

School Admissions Code - response to consultation 10 August 2011

Description of Comprehensive Future as a respondent

Comprehensive Future is the campaign for fair school admission policies in England. The campaign is non party political and open to all. By lobbying Government, providing evidence, informing the media and supporting local campaigns on admissions we aim to bring about a comprehensive secondary school system in England with fair admissions criteria to all publicly funded schools, guaranteeing an equal chance to all children.

Our aims are -

- To end selection on ability and aptitude. The principle to be laid down nationally with locally agreed arrangements which secure as far as possible balanced intakes to all schools.
- To strengthen of the role of the local authority in managing admissions.
- To increase the independent oversight of admissions, at local level by admission forums and at national level by the Office of the Schools Adjudicator.

Response

(Answers to the questions in the consultation document are at the end.)

Main points

- We want to see a fair system for all parents and children. We welcome the aim of making the Code clearer and more accessible. It has been achieved. We welcome the sample admission arrangements on page 29. We also welcome the extension of the right to object to the adjudicator.
- Ending selection by ability and aptitude would increase fairness, reduce social segregation and make the Code even simpler.
- We are concerned that unless there is effective scrutiny it is likely that as more schools become admission authorities the impact of the Code will be that covert selection and segregation will increase. Effective scrutiny becomes less likely if admission forums disappear, school adjudicators' powers are reduced and local authorities do not use the powers they have. We wish to see the Education Bill amended so that the requirement to establish admission forums and the

adjudicator's powers to impose admission arrangements remain. Our survey of admission forums earlier this year (<http://www.comprehensivefuture.org.uk/PDF/AdmissionForumsSummary.pdf>) indicated that they can play a very important part in bringing about fair admissions.

- If local authorities are to act as 'children's champions' their role in ensuring fair admissions should be set out clearly and specifically in the Code. The current Code (paragraph 1.9) says local authorities have a duty to ensure fair access in s.13A(1)(b) EA 1996 and this should be in the Code as highly relevant. It is very important that the Code makes clear to parents that the local authority has this legal responsibility and a duty to respond to parents concerns. If the role of the local authority is not established more clearly there might be a lack of coherence both in monitoring the system and ensuring that there are sufficient places.
- We believe the Code may offer opportunities for some admission authorities to introduce covert selection as some parts of the Code are less detailed than the previous Code (for example details of what admission arrangements must be consulted upon). We are concerned that the specific legal ban on signing home school agreements as a requirement as an admission criterion does not appear in the draft. Allowing priority in admissions for siblings of former pupils and children of staff would introduce more unfairness.
- It is important that potential objectors can know about any changes schools are making, so ensuring clear communication and accessible publications will be vital. The most recent report from the Office of the School Adjudicator indicated that many admission authorities were not publishing their arrangements in time. The Department must do more publicity at national level about admissions, deadlines for publicity and how parents can find information.
- The annual Local Authority report on School Admissions will be the major means by which local authorities assess what is happening locally. The minimum requirements for this report must include a duty to report on as to whether the admission arrangements of the admission authorities in their area comply with the requirements of the Code. This is clearly required by the current Code (page 10, paragraph 11 and page 56 paragraph 4.8.)
- It is essential that the local authority retains the responsibility for ensuring that no child is without a school place, changes to in-year admissions could result in problems. Admission authorities must be encouraged to work together.
- Comprehensive Future wants to see own admission authorities allowing another body to manage admissions ie deciding which applicants meet oversubscription criteria. This would be more transparent and remove a burden from schools. Regulations already allow this – so local authorities could manage admissions for all schools. We would like to see a clear reference and encouragement to do this included in the Code.

- As recommended by the Adjudicator nationally agreed definitions of parents, siblings and distance to school should be included in the Code. It is unfair if parents experience different definitions of, for example, what is meant by siblings at different schools or schools measure home school distances differently.
- Admission authorities should be required to consult if proposing an increase in PAN, as this is an admissions change.
- Only banding across the range of ability in the local authority area should be allowed, with tests taken by all children at primary schools as in Hackney, rather than allowing schools to set their banding tests only for those applying and attending the school to take the test.
- The same conditions should apply to all admission authorities for example if it is to be allowed that priority may be given to children receiving the pupil premium all admission authorities should be able to do so.
- Looked after children should be the first priority for all schools (including faith schools), regardless whether they are of the faith.
- It is unfortunate that the decision was made not to consult on draft regulations at the same time as the Code. It has made responding incomplete.
- The current Code includes a glossary – this should be included.

