

Education and Inspection Bill

The following amendments on fair admissions and ending selection have been put down by David Chaytor for consideration at Report and Third Reading 23 and 24 May

Local authority to secure fair access

Duties in relation to fair access

To move the following Clause:—

‘In section 14 of EA 1996 (functions of local education authorities in relations to the provision of primary and secondary education) after subsection (3A) (inserted by section 2 of this Act) insert –

“(3B) A local education authority in England shall exercise their powers under this section with a view to securing fair access for all pupils in their area to opportunities for education according to their educational needs and wellbeing”.’.

Purpose

To place a duty on the local authority to secure fair access to education for all pupils.

Local authority to ensure social inclusion and community cohesion

Duties in relation to social inclusion and community cohesion

To move the following Clause:—

‘In section 14 of EA 1996 (functions of local education authorities in relations to the provision of primary and secondary education) after subsection (3B) (inserted by section [*Duties in relation to fair access*]) of this Act insert –

“(3C) A local education authority in England shall exercise their powers under this section with a view to ensuring that the education provided in schools in their area shall contribute to social inclusion and community cohesion in that area and promote equality of opportunity and good relations between persons of different racial groups.”.’

Purpose

To place a duty on each local authority to ensure that schools contribute to social inclusion and community cohesion etc.

Abolition of selection by ability A

Retention of selection by ability or aptitude after parent ballot

To move the following Clause:—

‘(1) The Secretary of State shall by regulations make such provision as he considers necessary or expedient which may include the repeal, amendment or revocation of any legislation enacted prior to the coming into effect of this Act, for the purposes of giving full effect to the principle set out in subsection (2)

(2) The principle referred to in subsection (1) is that no admission arrangements for any school providing secondary education may, following the commencement of a school year on or after 1st August 2010, continue to make provision for the selection of pupils by ability or aptitude other than under section 101 of SSFA 1998 (permitted selection: pupil banding) unless the continuation of such selection has been approved in a ballot of parents of pupils attending primary schools from which such pupils may by choice of their parents transfer.’.

Purpose

This enables the current pupil selection regime to continue until 2010. After that date, there must be no selection by ability or aptitude unless primary school parents have voted to retain selection at their local secondary school. The Secretary of State is required to rewrite primary legislation by regulations to achieve this end.

Review of selection arrangements

Independent body to review admission arrangements for secondary education

To move the following Clause:—

‘(1) The Secretary of State shall, not later than six months after the passing of this Act, appoint an independent body to review the arrangements in England relating to the admission of pupils for secondary education in Part 3, Chapter 2 of SSFA 1998 and section 36 of this Act.

(2) The Secretary of State shall invite representatives of –

- (a) teacher associations,
- (b) local authorities,
- (c) parent groups,
- (d) employer bodies, and
- (e) such other persons as he considers appropriate,

to make submissions to the body established under subsection (1); and the report of that body shall be laid before each House of Parliament not later than 1st April 2008.

(3) The Secretary of State, at the request of the independent body, may commission research into the admission of pupils for secondary education and related matters.’

Purpose

Establishes an independent review body to examine selection arrangements for secondary education.

Secretary of State to implement independent review body report

To move the following Clause:—

‘(1) Following the receipt by him of a report of the body established under section [*Independent body to review admission arrangements for secondary education*], the Secretary of State shall enter into consultations with such bodies as he considers appropriate on proposals to give effect to the recommendations of that body by a date no later than 1st September 2008.

(2) Following such consultations as are mentioned in subsection (1) the Secretary of State may by regulations make such provision as he considers necessary or expedient, which provision may include the repeal, amendment or revocation of any legislation enacted prior to the coming into effect of this Act so as to give effect to proposals whether or not recommended by the body established under section [*Independent body to review admission arrangements for secondary education*] for the reform of the arrangements for admission to secondary schools in England.’

Purpose

This new clause would enable the Secretary of State to amend primary legislation to implement, with modification if necessary, the recommendations of the review body. This amendment is obviously dependant on the previous new clause [*Independent body to review admission arrangements for secondary education*].

Additional Admission criteria to be in primary legislation No. 1

Definition and use of oversubscription criteria

To move the following Clause:—

‘The requirements referred to in section 84(2) of SSFA 1998 shall include references to the following categories of pupils and these categories shall be taken as the criteria to be applied in the event of oversubscription in the order as set out below —

- (a) children with a statement of special educational needs;
- (b) children in public care;
- (c) children for whom the school is most appropriate on medical or social grounds;

- (d) children whose sibling or siblings will be enrolled at the school on the first day of term and who permanently reside within the area from which the school's intake is normally drawn;
- (e) children for whom the school is the nearest appropriate school to their home;
- (f) safe walking distance from the school;
- (g) ease of access to the school by public transport;
- (h) transfer from a named feeder primary school.'

[Page 26, line 38 [*Clause 37*], after 'requirements,', insert 'including requirements as to the criteria to be used in the event that an admissions authority receives more applications than they have places to offer ("oversubscription"),'.]

