



## **AGENDA**

**Kent County Council**

### **KENT SCHOOLS ADMISSIONS FORUM**

**Tuesday, 11th September, 2007, at 10.00 am  
Seminar Lecture Theatre, Sessions House, County Hall Maidstone**

1. Substitutes
2. Minutes of the meeting held on 8 March 2007 (Pages 1 - 6)
3. Matters Arising
4. Membership of Forum
  - (1) Resignation of Mr Anthony Stanton and Mr Leyland Ridings.
  - (2) Replacement Members required:-
    - (a) Additional Diocesan Representative Members
    - (b) Replacement Member for Community School Representation
    - (c) Replacement Member for Voluntary Aided Secondary School Representative
    - (d) Replacement Member for NASEN Representative
    - (e) Replacement Conservative LEA Elected Member
  - (3) Update on Parent Governor Representatives.
5. Terms of Reference
6. In Year Fair Access Protocol - Presentation by Sally Williamson, Head of Behaviour Services (Pages 7 - 14)
7. PESE Process Review (Dr Ian Craig)
8. Consultation on the 2009 Admission Arrangements (Scott Bagshaw)
9. Admission Forum Annual Report (Scott Bagshaw) (Pages 15 - 32)
10. Any Other Business
  - (1) Maidstone Grammar School – Offers above the PAN
11. Dates of future meetings

Geoff Rudd  
Clerk to the Forum  
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**Monday, 3 September 2007**

*Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.*

## KENT COUNTY COUNCIL

### KENT SCHOOLS ADMISSIONS FORUM

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MINUTES of a meeting of the Kent Schools Admissions Forum held at Sessions House, County Hall on Thursday, 8 March 2007.

PRESENT: Ms C Barham, Mrs F Cottham, Ms S Dennis, Mr F Green, Mr S Parr, Mr L Ridings, Mr A Stanton, Mrs P Stockell, Mr R Tolputt, Mr R Truelove, Mr M Vye, Mr J Watt and Mr G Wetherell

IN ATTENDANCE: Mr S Bagshaw, Dr I Craig, Mr G Rudd, Clerk to the Forum, Mr B Rose for item 4.

APOLOGIES: Mr M Carroll, Mr J Gunnell, Rev Canon J Smith.

#### UNRESTRICTED ITEMS

##### 1. Minutes

RESOLVED that the Minutes of the meeting held on 17 November 2006 are correctly recorded and that they be signed by the Chairman.

##### 2. Matters Arising

There are no matters arising from the Minutes of the meeting held on 17 November 2007.

##### 3. Members of the Forum

*(Item 4)*

(1) Mr S Parr advised the Forum that the Diocese of Southwark would be seeking to nominate 3 representatives on to the Forum.

(2) Mr M Vye welcomed Mrs F Cottham, Headteacher of Wilmington Grammar School for Boys as replacement member for Mrs N Chapman, Headteacher of Gravesend Grammar School for Girls.

(3) Mr M Vye also welcomed Ms C Barham, representative of the Early Years Childcare and Extended Schools Board.

(4) Mr M Vye advised the Forum that Mr I Baukham, Headteacher of Bennett Memorial School had resigned from the Forum and that a replacement member would be sought.

##### 4. In Year Fair Access Protocols (Hard to Place Pupils)

*(Item 7)*

(1) Mr B Rose circulated a copy of the Draft Guidance which went to Clusters for formal consultation in respect of In-Year Fair Access Protocols.

(2) Mr B Rose addressed the Forum and advised the Members that the School's Admissions Code which came into force on 28 February 2007 stated that admission authorities and forums must have in place by September 2007 Fair Access Protocols. The document circulated explained the model adopted by Kent.

(3) Mr B Rose sought the early thoughts of the Forum which would be included in his report back to the Management Team. He emphasised that the Protocol had to be in place by September 2007.

