

Meeting:	Harrow Admissions Forum
Date:	3 November 2008
Subject:	Office of the Schools Adjudicator review of school admission arrangements
Key Decision: (Executive-side only)	No
Responsible Officer:	Heather Clements, Director Schools and Children's Development
Portfolio Holder:	Cllr Anjana Patel, Schools and Children's Development
Exempt:	No
Enclosures:	Appendix 1(A)-Letter from OSA Appendix 1(B)-Definitions Appendix 1(C)-Report from the OSA Appendix 2 - Letter to VA schools Appendix 3 - Returned pro-forma to OSA Appendix 4 - Compliance exercise – Proforma

## **Section 1: Summary**

## **Section 1 – Summary and Recommendations**

### ***Recommendations:***

To note and comment on the review by the Office of the Schools Adjudicator on

## **SECTION 2 - REPORT**

### **Background**

At meeting on 9 July 2007, Members of the Harrow Admissions Forum were informed that the Secretary of State for Children Schools and Families had asked the Office of the Schools Adjudicator (OSA) to scrutinise all admission arrangements. On 15 August 2008 Harrow received a letter (see Appendix 1(A)), details of suggested default definitions (see Appendix 1(B)) and a report from the OSA covering community and voluntary aided schools admission arrangements (see Appendix 1(C) ).

A number of admission arrangements, including those for Harrow community schools were deemed to have breaches of a technical nature that needed to be addressed as follows:

### **COMMUNITY SCHOOL ADMISSION ARRANGMENTS**

1. Throughout the document children with statements naming a school are placed after those in public care. This is incorrect. Children with a statement of special educational needs must be admitted to a school whether the school has places are not. They are not within the oversubscription criteria. See section 324 of the Education Act 1996.
2. The document deals with places in community middle schools at page 8. It places "Children attending the linked first school" ahead of children in care and those with statements. It is not possible to give priority to any other children above those in public care. See the Education (Looked After Children) (Education) Regulations 2006. Children with a statement of special educational needs must be admitted to a school whether the school has places are not. They are not within the oversubscription criteria. See section 324 of the Education Act 1996.

As the Primary and Secondary booklets had not been printed, it was possible to include these two changes in the booklets for the 2009/10 academic year.

### **VOLUNTARY AIDED SCHOOLS**

Appendix 1(B) gives full details of the concerns raised by the OSA. Appendix 2 is a copy of the letter sent to all voluntary aided schools asking them to respond to the issues raised by the OSA. Appendix 3 is the report returned to the OSA showing that action was taken. A copy of this letter was sent to the relevant faith provider.

Voluntary aided (VA) schools have been asked to provide a copy of their revised admission arrangements once ratified by the Governing Body.

A system has also been put in place between the VA schools and the local authority to ensure that parents who have applied for VA schools receive a copy of the revised admission arrangements.

### **Financial Implications**

There are no financial implications arising from this report.

### **Performance Issues**

There are no performance issues arising from this report.

### **Section 3 - Statutory Officer Clearance**

Name: John Stansfield	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 22 October 2008		
Name: Rosemarie Martin	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 24 October 2008		

### **Section 4 - Contact Details and Background Papers**

Contact: Madeleine Hitchens, Manager Place Planning & Admissions – 020 8424 1398 [madeleine.hitchens@harrow.gov.uk](mailto:madeleine.hitchens@harrow.gov.uk)

Background Papers: N/A:

Madeleine Hitchins  
London Borough of Harrow  
Civic Centre  
PO Box 57, Station Road  
Harrow, HA1 2XF

15 August 2008

## Admission Code Compliance Exercise

Dear Ms Hitchins

I attach a report on the contraventions to the Admissions Code found in the **sample** of schools checked in your area. We hope you will find it helpful.

As you will know the timescale for this exercise has been very tight for everyone involved and it has overlapped both with school holidays and with local authorities work on finalising their admissions booklets for parents. To minimise further delays we've had to reduce the amount of time we spend checking reports and consequently you may find that they contain errors. Please accept our apologies for these. That said, local authorities must ensure that arrangements for all schools in their area comply with the law and the mandatory requirements of the Code. Where the report raises issues with faith schools we are however assuming that the church authorities will take the lead in dealing with these and that local authorities will pursue all others. We hope that local and church authorities will do the following:

1. The local authority and the church authorities should check through the report and decide whether or not they agree with each of the points made. If there is disagreement please contact Alison Ellsworth (e-mail [alison.ellsworth@dcsf.gsi.gov.uk](mailto:alison.ellsworth@dcsf.gsi.gov.uk)) who will either deal with the matter or refer it to June Brown, the adjudicator overseeing the exercise. You may come across instances where we mention a particular fault at one school but not at another. Please accept our apologies if you find such examples and ensure that these 'missed schools' also make the required changes.