Detailed comments.

Page 3

The draft raises concerns about what might be the nature of ‘demonstrable need’ for the Secretary of State to vary the requirement of academies to comply with the Code. It is important that academies and free schools comply with the Code. Therefore an indication that there might be a need not to do gives cause for concern.

Page 4

7. Here it needs to be made clear that objections can be made by anyone.

8-10 It needs to be made clear that the adjudicator can make binding decisions on all aspects of admission arrangements not just specifically on those on which complaint has been made.

Page 6

Purpose of the Code –

Overall principles behind setting arrangements. 3rd paragraph beginning ‘In drawing up...’

The need to parents to be able to be clear if their children are able to meet over subscription admissions criteria is a very important principle. Therefore this section should be included in the main body of the Code at 1.6. To remove ambiguity this section could read -

In drawing up admission arrangements admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective so that parents are able to understand easily how places for that school will be allocated.

Page 7

First paragraph starting 'In the normal admissions round' includes the statement – a parent can apply for any place for their child at any state-funded school in any area. This is strictly true but there should be a reminder that for selective schools, children have to qualify.

1.2 The authority must consult on changes in PAN as it is a change in admission arrangements and so they must consult in the same way as they must if proposing a change in admission arrangements. Objections can be made to the adjudicator so it is illogical not to include changes in PAN as changes to admissions. At the very least if this is not accepted rather than the requirement that the admission authority should notify 'such other persons as appears to have an interest' the Code should specify whom the admission authority should notify of an intended increase in their PAN, for example the LA, all schools in the relevant area (which is defined) and the admission forum.

1.4 Clarification is needed as to whether children with statements are included in the PAN.

1.6 Other policies around school uniform or school trips" should be amended to read 'Other policies including those around school uniform or school trips'.

1.7 The current Code specifies (page 21 paragraph 1.55) that parents should not be required to sign or express a willingness to sign a home school agreement as a condition of admission. This should be included. The preamble to the Code refers to the principle of 'placing trust back in schools and head teachers'. Parents should also be trusted and any requirement to sign a home school agreement for admission should be specifically outlawed.

Priority should not be given to children who have attended a nursery class attached to the primary school in question.

1.7f Children of staff should not be given priority. This is unfair as it will reduce parents' rights to express a preference for local schools. It is likely to run counter to the aim to give disadvantaged pupils better access to schools. It will lead to more unfairness if admission authorities define 'staff' differently. It cannot be justified on teacher-retention grounds, since it is usually struggling schools which have problems in this respect.

1.7j Siblings of pupils admitted under partial selection on ability or aptitude should not get priority as this is unfair.

1.9 The office of the School Adjudicator has twice recommended (2009, 2010) that the Department should define key terms eg what is meant by a 'sibling'. This should be in the Code. It is important that the DfE provide agreed definitions as recommended by the schools adjudicator. Otherwise admission authorities will continue to produce different definitions so parents face different criteria in different schools. This is unfair.

Siblings of former pupils should not be given sibling priority. Only siblings currently attending the school and who will still be attending the following September should be included. On balance for the convenience of families there is a need to give siblings of current pupils priority but to allow siblings of former pupils to have priority is to reduce the opportunity of other parents to express a preference. This is particularly unfair on parents with only one child.

1.11 Similarly to the point in 1.9 The Office of the School Adjudicator (2009 and 2010) has recommended that the Government define 'distance from the school' and 'home address'.

1.12 Catchment areas should not be defined so as to include or exclude more or less favoured areas but should have a rational basis. Where the definition of catchment areas by different admissions authorities has the effect of excluding certain areas from any school's catchment area, the admissions forum (if it survives) or the local authority should be empowered to adjust the catchment areas

1.13 Similarly, feeder schools should not be chosen to include or exclude certain favoured or less favoured schools. In an area where most admissions authorities use feeder schools, no school should be omitted.

1.15 – 11.18, 1.23, 1.25, 1.26 There should be no selection on ability or aptitude. This would further simplify the Code, raise standards, reduce social segregation and increase parental choice.