Purpose

Places the oversubscription criteria proposed by the House of Commons Education and Skills Committee Report on Secondary Admissions from 2004 on the face of the Bill CONSIDERATION OF BILL

Additional Admission criteria to be in primary legislation No. 2

Restriction on oversubscription criteria in code for school admissions

To move the following Clause:—

'The requirements referred to in section 84(2) of SSFA 1998 shall exclude the following from the criteria to be applied in the event of oversubscription –

- (a) giving higher priority to children whose parents are more able or willing to support the ethos of the school or to support the school financially or in some other way;
- (b) giving higher priority to children according to the occupational or financial status of their parents;
- (c) giving higher priority to children according to the educational or social group or background of their parents;
- (d) seeking or take account of, in giving priority to a child or in deciding whether or not to offer a place to a child, reports from his primary or nursery school about past behaviour or attitude;
- (e) allocating places at a school on the basis that a sibling or other relative is a former pupil;
- (f) the behaviour of other members of a child's family, whether good or bad, including a good or bad attendance record;

(g) parents' marital status;

(h) giving priority to children whose parents are staff or governors or who have another connection to the school;

(i) giving priority to children who (or whose parents) have particular interests, specialist knowledge or hobbies;

(j) giving priority to children based on the order in which applications were received;

(k) in the case of grammar schools, giving priority to siblings of pupils.'

[Page 26, line 38 [*Clause 37*], after 'requirements,', insert 'including requirements as to the criteria to be used in the event that an admissions authority receives more applications than they have places to offer ("oversubscription"),'.]

Purpose

Gives statutory force to the oversubscription criteria specified in the draft skeleton of the Code of Practice published in April 2006.

Strategic Overview of Admissions Arrangements by local authority

Admissions report by local education authority

To move the following Clause:—

'After section 85B of SSFA 1998 insert –

"85C Admissions report by local education authority

(1) A local education authority shall once in every school year make a report to the admission forum containing the following information –

- (a) the authority's plans for acting in accordance with the code for school admissions,
- (b) the proposed admission arrangements for every school, including Academies and city colleges, in the local education authority area,
- (c) the number of applications for each year group admitting pupils for each school,
- (d) the number of pupils accepted for each year group and, if oversubscription criteria are used, the number of pupils selected using each oversubscription criterion, and
- (e) the area which the school recruits pupils compared to the area in which the school is situated.

(2) The opinion of the local education authority shall be included in the report as to -

- (a) whether the proposed admission arrangements for each school complies with the code for school admissions,
- (b) what changes, if any, each admission authority, or as the case may be the governing body of each Academy or city college, should make to their admission arrangements to comply with the code for school admissions,
- (c) the accuracy and appropriateness of information given to parents seeking admission to the school, and

- (d)(i) whether the totality of the admission arrangements for the area produces fair access to schools for all pupils, and
- (ii) if not, what further action the authority intends to take to ensure fair access to maintained schools and academies and city colleges.”’.

Page 27, line 29 [*Clause 38*], leave out from ‘England’ to end of line 31 and insert ‘shall consider the report published by the local education authority under section 85C (admissions report by local education authority) and prepare and publish its response to this report, which may include rejection, as may be prescribed. ‘.

Purpose

Requires the admission forum to consider, and respond to, a comprehensive report on the admission arrangements in a local area produced by the local authority, including a requirement that the local authority has a plan to ensure compliance with the new Code for School Admissions.

Local authority to administer the pupil admissions for each school using the criteria determined by the admission authority

Administration of pupil admissions

To move the following Clause:—

- ‘(1) Chapter 1 of Part 3 of SSFA (admission arrangements) is amended as follows.
- (2) In section 88 (admission authorities and admission arrangements), in subsection (2) after “means the” leave out “arrangements” and insert “criteria”.
- (3) In section 89B (co-ordination of admissions arrangements)—
 - (a) in each of subsections (1) and (2) leave out “co-ordinating” and insert “administering”,
 - (b) leave out subsection (5), and
 - (c) in subsection (6) at end insert “in particular that the local education authority admits pupils to each school in accordance with the admission criteria established by the admission authority for that school under section 89 (procedure for determining admission arrangements).”
- (4) Leave out section 89C.’.

Page 29, line 28 [*Clause 41*], leave out ‘89C’ and insert ‘89B’.

Purpose

Transfers the administration of pupil admissions from the admission authority to the local authority by redefining “admission arrangements” to be only the criteria used for admissions and enlarging the current role for coordinating admission applications to administering admissions.

CONSIDERATION OF BILL

Secretary of State under a duty to place certain conditions in Academy funding agreements

Academy admission arrangements

To move the following Clause:—

'In subsection (4) of section 482 (Academies) of the Education Act 1996, insert after sub-paragraph (a) –

“(aa) conditions and requirements imposed for securing that

- (i) the proprietor of the school consults on the admission arrangements as if the school were a maintained school under section 89 of SSFA 1998 (procedure for determining admission arrangements),
- (ii) pupil admissions to the school are managed by the local education authority under section 98B of SSFA 1998 (co-ordination of admission arrangements), and
- (iii) objections relating to the admission arrangements are determined by the adjudicator under section 90 of SSFA 1998 (reference of objections to adjudicator or Secretary of State)”.’.

Purpose

Places the administration of the admission arrangements for academies with the local authority (and requiring the local authority to use the academy’s admission criteria), and allows appeals to the adjudicator on the admission arrangements.

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