2. In September, the local authority (for community, foundation and voluntary controlled schools) or the relevant church authority (for faith schools) should write an e-mail to each school identified saying that their admission arrangements have been scrutinised by lawyers and there is a small but important drafting change required. The e-mail should:

- spell out the change required.
- suggest that, in the vast majority of cases, all that is needed is the agreement of the head and the chair of governors to the change. The next regular governors meeting or meeting of a sub-committee should note the change.
- say that it will be assumed the change has been made unless the school wants to question it.

3. In a very few more complex cases it may be necessary to discuss the points raised in the report directly with the schools.

4. Across local authorities generally, many of the faults found have concerned the lack of an adequate definition. If this is a problem in your authority we suggest you include "default definitions" in the booklet for parents saying that these should be used where schools do not themselves define the terms. We attach example definitions that might be of use. Authorities should also make sure that the booklet says somewhere that arrangements may be amended. Most of these amendments will be technical but parents should check on the web site just before they apply if they want to see the final version.

5. Where a school refuses to make a change, the local authority **must** and the Diocese **should** object to the adjudicator.

6. Sir Philip Hunter will write formally to all local authority Director of Children's Services and the national Church Authorities in September asking them for a list of schools where a mandatory contravention has been drawn to their attention and it has not been corrected or objected to.

Yours sincerely

Alison Ellsworth  
Office of the Schools Adjudicator  
Tel: 01325 391029

## Definitions

### Passage that may be included in Local Authority booklets

The following terms used throughout this booklet are defined as follows, except where individual arrangements spell out a different definition.

#### Sibling

Sibling refers to brother or sister, half brother or sister, adopted brother or sister, step brother or sister, or the child of the parent/carer's partner where the child for whom the school place is sought is living in the same family unit at the same address as that sibling.

#### Distance

Distance will be measured [in a straight line/by the shortest walking route] from the front door of the child's home address (including flats) to the main entrance of the school, [using the Local Authority's computerised measuring system], [with those living closer to the school receiving the higher priority].

#### Additional/supplementary forms

All parents who list their preferred schools on the Local Authority's Common Application Form are regarded as having made valid applications. An additional or supplementary form may also have to be completed for applicants considered under faith criteria of faith schools, for boarding schools and for selective schools.

#### Parents/ Family Members

A parent is any person who has parental responsibility for or is the legal guardian of the child. Where admission arrangements refer to 'parents attendance at church' it is sufficient for just one parent to attend. 'Family members' include only parents, as defined above, and siblings.

**HARROW COUNCIL, LONDON**

A general note on SIFs. Schools must not collect information through the admissions process that is not directly relevant to the application of their oversubscription criteria. For faith schools, forms that are returned to the school from the priest/minister must contain only information required by the school to administer its criteria (Para 1.73). Forms completed by parents to enable the priest/minister to supply the school with the necessary reference or information are not covered by the Code and can therefore include whatever questions it is believed will be helpful to the priest/minister.

**COMMUNITY SCHOOL ADMISSION ARRANGMENTS**

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2. The document deals with places in community middle schools at page 8. It places “Children attending the linked first school” ahead of children in care and those with statements. It is not possible to give priority to any other children above those in public care. See the Education (Looked After Children) (Education) Regulations 2006. Children with a statement of special educational needs must be admitted to a school whether the school has places are not. They are not within the oversubscription criteria. See section 324 of the Education Act 1996.

**MORIAH JEWISH SCHOOL**

1. Children with statements naming a school are placed after those in public care. This is incorrect. Children with a statement of special educational needs must be admitted to a school whether the school has places are not. They are not within the oversubscription criteria. See section 324 of the Education Act 1996.
2. The school’s additional information form is deemed to be compulsory. Such forms cannot be compulsory though parents should be advised that failure to fill in the form may mean that their child is not placed in the correct oversubscription criteria.

## **KRISHNA-AVANTI PRIMARY SCHOOL**

1. Children with statements naming a school are placed after those in public care. This is incorrect. Children with a statement of special educational needs must be admitted to a school whether the school has places or not. They are not within the oversubscription criteria. See section 324 of the Education Act 1996.
2. The fourth category is as follows, “Five nominations by Bhaktivedanta Manor, Hilfield Land, WD25 8EZ of practising Hindu families for admissions in 2008, 2009 and 2010.” From a search on the internet this appears to be the ‘International Centre for Krishna Consciousness’. This is vulnerable to parental challenge as nowhere within the document is it made clear how an applicant would be nominated. Places at a school are not given on the basis of subjective nomination. See the Code at 1.65 b).
3. The school states that it welcomes applications from non Hindus but then says “opening admissions to non Hindu faith based applicants at this early stage has been viewed as inappropriate.” This should be removed, it is discriminatory. If the school were to be undersubscribed non Hindu applicants would have to be accepted.
4. The school’s additional information form is deemed to be compulsory. Such forms cannot be compulsory though parents should be advised that failure to fill in the form may mean that their child is not placed in the correct oversubscription criteria.