1.20

In 2009 the DCSF produced guidance on banding which could be referred to here.

Schools which are admission authorities should not be allowed to band across the applicants for the school as only those children whose parents are able to bring their children for the test are eligible to be admitted. This is unfair, discriminating against parents who may for many reasons might be unable to bring their children to a test or have not been aware of these conditions of entry.

In areas where average achievement levels are relatively low if schools base their admissions on the national ability range, it is detrimental to other local schools attempting to achieve a balanced intake.

Therefore, only banding across the range of ability in the local authority area should be allowed, with tests taken by all children at primary schools, as in Hackney. Only this should be considered 'fair banding'. The Departmental consultation in 2008 showed that this had 'overwhelming' support over the other two arrangements allowed.

Some banding arrangements seem unnecessarily complicated. We fail to see why some admission authorities need to have banding for inner and outer areas, or need 9 bands when in the same area other admission authorities use 5 bands. This unnecessarily increases complexity for parents.

1.23. It should be clear to which 'test' the statement 'Priority must not be give within the bands according to the applicant's performance in the test' refers.

1.26 Parents should not be given the test results before making applications. This in practice gives two choices to some parents and does not treat all parents equally. Surely putting your child in for a selective entry test is expressing a preference?

Unless the intention is that applicants are to take banding tests based at the school before their parents make an application it should be clear that this provision only applies to selective or partially selective schools not banding (as the current Code makes clear paragraph 2.98). Otherwise only the results of banding based on tests at primary schools could be given to parents in advance.

1.28 It should be open to local authorities to use random allocation for schools for which they are the admission authority if they wish. It is not clear on what evidence this change is based. A study by the OSA recommended no change having looked at the operation of random allocation. In practice, random allocation could never be the principal criterion; authorities would always have to put looked after children first. It would make no sense, either to put random allocation before siblings.

1.31 It would simplify the Code if faith schools were the same as others: i.e. required to give first priority to looked-after children, whether of the faith or not. The whole point of giving priority to children in care is that they need to be placed in a school as soon as possible when they move to live with a carer and preferably close to home. If the carer lives next door to a faith school, it is likely that their foster child would be better going to it than to one miles away, especially if there have been problems with non-attendance.

1.32 Financial contributions to or voluntary work for a faith group or a place of worship should not be permitted criteria.

1. 33 (see 1.7f) Children of staff (or governors) should not be given priority. This reduces opportunities for parents to have their preferences met.

1.36 There should be a requirement to consult on an increase in PAN as change in admission arrangements as it affects admissions and is therefore a change in admissions, affecting parental preference. The views of parents of children in the school should also be taken into account.

There is a weakness in the Code at this point, referring merely to ‘full admission arrangements’. This could mean some admission authorities even accidentally do not consult on all aspects. As in the current Code (page 17 paragraph 1.30) the Code should be specific about what is to be included as a minimum in admission arrangements consultation ie

- Admission numbers
- Application procedures
- Oversubscription criteria and how to be assessed
- Any supplementary information which will be required
- Information about tests
- Any entry requirements for yr 12
- Information about late applications
- Catchment areas if used

1.38 Since there is a reference to Admission Forums the Code should include an explanation of the role of admission forums and make the point that they may be locally available source of scrutiny for parents to contact.

1.40 The draft Code requires local authorities to publish admission arrangements by 1st May but sets the same deadline (1st May) for schools to inform local authorities of their arrangements. Instead schools must be required to set and inform the local authority by the 15th April to allow time for publication.

2.1 This draft and the current Code allows parents to give reasons for their preferences. It is not clear if or how this information is to be used or why parents should need to give reasons.

It should be made clear as in the current Code (page 24 paragraph 1.76) that the local authority must not inform the admission authority of the rank order of the parents’ preferences.

2.4. The Code should prohibit the use of supplementary information forms except for faith schools and then the requirement should be that the information sought is clear, objective and fair. Research (RISE 2009) has found that SIFs present complications and difficulties for parents. The OSA (2009, 2010) recommended that the national religious bodies produce a model form. This should be implemented.

Since selection on aptitude or ability is based on a test there is no need to ask for information on this on a supplementary information form. This could allow covert selection.

As in the current Code (page 24 paragraph 1.77) the Code should stipulate that parents can obtain the supplementary forms from the local authority. Schools should be forbidden to require parents to attend the school to get them. The latest OSA report (2010) reported difficulties for parents finding these forms.

