

## AGENDA MANAGEMENT SHEET

**Name of Committee**                      **Children, Young People and Families Overview and Scrutiny Committee**

**Date of Committee**                      **16<sup>th</sup> November 2006**

**Report Title**                                **Admissions and Appeals Codes of Practice**

**Summary**                                      This report summarises the potential changes contained in the Admissions Code of Practice and Admission Appeals Code of Practice and invites comments from Members prior to the Authority's response to the DfES.

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**Would the recommended decision be contrary to the Budget and Policy Framework? [please identify relevant plan/budget provision]**

No

**Background papers**                      DfES Draft Codes of Practice for School Admissions and School Admission Appeals

### CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- |                       |  |
|-----------------------|--|
| Other Committees      | <input type="checkbox"/> .....   |
| Local Member(s)       | <input type="checkbox"/> Not applicable  |
| Other Elected Members | <input checked="" type="checkbox"/> Cllr Helen McCarthy<br>Cllr Richard Grant – “noted for consideration by the Committee”<br>Cllr Jill Dill-Russell<br>Cllr John Whitehouse |

- |                                 |  |
|---------------------------------|--|
| Cabinet Member                  | <input checked="" type="checkbox"/> For information:<br>Cllr John Burton                                 |
| Other Cabinet Members consulted | <input checked="" type="checkbox"/> For information:<br>Cllr Izzi Seccombe                               |
| Chief Executive                 | <input type="checkbox"/> .....   |
| Legal                           | <input checked="" type="checkbox"/> Richard Freeth – no comments to make                                 |
| Finance                         | <input type="checkbox"/> .....   |
| Other Strategic Directors       | <input type="checkbox"/> .....   |
| District Councils               | <input type="checkbox"/> .....   |
| Health Authority                | <input type="checkbox"/> .....   |
| Police                          | <input type="checkbox"/> .....   |
| Other Bodies/Individuals        | <input checked="" type="checkbox"/> School Admissions Forum 2.11.06<br>Michelle McHugh, Scrutiny Officer |

**FINAL DECISION**

**YES**

**SUGGESTED NEXT STEPS:**

Details to be specified

- |   |                                |
|---|--------------------------------|
| Further consideration by this Committee | <input type="checkbox"/> ..... |
| To Council                              | <input type="checkbox"/> ..... |
| To Cabinet                              | <input type="checkbox"/> ..... |
| To an O & S Committee                   | <input type="checkbox"/> ..... |
| To an Area Committee                    | <input type="checkbox"/> ..... |
| Further Consultation                    | <input type="checkbox"/> ..... |

## **Children, Young People and Families Overview and Scrutiny Committee – 16<sup>th</sup> November 2006**

### **Admissions and Appeals Codes of Practice**

#### **Report of the Strategic Director for Children, Young People and Families**

##### **Recommendation:**

That Members are invited to comment on either the Admissions Code of Practice or the Admission Appeals Code of Practice prior to the Authority's response to the DfES.

## **1. Introduction**

- 1.1 On 8<sup>th</sup> September the DfES published draft codes of practice for school admissions and school admission appeals to become effective for pupils attending schools in September 2008.
- 1.2 The consultation process runs through the Autumn term closing on 1<sup>st</sup> December.
- 1.3 Members may wish to obtain a copy of the draft codes by logging on to the DfES website – [www.dfes.gov.uk](http://www.dfes.gov.uk) – follow guidance on 'consultations'.

## **2. Main points in the School Admissions Code of Practice**

- 2.1 Paragraphs 8 and 9 of the introduction give an indication of the steps that the DfES feel the Local Authority (LA) and Admissions Forum should be taking in relation to the new codes. With the statutory emphasis on the codes changing from 'have regard to' to 'act in accordance with', there is an expectation that LAs will monitor compliance with the code and enforce compliance where appropriate. This will mean a more active role in challenging, where appropriate, other admission authority's admission practices and making the necessary referrals to the Schools Adjudicator where local negotiation fails. This is more of a positive role now, also in line with the White Paper's role for the LA as parents' champion and one which the Code backs up with the threat of Ombudsman investigations where there is a failure to act.