(4) The points that arose from Members' comments are recorded as follows:-

- (a) In response to a question from Mr R Truelove, Mr B Rose confirmed that the most challenged schools are likely to take the least children with challenging behaviour as they will already have their share.
- (b) Ms S Dennis enquired about the Managed Move situation which had already stated in Maidstone. Mr B Rose agreed that this was a difficult aspect but that it would need to run in parallel with the Protocol being proposed. In his view, the Managed Move procedure was for children already in education but struggling in that particular school. He agreed though that it would be necessary to work with the Managed Move arrangements as he was keen that this was not disrupted by the Fair Access Protocols.
- (c) Mr G Wetherell queried on what grounds a school could refuse to offer places to children if places were available. In his view, if this was resolved there would be fewer children in the Fair Access Protocol position. Mr B Rose advised that the Admission Code was very clear about what schools could or could not do when spaces were available and that on most occasions they could not refuse to offer a space. Dr I Craig confirmed that school must admit up to their Published Admissions Number unless there were exceptional circumstances to prevent this. The Fair Access Protocol may even require a school to take over its Published Admissions Number. Mr M Vye advised that these were as set out on pages 80/81 of the Code. Mr B Rose referred to the situation where a child had been excluded twice and advised the Forum that different arrangements would need to be made in those circumstances.
- (d) Dr Craig reported that the number of children dealt with under the Fair Access Protocol should be very small and that a secondary school should be able to take a further five pupils per year and a primary school one pupil per year without being overwhelmed.
- (e) Mr R Tolputt asked whether there were any arrangements to deal with any Academies which were unco-operative. Mr B Rose explained that the Code was very helpful here. If an Academy refused to take a child after being directed by the Local Authority to do so the Local Authority had the right of appeal to the Secretary of State (this was referred to in paragraph 3.18 of Protocol circulated to Members). Dr I Craig also reported that this would apply even if the Local Authority was the sponsor of the Academy.
- (f) Mr J Watt referred to the importance of Clusters and groups talking to one another.
- (g) Mr S Parr referred to 3.16 of the Protocol and asked whether there were any figures available as to what constituted a reasonable number. Mr B Rose acknowledged that this would be an important part of the Forum's monitoring role. Once the Protocols were in place, it would be agreed with the Forum on what data is required and how it should be received to best carry out the monitoring process.
- (h) Mrs S Dennis referred to the issue of funding and asked whether it went with the child even if the child was permanently excluded. Mr B Rose explained that

the Local Authority had decided that it would devolve funding to groups of schools/clusters and issue guidance with regard to how funding was used with an excluded child. At the moment the school sent the funding to the Attendance Behaviour Service Team and this was redistributed to the school receiving the excluded child.

- (i) Mr G Wetherell referred to home to school transport if the child met the criteria for having transport costs paid. Mr B Rose explained that he would be putting a report to the Cabinet Members about transport issues. However, he advised the Forum that analysis so far had shown that transport had been cost neutral. With managed moves children had tended to move to schools which were closer to home. He did not anticipate that the transport costs would be a significant burden. Dr I Craig agreed that this would need to be costed. However, where the Local Authority had chosen the school, it would be the nearest appropriate school.
- (j) Mr M Vye welcomed the Code and recognised the importance of balancing the needs of the child and that of the school.
- (k) Mr B Rose thanked the Forum Members for their views and confirmed that he would keep the Members updated.

## **5. Terms of Reference – New Code Requirements**

*(Item 5)*

- (1) Mr S Bagshaw reported that he had contacted 30 other local authorities regarding the requirements of the new Code and the role of the Forum. He advised the Members that he had received 6 responses, all of which confirmed that they had not done anything about the new requirements.
- (2) Mr M Vye referred to the last meeting in which Mr S Bagshaw was asked to produce a clear statement of powers/regulations that the Forum could act upon by the Autumn. Mr S Bagshaw had agreed to produce progress reports.
- (3) Mr S Bagshaw agreed that he would liaise with Mr G Rudd as to how these should be processed.

