

**REPORT FOR: EDUCATION  
CONSULTATIVE FORUM**

---

<b>Date of Meeting:</b>	27 June 2011
<b>Subject:</b>	Consultation on the Changes to the Admissions Framework
<b>Key Decision:</b>	No
<b>Responsible Officer:</b>	Adrian Parker, Head of Achievement and Inclusion Service
<b>Portfolio Holder:</b>	Councillor Brian Gate, Portfolio Holder for Schools and Colleges
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	No
<b>Enclosures:</b>	Appendix 1 – Draft Consultation Response Appendix 2 – Draft School Admissions Code Appendix 3 – Draft School Admission Appeals Code

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

This report sets out the government's consultation on changes to the admissions framework, and a draft response to the consultation.

**Recommendations:**

The Education Consultative Forum is requested to consider the draft response and to make comments for inclusion in the response.

**Reason: (For recommendation)**

To provide Education Consultative Forum members the opportunity to contribute to the council's response to the government's consultation.

## **Section 2 – Report**

### **Introduction**

1. The Department for Education launched its consultation on the changes to the admissions framework on 27 May 2011. The consultation includes a draft School Admissions Code and a draft School Admission Appeals Code, which are at the centre of proposed changes to the admissions system. The consultation closes on 19 August 2011. The link to the consultation papers on the Department for Education website is given in Section 4 – Background Papers.
2. The government intends to publish its response to the consultation and a revised set of codes by the end of September 2011, to allow admission authorities time to determine their arrangements for 2013 in line with them. The codes would be brought into force in early 2012, subject to the passage of the Education Bill as some of the changes are subject to this Bill becoming law.
3. The government's stated aim is to simplify the codes to make them easier to read and understand and clearer in terms of what admission authorities must and must not do. The changes are not intended to weaken the admissions system. They have been drafted from an assumption that all schools and admission authorities seek to comply with the code, and building on the principle of placing trust back in schools and head teachers. They seek to reduce burdens and bureaucracy by removing unnecessary prescription and elements that drove cost in to the process. The government believes that this system will be simpler for parents to navigate and more transparent.
4. The local authority is the admissions authority for community schools. The admissions authorities for voluntary aided schools and academies are the governing bodies or trusts.

### **Options considered**

5. The key policy changes to both codes are listed in Appendix 1, together with the consultation questions and initial draft responses. Education Consultative Forum members are requested to consider the draft response and to make comments for inclusion.

6. The rationalising of the content of the codes is welcome, and they are shorter and more accessible documents. Many of the proposed changes contribute to achieving the general aims, and this is reflected in the draft responses in Appendix 1, which are mostly supportive.
7. However, there is particular concern about the proposal relating to schools being able to increase their planned admission number. There are also some changes in the codes that are not the subject of specific consultation questions, but the Council may wish to comment on these. Commentary about these issues is given in the paragraphs below.

### **Changes to the Published Admission Number**

8. The government proposes all schools (that are their own admission authority) that are popular with parents will be free to increase their Planned Admission Number (PAN), and admission authorities will no longer have to get the approval of the local authority. Anyone who thinks proposals to increase the PAN of a school are unfair, unlawful or not in compliance with the Code can object to the Schools Adjudicator. However, there will be a strong presumption in favour of the increase unless it would lead to a clear threat to pupil safety.
9. It is proposed to disagree with this proposal for the following reasons:
  - Currently there is a presumption that expansion of successful schools should be approved, and the existence of surplus capacity in other schools should not be sufficient to prevent expansion. The government proposes that in respect of an objection to an increase in PAN, there will be a strong presumption in favour of increase unless the increase would lead to a clear threat to pupil safety. In this context, it is of concern that there is no reference to the potential capital implications of increases to PAN nor any requirement to consult the local authority. Without the requirement to consult, it is unclear how issues around pupil safety will be raised by interested parties.
  - There should be a requirement to consult the school community, local residents and the local authority, about proposals to increase the PAN, and to take views into account.
  - Strengthening the presumption in favour of the increase in PAN at successful schools would add to the potential to take children from other schools, and hence add to the danger of a two-tier system of schools arising in an area during a time of reduction in demand for school places.
  - There may be an issue of inefficient use of resources if additional class(es) are built as a result of these proposals when there is space available at another school(s) locally.

