Of course if schools were not selective this issue would be much easier to resolve. It is allowing selection to remain which causes these complications.

What is the role of the Choice Advisor?

Under the Education and Inspections Act 2006, local authorities are required to assist parents who are unsure how the school application process works. The Government's aim was to help parents are not able to make the best of the choices available because they don't understand or can't navigate the system. Local authorities appoint choice advisors to target these parents to help ensure fair access. The intention is that they provide independent and impartial advice and guidance to help parents choose a school. The focus of their work is on the transition from primary to secondary.

Who can object if schools about how schools want choose their pupils?

The website of the Schools Adjudicator – www.schoolsadjudicator.gov.uk has details about how to object.

Local authorities have a duty to ensure that admission arrangements are lawful and must object to the Adjudicator if they are made aware of any unfair admission arrangements in the area. Admission Forums must consider local admission arrangements and may object over any unfair practices. Governing bodies which are admission authorities can object. Parents may also object.

Objectors have to provide evidence and object within a time scale following the publication of the proposed admission criteria.

There are restrictions on what each potential objector may object about. The parental rights of objection vary. Parents of primary age children can object to selection in schools which are partially academically selective and were selective before 1997 and can also object to proposals to lower the admission number of a school. But on admission numbers the objection must come from 10 or more parents. Any parent of a school age child can object if admission authorities do not follow the part of the Code which they must follow. However they cannot object if a school wishes to introduce selection for the 6th form, banding or selection on aptitude unless they can show that selection is on aptitude is in fact on ability.

When to object

A school which wishes to continue with partial selection or lower its admission number must publish its arrangement each year. There is then a time limit to object to the adjudicator within six weeks from when the notice about admission arrangements is published.

In May the local authority must publish the admission arrangements of all schools in the area. Objections to the adjudicator then have to made by 31st July.

What do Admission Forums do?

Admission Forums were set up by the School Standards and Framework Act 1998 although local authorities were not required to have them. A later amendment in 2002 made them mandatory ie they had to be set up by all local authorities. The Education and Inspections Act 2006 strengthened their role. Their role is to monitor the effectiveness of local admission arrangements and advise admission authorities. Admission authorities are required to 'have regard' to their advice but if they fail to follow it the Admission Forum can complain to the Adjudicator. The forums have a power to compile a report on the effectiveness of local admission arrangements and if these are operating in the interests of local children and parents. If produced these reports are to be sent to the schools adjudicator along with the report from the local authority. The report should focus on the fairness of local arrangements rather than the legality which is the basis of the local authority report.

Who is on the Admissions Forum?

There have been changes to the membership of the forum. Now there are to be no more than 20 members. Membership consists of representatives from each faith group represented by schools in the area, parent and community representatives, local employers, local authority representatives and choice advisors. Membership is intended to reflect the local area and not to be dominated by one group.

What can the Adjudicator do?

Schools Adjudicators were appointed under the School Standards and Framework Act 1998. They have several roles including deciding on objections to admission arrangements. If an objection is made about proposed admission arrangements within the time scale and by those authorised to do so the Adjudicator can consider the evidence and rule on the objection. The admission authority has to follow the direction of the adjudicator, who makes the decision in line with the provisions of the School Admissions Code. www.schoolsadjudicator.gov.uk

Arising from the reports from each local authority the Adjudicator can investigate any possible breach of the Code. Previously the Adjudicator could only intervene if a complaint was made he now can be more proactive.

What about the Ombudsman?

The Ombudsman has a role in considering if a local authority has been guilty of maladministration. Local electors can complain to the Ombudsman about this.. This has been relevant when a group of parents were able to show that a local authority had not objected to a school's admission criteria which did not fit in with

the Schools Admissions Code. The Ombudsman produces regular reports with evidence of maladministration by school governing bodies which are admission arrangements. The Ombudsman role also extends to school admissions appeals

The Schools Commissioner

This is a role brought in by the Education and Inspections Act 2006. Originally his role included a yearly report on admissions. It seems now that this part of his role is to be done by the adjudicator.

What about selection for grammar schools?

Current policy allows selective entry into grammar schools to remain unless a majority of local eligible parents vote for it to change or unless grammar school governing bodies decide to change their admission policies to admit children of all abilities. This provision was introduced by the School Standards and Framework Act. No governing bodies have decided to change. Before a ballot can be held 20% of eligible parents in the areas concerned must sign a petition calling for a ballot. To require all of the 164 grammar schools in England to take children of all abilities would need 48 petitions and ballots. The only ballot in Ripon did not result in a change.

Where can I get more information online ?

The School admissions section of the DCSF website <http://www.dcsf.gov.uk/sacode/>

A guide for parents can be downloaded from the Adjudicator website-

<http://www.schoolsadjudicator.gov.uk/>

Teachernet <http://www.teachernet.gov.uk/management/atoz/a/admissions/>

Advisory Centre for Education (ACE) www.ace-ed.org.uk ACE can advise individual parents on admissions and appeals.

Local Government Ombudsman <http://www.lgo.org.uk/>

August 2009

Comprehensive Future
PO Box 44327
London SW20 0WD
020 8947 5758
info@comprehensivefuture.org.uk