## **6. Schools Admissions Code – Update**

*(Item 6)*

- (1) A copy of the School Admissions Code was circulated to all Members of the Forum.
- (2) Dr I Craig referred to page 15 of the Code and its reference to Choice Advisors. He confirmed that Kent was piloting the process for the DfES and other local authorities and could have used someone like Partnership with Parents but had chosen to use three recently retired experienced staff members, ie. Jenny Young, Paul Hardwick and Hilary Foulds. Their services had been bought in for a three week period. Mr S Bagshaw confirmed that he would give feedback on the Choice Advisory process.
- (3) Mrs F Cottham referred to the complications arising from the London Boroughs of Bexley and Bromley being the local authorities responsible for sending out letters offering Kent schools to their residents. Dr I Craig confirmed that Kent has to coordinate its processes with PAN London.

**7. Co-ordinated Scheme Arrangements and Feedback on this year's process**  
(Item 8)

(1) Mr S Bagshaw circulated a document which provided an overview of the feedback received following consultation on the scheme of education proposed for Kent in 2008/09.

(2) The following items were discussed:-

- (a) Online admissions. There was some concern around being able to access results on the 1 March whereas those receiving posted confirmation would not get them until 2 March. Mr S Bagshaw confirmed that the local authority was obliged to continue with online admissions and would review the process. Mr G Wetherall expressed an interest in how many online admissions there had been. Dr I Craig referred to the online admission process this year and reported that the system could handle fifty per second. Dr I Craig estimated that 17% of the applications had been online, which was three times more than the Government target. Despite reports to the contrary, the system did not crash although some people took longer to get on. It had 'overheated' because there were more than 50 applications per second. The difficulty had arisen because the local radio had suggested that everyone could get results online, even if they hadn't applied online.
- (b) Dr I Craig reported that there had been a situation this year where a school had ranked the pupils incorrectly. The local authority had to change some of the offer letters but the primary school had already given the parents the wrong information. Mrs S Dennis thought that maybe the headteachers needed to be better informed. Dr I Craig advised the Forum that the Admissions Team had arranged workshops and briefing sessions for headteachers. Mrs S Bagshaw agreed that it had been a learning process for everyone this year.
- (c) Dr I Craig referred to the Dover testing arrangements. Dover Grammar School for Boys and Folkestone School for Girls testing arrangements were challenged by Kent two years ago. The Adjudicator confirmed that he wanted regulated testing arrangements for Kent. If the consultation document was agreed by County Council Members and published and Dover Boys do not comply, Kent would have to go through the adjudicator again and the Forum's support for this would be required. The Forum members confirmed their agreement to this course of action being undertaken if it became necessary. The expectation would be that the adjudicator would note the anomaly and bring Dover Boys Grammar in line. Dr I Craig also reported that the six north west Kent grammar schools had come in to the Kent system using the PESE Kent Test.

**8. Any Other Business**  
(Item 9)

- (1) (a) Dr I Craig informed the Forum that the PESE Advisory Group met each year to review the process for secondary transfer. Following the new Admission Code, a PESE Review Group had been set up. This would involve three meetings with representations of secondary headteachers. The group has met once and looked at the system and Code of Practice. A second meeting was due to be held soon. There were thirty people on the group in total.
- (b) Dr I Craig reported that one of the items looked at was testing before preferences. Mr S Bagshaw had been asked to investigate this. He reported that 16,000 pupils would be involved and testing would need to be done in the

first week of September in Year 6 or July Year 5. Kent was required to work with PAN London's co-ordinated admission arrangements and had to adhere to the same timetable. Dr I Craig advised that Kent is looking at ways to reduce the timescale to see if it was possible to deliver testing before preferences. Continuous assessment was also being looked at as a possibility. He reported that Lincolnshire was looking to use SATs and Mr S Bagshaw was investigating this, although it was doubtful whether they could be used as they were not secure and were too late in the process. There was a possibility that they could be used in the appeals process though.