2.14 Where children move to the area after places have been allocated and are placed on a waiting list, we agree the position on the waiting list should be determined in accordance with the oversubscription criteria

2.21 In year applications.

The Code must make clear what is meant by in-year applications. The current Code says (3.22) ‘applications for school places outside the normal admissions round, whether in year or at the start of a school year which is not the normal point of entry to the school’.

The Code needs a clear statement of the local authority’s duty to ensure a school place for every child and to assist them in finding one. It is essential that local authorities have the resources to do this.

It is natural that parents will approach their nearest school when moving to an area. However if their application is not successful it is vital that the child is not then lost to the system. If a parent approaches a school for a place and it is full, the school must provide the parent with the address and phone number of the local authority admissions section and explain that being on a waiting list does not necessarily mean getting a place. There have been problems over the years with hundreds of children stopping at home because their parents did not fully understand the system or had given up, for example asylum seekers and low-income families moving from area to area.

Local authorities cannot provide information to parents about places in the area unless admissions authorities have an obligation to notify the authority when an in year vacancy occurs. There must be a provision that all schools must notify the local authority of vacancies when children leave in year. If they do not, the local authority cannot keep up-to-date figures on the availability of places (para 2.22) and schools might replace leavers (perhaps from the waiting list) without co-operating in the Fair Access scheme.

The abolition of this requirement is likely to affect the successful operation of a Fair Access Protocol (para 3.8 onwards). If these provisions remain in the final Code we are concerned that the more popular schools will be able to select easy-to-teach pupils. The categories of children listed in the Fair Access protocol, including those excluded from the more popular schools, will then end up predominantly in the less popular schools, reinforcing the differences between them and undermining the aim of good schools for all and the prospect of social mobility.

The problem might be reduced if it were stipulated that admission authorities must, before offering a place to an in-year applicant, contact the local authority to check if there are children who should have priority under the Fair Access protocol. If not, an offer of a place could be made with no administrative delay.

2.25 School closure: This should be reversed. i.e. schools in an area where a closure is taking place must collaborate with the local authority to ensure provision which will best meet the needs of the children affected. Unless there is an onus on all schools to co-

operate, some are unlikely to do so and other schools likely to take more than their fair share of displaced pupils.

3.1 It needs to be made clear here that that the adjudicator can make binding decisions on all aspects of admission arrangements not just specifically on those on which complaint has been made.

3.15/3.19 Local authorities should have the power to direct any publicly funded school (ie including academies) to admit a child.

3.20 Local authority reports.

These reports will be an important source of information on how the Code is operating. The current Code (4.10) makes clear that these local authority reports were to 'play an important part in monitoring schools' compliance with the Code and ensuring an open and fair access system.' This should be made clear with equal importance given in the new Code.

The deadline for their production must be brought forward. They must be produced before 30th June to allow any objections to the School Adjudicator using evidence from the report. They can also be used by the adjudicator as confirmed by the Minister in the Committee stage. Presumably they will be used by the Adjudicator in his annual report on fair access.

Rightly the Code emphasizes the need for local parents to have information. It is important that the Code requires the local authority to publish the report in a way which ensures parents and schools locally are aware of its publication.

Although the list of minimum requirements is important if this document is to be useful it needs to include far more specific information so that parents are able to judge if admissions locally are operating fairly. Therefore the report must include whether the admission arrangements of all local schools comply with the Code; compliance with the primary school class size legislation; how appeals procedures are operating in relation to the requirements of the Code, the proportion of children eligible for free school meals in each school; the number of applications to each school and the number of places available; the number of in year applications and if there is an Admission Forum how to contact it.

Question 1 - Disagree.

Question 2 - Disagree.

Question 3 - Disagree, unless open to all schools to do this.

Question 4 - Disagree.

Question 5 - Disagree.

Question 6 - Yes.

Question 7 -We agree, assuming as expected all admission authorities will be consulting once the new Code is law.

Question 8- Disagree.

Question 9 - Agree.

Question 10 - Agree – but the deadline for the publication of the LA report must be before this.

Question 11 -Disagree in part - We wish to see the requirement for training remain

Questions 12,13,14 - no response

We are happy to be contacted for research or consultation.

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