- 2.2 Paragraph 1.5-1.9 – Local Authorities should arrange independent Choice Advice. Choice Advisers to be established to support families in need who traditionally do not access services at the time of transfer between primary and secondary school. Choice Advisers to be independent of the LA's Admissions Service.
- 2.3 Paragraph 1.11 – Where the LA is the Admission Authority, the governors must implement the LA decision. Even when governors are the Admission Authority they are required to implement the LA decision under the co-ordinated scheme.
- 2.4 Paragraph 1.13 – Confirms that interviewing is banned as part of admission arrangements.
- 2.5 Paragraph 1.26 – Clarification that Admission Authorities must not use supplementary application forms which ask for parental and other family details. Information to be specific to the child concerned.
- 2.6 Paragraph 1.48 – Proposed change of entitlement to free school transport for children of low-income families.
- 2.7 Paragraph 1.43 – Clarification that there can be no charge or cost relating to a pupil's admission to a school.
- 2.8 Paragraph 1.51 – Proactive analysis of intakes to ensure equity and extend opportunity for all. Need for surveys of families who have experienced the Authority's service.
- 2.9 Paragraph 2.5/6 – Clarifies admission criteria not to be used and confirms that 'first preference first' cannot be used in areas where there is selection.
- 2.10 Paragraph 2.7 – Allows for the admission of a child to a school after 1<sup>st</sup> March in any year if the child's parent has been appointed to that school as a teacher. Only appropriate where there is a demonstrable skills shortage for the post.
- 2.11 Paragraph 2.10/11 – Guidelines clarifying siblings and their definition.
- 2.12 Paragraph 2.20/21 – Further guidelines regarding faith schools and possible 'quotas' of those not practising the faith. Need to be clear of the requirements in the published criteria.
- 2.13 Paragraph 2.25 – Suggestion of random allocation to give greater access to popular schools.
- 2.14 Paragraph 2.33 – Clarification that children of service personnel treated as meeting the residency criteria.
- 2.15 Paragraph 2.54 – Reviews of children for grammar schools (e.g. committee of reference) to be completed by 1<sup>st</sup> March in any year.

- 2.16 Paragraph 2.76 – Parents should know outcome of tests before deciding preferences. Major problem for Warwickshire as testing process takes place in September and October. Preference forms returned by mid October.
- 2.17 Paragraph 3.4/5 – Duties to increase parental choice and respond to parental representations. Funding to individual Authorities to establish independent Choice Advice.
- 2.18 Paragraph 3.6 – Authorities must explain why an application is unsuccessful and advise of right of appeal at the time of offering places.
- 2.19 Paragraph 3.12 – Authorities must not normally admit over admission number. Confirmation that admission numbers should be exceeded only in cases of 'emergency'.
- 2.20 Paragraph 4.5 – New duty for Authorities to publish a notice that admission arrangements have been determined.
- 2.21 Paragraph 4.9/11 – Clarification of role of Admissions Forum and confirms that a simple majority sufficient to refer a matter to the Adjudicator.

### **3. Issues for response**

- 3.1 There are a number of issues which the Authority will need to take into account and include in arrangements, consultation, etc., for future years. There is a major concern about the impact of the requirement to publish the outcome of applications for a selective school prior to a parent finalising their preferences. The consequence of this, should it be confirmed, would be the need to carry out 11+ testing for children in Year 5 rather than Year 6. There is also a concern about the timescale with changes due to be introduced for September 2008 – the admissions round commencing September 2007. Because consultation cannot commence until the content of the final code is known, it may be more appropriate for changes to be delayed until 2009.
- 3.2 It is suggested that a response be sent to DfES by the Strategic Director setting out the Authority's concern about these issues. Members may wish to add comments for inclusion in the Strategic Director's response.
- 3.3 A copy of the final response will be circulated to Members.

### **4. Admission Appeals Code of Practice**

The Appeals Code of Practice has also been revised and is now in a much clearer format. Little has changed in the substance of the document but the following points are emphasised:

- (i) The need to train panel members regularly (we provide annual training sessions and updates as and when necessary).
- (ii) The timescales for hearing appeals have changed from 30 school days to 30 working days. This may not make a difference most of the year, but may impact on the admission authority's ability to collect up-to-date information over the summer holidays which will now be counted within the revised timescale.
- (iii) The name of the panel members and clerk to be circulated to parents before the hearing.
- (iv) Further clarification for the process to be followed in multiple appeals (i.e. where there is more than one appeal for a year group in a school) which has been a 'grey area' for some time.

## **5. Recommendation**

Members are invited to comment on either of the documents prior to the Authority's response to the DfES.

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1<sup>st</sup> November 2006