- (c) Dr I Craig reported that Medway had unilaterally decided to test before preference and change the timescale. Kent challenged this and had taken it up with their Admission Team. In response they had amended the timescale again to go some way to meeting the co-ordination arrangements. Dr I Craig advised the Forum that Kent was trying to work with Medway on this issue.
- (2) Mr M Vye referred to his request at the last meeting to set up a sub-committee to look at the issue of those living in the rural areas being disadvantaged in the Admissions process. He decided that this was a matter that the Forum would be better equipped to deal with as part of its monitoring role.
- (3) Mr L Ridings paid tribute to the Admissions Team for the way in which they had dealt with the difficult Admission arrangements. Dr I Craig advised the Forum that the performance had been achieved with a team that was two thirds the size that it had been last year. He added his gratitude for their efforts.
- (4) Mr G Wetherell referred to the need for Governor representation on the Forum. Mr M Vye agreed that these vacant slots should be filled and would liaise with Mr G Rudd and Mr S Bagshaw to achieve this.

## **9. Dates of Future Meetings**

- (1) Dr I Craig asked the Forum Members how many meetings a year they would prefer. The general view was that one meeting each old term should be the minimum especially with the Forum's monitoring responsibilities.
- (2) Mr G Rudd agreed to liaise with Mr Vye and Mr Bagshaw to organise a meeting for next term.
- (3) Mr G Rudd also agreed to liaise with Mr Vye and Mr S Bagshaw to organise a small cross-party meeting to look at the issues of membership and Terms of Reference.

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By: Sally Williamson, Head of Attendance and Behaviour Service

To: Kent Schools Admissions Forum – 11 September 2007

Subject: **Fair Access Protocol**

Classification Unrestricted

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Summary: Provides details of the Kent In Year Fair Access Protocol in line with national requirements on all Local Authorities and invites the Forum to adopt it and monitor its impact.

## **FOR DECISION**

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### **In Year Fair Access Protocol**

#### **Introduction**

##### **Aim**

1. The aim of this protocol is to ensure that all children and young people who are out of school are admitted to appropriate education quickly at any time of the year. This matter was considered initially by the Kent Schools Admissions Forum on March 8, 2007.
2. The protocol demands that the Local Authority and its Clusters and Schools do not allow the circumstances of any child or young person to inhibit or delay their right to access education.
3. Most children and young people in Kent are able to secure quickly a high quality education placement through standard school admissions procedures, including in-year admissions processes. Despite the effective admissions process and the good practice of most schools and Clusters, a small number of pupils each year face an unreasonable delay in accessing education.
4. Schools, settings and Clusters across the County recognise this and are aware of the need to ensure vulnerable groups are afforded additional support in this process e.g. priority consideration for education placement for Looked After Children.
5. In addition, a small percentage of pupils across the County are permanently excluded each year. In the 2005/6 academic year, 378 pupils were permanently excluded across the County. Most permanently excluded pupils are placed efficiently within an appropriate school or setting through local agreement. However, a small number of children and young people formerly referred to as “hard to place” do not benefit from fair and timely access to education.

## Context

6. In November 2004, the Department for Education and Skills (DfES) asked each Local Authority (LA) to develop a protocol for
  - finding provision, including schools, for secondary age pupils who are out of school and who are “hard to place” (HT);
  - allocating places for HTP pupils, equally and fairly amongst schools.
7. By virtue of the government’s new Code of Practice on Admissions, the position is mandatory from September 2007 i.e.
  - each LA has a statutory duty to introduce and operate a protocol;
  - every school (including Academies) is bound by the provisions of the protocol, with no exceptions;
  - this includes admitting children above the published admission number;
  - the protocol will be known as the In Year Fair Access Protocol (IYFAP).

The main elements of this aspect of the Code are attached and the full Code can be found at [www.dfes.gov.uk/code/](http://www.dfes.gov.uk/code/)

## The position in Kent

8. Many Kent schools have been involved in work to develop Fair Access Protocols as part of the process of planning for devolution.
9. Fair Access Protocols need to be consistent across the County to enable cross Cluster collaboration and the following protocol is proposed as a minimum standard.
10. The Admissions Forum had the opportunity to consider the attached draft protocol and agreed that there should be further consultation with head teachers before considering whether to formally adopt the protocol.
11. The protocol is designed to:
  - Ensure that access to education is secured quickly for children who have no school place
  - Ensure that all schools in an area admit pupils with challenging educational needs on a turn-taking basis
  - Be fair and transparent

While currently there is no mandatory “maximum” time nationally within which a young person should access admission to education<sup>1</sup>, it is proposed that 30 school days should be regarded as the maximum in Kent. It is intended to reduce this maximum over time.