## **ST. ANSELM’S CATHOLIC PRIMARY SCHOOL, HARROW-ON-THE-HILL**

1. The school’s additional information form is deemed to be compulsory. Such forms cannot be compulsory though parents should be advised that failure to fill in the form may mean that their child is not placed in the correct oversubscription criteria.

## **ST. BERNADETTE’S CATHOLIC PRIMARY SCHOOL**

1. It is not possible to allow the Governors to have discretion over an applicant that “are considered by the Governors to merit special consideration” separate from the oversubscription criteria. If the governors wish to give priority to such applicants the relevant statement must be included in the criteria.
2. There is no oversubscription criteria relevant to the previous playgroup/nursery attended. This must therefore be removed from the SIF, see the Code at 1.73.



3. There is not allowed to be a section dated “Additional information in support of this application.” This allows for subjective determination, prohibited by the Code at 1.65.

### **ST. GEORGE’S RC SCHOOL**

1. It is not possible to place members of an Eastern Church ahead of looked after children who are not Roman Catholic. See the Education (Looked After Children) (England) Regulations 2006.
2. It is not possible to allow the Governing Body to increase the priority of an application from a Catholic family where evidence is provided of a compassionate need of a child. Subjective decisions such as these are not allowed by the Code; see 1.65.

### **ST. JOHN FISHER CATHOLIC FIRST AND MIDDLE SCHOOL**

1. The school’s additional information form is deemed to be compulsory. Such forms cannot be compulsory though parents should be advised that failure to fill in the form may mean that their child is not placed in the correct oversubscription criteria.
2. The section on the supplementary form asks for brothers and sisters and a place to tick if they attend the St. John Fisher School. This is not allowed. Other children are only relevant if they will be attending the same school at the time of the applicant child; see the Code at 2.13 h).
3. It is not possible to allow parents to write a letter outlining any special needs that should be considered, children with a statement of special educational needs are separate to the application process and all other exceptional needs must be supported by professional evidence. See the Code at 2.26. Letters from parents asking for their child to be admitted are not allowed.

### **ST. JOSEPH’S PRIMARY SCHOOL, HARROW**

1. The school’s additional information form is deemed to be compulsory. Such forms cannot be compulsory though parents should be advised that failure to fill in the form may mean that their child is not placed in the correct oversubscription criteria.
2. The distance tie breaker is in breach of the Code at 2.32 as no specific measuring points are used.

3. It is not possible to ask for a parent's work telephone number. See the Code at 1.71 a).
4. It is not allowed to ask for details of previous school, nursery or playgroup as this is not relevant to any oversubscription criteria. See the Code at 1.73.

### **ST. TERESA'S RC FIRST AND MIDDLE SCHOOL**

1. The distance tie breaker is in breach of the Code at 2.32 as no specific measuring points are used.
2. The school's additional information form is deemed to be compulsory. Such forms cannot be compulsory though parents should be advised that failure to fill in the form may mean that their child is not placed in the correct oversubscription criteria.
3. It is not possible to allow the Governors to have discretion over an applicant that "are considered by the Governors to merit special consideration" separate from the oversubscription criteria. If the governors wish to give priority to such applicants the relevant statement must be included in the criteria
4. The supplementary form asks for the following information, all of which is entirely unrelated to any oversubscription criteria and should therefore be removed as per the Code at 1.73;
  - a. Work telephone number
  - b. Position of the child in the family
  - c. Place of birth of the child
  - d. Any other relevant information, previous school, previous address
5. Brothers and sisters in the school can only be relevant if they will still be attending at the same time as the applicant child, see the Code at 2.13 h).

### **ST. JOHN'S CHURCH OF ENGLAND SCHOOL, MIDDLESEX**

1. It is not allowed to give priority 'within a category' to looked after children. These children must be given top priority. See the Education (Looked After Children) (England) Regulations 2006. It must be made explicit in this policy that these children get priority over all others. The only distinction that can be made is to give priority to looked after children of the Church of England faith.
2. It is not possible to ask where within the family the child is placed in terms of siblings or whether they are the oldest or youngest. It is not relevant to any oversubscription criteria. See the Code at 1.73.

3. Names of other siblings in the school are only relevant if they will still be in the school at the time of admission of the applicant child. See the Code at 2.13 h). This should be made explicit.
4. Please remove the enquiries as to what playgroup/school/nursery the child is currently attending. This is not relevant to any oversubscription criteria, see the Code at 1.73.
5. It is not allowed to ask whether the child has any physical, emotional, social or medical needs. Such needs would have to be validated by a professional, see the Code at 2.26 and not by a supplementary sheet attached by the parent.
6. There is a total prohibition in the Code concerning any financial contribution to the school. It is not allowed to ask a parent to sign to say, "I understand that I shall be asked to contribute to Governor's Maintenance & Insurance Costs." No place at a school can ever be allocated on the understanding that there is a financial commitment. This must be removed. See the Code at 1.82.