If these concerns were addressed following the consultation, the local authority position could be reconsidered in relation to this proposal.
10. The consultation seeks views on what sort of criteria the Schools Adjudicator must take into account when considering objections to an

admission authority's plans to increase PAN. In the draft response, the following criteria are proposed:

- Improvement in educational standards.
- Consistent with the identified local capital investment priorities agreed with responsible bodies in the area. If the government accepts the James Review recommendations, there will be a local capital investment plan drawn up in each local authority area involving all responsible bodies (i.e. those which own and manage facilities) through a process hosted by the local authority.
- Demand for school places in the local area.
- Consideration of the net capacity assessment of the school.
- Value for money in capital terms.
- Outcome of the consultation about the proposal (as proposed above).

### **Giving admissions priority to children attracting the Pupil Premium**

11. The government proposes that Academies and Free Schools should be able to give priority to children attracting the Pupil Premium in their admission arrangements.
12. It is acknowledged that any proposal that contributes to narrowing the gap in educational achievement is to be welcomed. However, it is proposed to respond 'Not Sure' for the following reasons:
  - It is unclear why this proposal is not to be made available to community and voluntary aided schools.
  - Some commentators have questioned whether this proposal will have the desired impact if the additional costs exceed the value of the Pupil Premium.
  - It is likely that parents would be concerned that local children would not get places if priority was given to children attracting the pupil premium.

### **Children of school staff**

13. The government proposes to allow children of staff at the school to be included as an oversubscription criterion. Admission authorities would define what they mean by 'staff'.
14. It is proposed to disagree with this proposal for the following reasons:
  - There is already provision for this criterion if there is a demonstrable skill shortage. Harrow would agree with this current provision remaining in the revised code.
  - This would not be popular with parents if places are given to school staff ahead of local parents when there is no skills shortage.
  - Potential impact on lower achieving or less popular schools, where high quality staff may be encouraged to move to another school to enable their children to attend, which would be to the detriment of their present school.

- It is unclear why school staff are being treated differently to other public sector staff. There are already targets and policies for wraparound care at schools and flexible working policies, which should ensure that working parents can seek an appropriate work/life balance and manage their childcare arrangements.

### **Admission Forums**

15. The government proposes to remove the requirement to set up Admission Forums and to leave it to local partnerships to develop and grow. There is reference in the consultation paper to knowledge of a number of areas where local partnerships want to continue to operate in a voluntary arrangement.
16. This issue was included in the report to the Education Consultative Forum (EdCF) on 6 April 2011, and the question was raised as to whether EdCF could be the forum for discussion on admission arrangements after the requirement to establish an Admissions Forum is ended? Members of the Education Consultative Forum felt that given the substantial changes occurring within education nationally, it was difficult to identify the exact role of the Forum at this stage. Further consideration was needed, and options should be kept open.
17. On 19 May 2011, Cabinet considered a report on the Local Authority's Strategic Role for Education in Harrow. The report pointed out that currently there are a number of education related consultative committees and proposed it is timely to consider the role and purpose of existing consultation mechanisms. Given the Local Authority's role as a champion of parents and young people, a formal vehicle for consultation and dialogue would be an essential part of this function, which possibly a revised EdCF could provide. Cabinet agreed in principle to the consultation mechanisms being reviewed and revised and recommendations being brought back to a future meeting of Cabinet, and that a further report be received in the Autumn to confirm the progress in areas including decision Making and consultation forums.
18. The views of the Forum about the nature of local partnerships and the arrangements for formal consultation forums would be welcome to include in the review.

### **Role of the Schools Adjudicator**

19. The government proposes changes to the role of the Schools Adjudicator in line with the aims to make requirements clear in the Code and for admissions authorities to be accountable to those affected by the arrangements. Some of these proposals are subject to the passage of the Education Bill.
20. It is helpful towards these aims that:
  - The opportunity to refer objections to admissions arrangements to the Schools Adjudicator will be open to anyone, and not restricted to particular groups.

