

Some frequently asked questions

What is 'the Code'?

The School Admissions Code is published by the The Stationery Office. It came into force in 28 February 2008. 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. It describes the whole process of admissions including for example the roles of admission authorities, local authorities, governing bodies and admission forums.

The Code was drawn up by the then DfES now 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

What is an admission authority?

This is the body which sets out the 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.

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. Admission authorities are required to consult locally about their proposed criteria.

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 and admission arrangements fixed by 15 April. 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 other year. The admission arrangements must be available to the public. The local authority must publish a composite prospectus giving details of all local schools. Parents are not consulted specifically. They 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. 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 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. These reports will be used by the Schools Commissioner.

Who is on the Admissions Forum?

All local schools are members. The core membership consists of representatives of the LEA, community and voluntary controlled schools; foundation schools; voluntary aided schools; Church of England and Catholic representatives; Parent Governor Representatives; local community representatives, academies and CTCs are all included. Other people may be invited to attend including representatives of other faith groups.

Does the Local Authority organise admissions?

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. Cross border co-ordination is encouraged but not compulsory. Similar provisions apply for primary schemes but cross local authority consultation is not required.

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

Can anyone object if schools want to pick and choose their pupils?

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. Parents and school governing bodies may also object. They have to provide evidence and object within a time scale following the publication of the proposed admission criteria.

The parental rights of objection vary. Parents of primary age children can object to schools which are partially academically selective and were selective before 1997. Most parents can also object to proposals to lower the admission number of a school. They 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 on aptitude, unless they can show in fact the selection is on ability.

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 Schools Commissioner

This is a role brought in by the Education and Inspections Act 2006.

Admission Forums have the power to produce an annual report if they wish on many aspects of local admission arrangements and if these are operating in the interests of local children and parents. These reports will form the basis of a two yearly report on fair access by the Schools Commissioner, who has several other duties related to encouraging schools to become trust schools for example. His first report on fair access is due in January 2009.

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 47 petitions and ballots. The only ballot in Ripon did not result in a change.

How many areas have selection for grammar schools?

Scotland and Wales do not have the 11 plus, and it is being phased out in Northern Ireland. In England there are 150 local authorities out of which 36 have one or more grammar schools. Of these 15 LEAs (Bexley, Bournemouth, Buckinghamshire, Kent, Kingston, Lincolnshire, Medway, Poole, Reading, Slough, Southend, Sutton, Torbay, Trafford and Wirral) can be considered fully selective. They have about 1 in 5 of their secondary pupils in grammar schools. Another 21 LEAs have one or more grammar schools (Barnet, Birmingham, Bromley, Calderdale, Cumbria, Devon, Enfield, Essex, Gloucestershire, Kirklees, Lancashire, Liverpool, North Yorkshire, Plymouth, Redbridge, Stoke on Trent, Telford and Wrekin, Walsall, Warwickshire, Wiltshire and Wolverhampton).