### **THE SACRED HEART LANGUAGE COLLEGE**

1. It is not allowed to ask the parents to "add any comments that you may wish to make in support of you application" or "Please say why you wish your daughter to attend a Catholic school?" or leave a space "for any information which you think might be helpful in considering the application for a place." It is the oversubscription criteria only that must apply. Subjective decisions are not allowed, see the Code at 1.65. Any additional information supplied by the parents could only be interpreted subjectively.
2. It is not allowed to ask for details of the child's present school as this is not relevant to any of the oversubscription criteria, see the Code at 1.73.
3. It is only allowed to ask for details of sisters attending the school if they will still be in the school at the time of admission of the younger child. This must be made explicit. See the Code at 2.13 h).

**LETTER FROM HARROW LA TO VA SCHOOLS**

Governor (Admissions)  
Chair of Governors  
Headteacher

2 October 2008

Dear Colleagues

**Office of the Schools Adjudicator –Compliance of school admission arrangements**

By now you should have been contacted by the appropriate religious authority about the exercise recently undertaken by the Office of the Schools Adjudicator (OSA) to ensure that your admission arrangements are compliant with the Code of Practice.

XXX issues have been identified by the OSA about the admission arrangements for your school. The local authority has been asked to check that the necessary steps have been taken to address these issues. I enclose details of the issues identified by the OSA for your school and would request confirmation of how these have been addressed, so that I can inform the OSA accordingly.

Regrettably, we have only been given until 10 October 2008 to respond. I appreciate that this is very tight but would ask for your co-operation so that we can assure the Chief Adjudicator that all our schools are compliant before he reports to the Secretary of State.

Many thanks for your help and co-operation.

Yours sincerely

Madeleine Hitchens  
Manager, Place Planning & Admissions Service

Tel: 020 8424 1398  
Fax: 020 8427 0810

## Admission Arrangements Compliance Exercise

In March this year, I was asked by the Secretary of State to report to him on the compliance of school admission arrangements with the mandatory requirements of the School Admission Code and related statutes. The purpose of this letter is to inform you of the progress of the project and to ask how you have dealt with the advice we have given you.

I first want to say how grateful I have been for the support provided by officers from local and faith authorities. It cannot have been easy for them to deal with some of the points we have put to you. The Code is a clear and useful document that has the support of all political parties, parliament, local government and the churches but it is written in plain English, not in the precise language usually used for statutory documents. I employed very able lawyers who provided the advice we sent to you. I am not surprised that they uncovered so many technical, interpretational and administrative issues that need attention. Indeed, they have asked me to stress that they were aware that not all of them interpreted some parts of the Code in exactly the same way. Our reports to you were not instructions. They were advice to assist you in carrying out the duties laid upon you by the Code and the Acts. I have received many comments on how helpful many of your officers have found most of the reports and I hope we have been able to deal with the questions that other officers have raised. I should emphasise that I believe that the points we identified arose from administrative and technical reasons, not from wilful disregard of the Code.

As you will have seen from the reports, over half of the issues raised were on technical matters – definitions of parents, siblings, distance and so on. I know that most local authorities have followed my advice and included “default” definitions in the booklets. Governors should note these at their next meetings. I have suggested that the Department should publish some national definitions for the next round of admissions. I am confident that these measures will allow me to report to the Secretary of State that these issues have been properly dealt with.

Of the other issues identified, about half concerned Supplementary Information Forms. Almost all of these arose simply because schools had failed to bring their forms up to date or because they asked questions that would be legitimate for the parents of children already in school but are not appropriate at the admission stage. I know the faith authorities are working on these with schools and I hope that all those problems we identified will be dealt with. For the longer term, many authorities are drawing up model Supplementary Information Forms and I hope schools can be encouraged to use them.

There were some 800 more serious problems. These included some arrangements that did not give priority to children in care, gave priority to children not in school at the time of enrolment and gave priority to applicants who listed the school as their first choice. Again these should easily be corrected and I hope that local authorities are doing so. I have suggested the Department constructs an on-line “admission arrangement builder” of the kind that they have provided for dealing with notices for statutory proposals.

The next stage is for me to check that the necessary steps have been taken to address the issues identified in our reports. I attach a proforma setting out the number of issues we brought to your attention in the three categories listed above. A copy of the attached proforma has also been sent electronically to your authority’s school admissions team for completion. I would be grateful if you would indicate how many of these points have been addressed to your satisfaction and list the schools where you believe there are outstanding matters to deal with.

Yours sincerely

Philip Hunter  
Chief Adjudicator