- The deadline for objections to the Schools Adjudicator is brought forward a month.
  - The School Adjudicator's remit will include academies.
  - The Schools Adjudicator will retain the power to consider specific objections and discretion to examine other aspects of admissions arrangements. The binding nature of the Schools Adjudicator's decisions will remain, though the admission authority will have the legal responsibility to bring its admission arrangements into line with mandatory requirements in order to comply with the Schools Adjudicator's determination.
21. However, there may be consequences for the overall arrangements in an area that may be considered to disadvantage some groups from the cumulative effect of:
- The Schools Adjudicator no longer being informed by an annual report on admissions from each local authority.
  - The ending of the explicit power to consider arrangements in the context of all the admission arrangements in the area.
  - The end of the requirement to have Admissions Forums.
  - The increased emphasis in the draft code that admission authorities make 'reasonable' arrangements, and less prescription.

### **Other Issues**

22. Other issues around in year co-ordination, random allocation and infant size prejudice are listed in the Appendix 1 with a recommended Council response.
23. There is a new Admission Appeals Code, which the government states will make the system cheaper to administer and less cumbersome. The amendments include an extension of time for parents to appeal from 10 to 30 days, an end to the ban restricting appeals being heard on school premises, and an abolition on the requirement to advertise every 3 years for lay members. The consultation asks whether the Council agrees with the less prescriptive requirements, and whether the new proposed timetable for appeals will give parents more certainty and reduce the number of appeals and reduce costs and bureaucracy for admission authorities.

### **Recommendation**

24. The Education Consultative Forum is requested to consider the draft response and to make comments for inclusion in the response.
25. The Forum comments will be included in the council's response to the government's consultation, along with any additional comments from the Harrow Admissions Forum and any relevant comments from the London Inter-Authority Admissions Group attended by admissions officers from London authorities.

## **Financial Implications**

26. As this is at the consultation phase there are no immediate financial implications arising from this report. If implemented the proposals are likely to have significant financial implications. Creating school places in popular schools without reference to local demand, current capacity and the local place planning strategy risks creating significant excess capacity in other schools. As schools received their budgets based on pupil numbers those schools with high levels of surplus places risk becoming financially unviable. Details of the capital resources needed to finance the expansions has not been confirmed however it is likely to redirect scarce capital resources from other schools. If the proposals contained in the consultation are implemented they would need to be subject to further consideration and approval, with any financial implications highlighted and incorporated into the Council's Medium Term Financial Strategy.
27. There may be some financial efficiency in bringing admissions in to the remit of a single education consultation forum.

## **Risk Management Implications**

28. The approach being adopted to respond to the government's consultation and to invite stakeholder comments for inclusion minimises any risk implications.

## **Equalities Implications**

29. General remarks are made in the body of this report about the potential for disadvantage to arise in an area, though this would be as a result of decisions admissions authorities may make under the changed arrangements. The government's consultation document states that it has considered the implications for disability equality, gender equality and race equality, and that this has shaped the policy proposals. Following this consultation the government will publish a full analysis that reflects the responses received about equity of treatment in admissions; in particular, it will consider carefully any implications around sexual orientation, religion or belief.

## **Corporate Priorities**

30. The approach being adopted to respond to the government's consultation contributes to the Council's vision Working Together: Our Harrow, Our Community and the corporate priorities 'United and involved communities: a Council that listens and leads' and 'Supporting and protecting people who are most in need'.

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

Name:	Emma Stabler	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
-------	--------------	-------------------------------------	---

Date:	13 June 2011
-------	--------------

Name:	Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
-------	--------------	-------------------------------------	--

Date:	15 June 2011
-------	--------------

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

**Contact:** Chris Melly, Senior Professional, Quality Assurance,  
Commissioning and Schools, Children's Services 020 8420 9270  
[chris.melly@harrow.gov.uk](mailto:chris.melly@harrow.gov.uk)

#### **Background Papers:**

Consultation on the Changes to the Admissions Framework.

Draft School Admissions Code.

Draft School Admission Appeals Code.

Consultation Response Form.

All available on the Department for Education website at:

<http://www.education.gov.uk/consultations>