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<sup>1</sup> excepting those who are excluded

## Main Principles

12. In order for the protocol to be successful:

- all schools in the area **must** take part, even if they are responsible for their own admissions, including Academies
- schools should continue to admit local pupils who apply for an available place under normal admission arrangements
- schools cannot cite oversubscription as a reason for not admitting a pupil under the protocol
- hard to place pupils should be given priority for admission over others on a waiting list or awaiting an appeal
- schools must respond immediately to requests for admission so that the admission of the pupil is not delayed
- schools **must not** insist on an appeal being heard before admitting a child under this protocol
- the local placement panel) should take account of any genuine concerns about the admission, for example a previous serious breakdown in the relationship between the school and the family, or a strong aversion to or desire for the religious ethos of a school
- wherever possible, parents' views will be considered, but will not override the protocol if the preferred school is unable to take the pupil.
- wherever possible, pupils with a religious affiliation should be matched to a suitable school, but this should not override the protocol if the school is unable to take the pupil, or if the pupil identified for the school does not have that affiliation.

## Pupils with Fair Access Status

13. The protocol will cover:

- Children who live in the locality and are permanently excluded from other schools (including those pupils excluded from mainstream provision with a Statement of Special Educational Needs<sup>2</sup>). This is to ensure that these pupils have an education placement within 6 school days of exclusion in accordance with DCSF 2007 exclusion guidance ([www.dfes.gov.uk/exclusions/guidance/](http://www.dfes.gov.uk/exclusions/guidance/) )
- Children who have been out of education for more than 24 school days. This is to ensure that these pupils secure an education placement within the specified 30 school days.

The Local Authority retains the right to direct any maintained school to admit a child in their care to the school best suited to his or her needs.

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<sup>2</sup> The Local Authority will continue to be responsible for naming a school within Part IV of the Statement of Special Educational Needs, taking account of any recommendation from the Cluster

## Procedure

14. If a pupil is permanently excluded from school or moves into the locality and cannot find a school place within 24 school days he/she will receive Fair access Status (FAS).

Where either event occurs, the cluster (or wider partnership) **must** agree a school placement within 6 school days.

## Head teacher Panels

15. It is recommended that schools in a cluster or wider partnership, establish Head teacher panels to administer or to monitor the process. The Panel may not physically meet on each occasion but may choose to adopt a “virtual panel” approach where appropriate. Such panels could also determine which pupil’s should access devolved provision such as Pupil Referral Units and Alternative Curriculum placements prior to placement in school.

## Process and Monitoring

16. Where a pupil is permanently excluded from school, the excluding school should continue to advise the Exclusions Officer immediately. The Exclusions Officer will send a formal e-mail to the Cluster Chair (of the cluster in which the child lives), LEO, ABS representative and Admissions representative notifying them that this pupil now has Fair Access Status. It will be the responsibility of the Cluster representatives and Head teacher panel, to ensure the pupil has an identified school placement within the statutory 6 school days.
17. Where a pupil is out of school for reasons other than exclusion or has moved to the locality and is unable to secure a school place through normal admissions procedures within 24 days, the Admissions representative will send a formal e-mail to the Cluster Chair (of the cluster in which the child lives), LEO and ABS representative notifying them that this pupil now has Fair Access Status. It will be the responsibility of the Cluster representatives and Head teacher Panel to ensure the pupil has an identified school placement within the 6 school days to ensure the 30 school day requirement is met.
18. If the cluster fails to secure an educational place for the pupil within the required time period, the Local Authority will be obligated to direct a school or setting to admit the pupil and in extreme cases will use its powers in suspension of delegation to achieve this.
19. The Admissions Code is clear that Admission Forums **must** monitor how well they are working, how quickly the children are found places, and the contribution every school in the area is making.

The Local Authority will provide the data to enable the Admissions Forum to fulfil this role.

## **The Points-Weighted List of Schools**

20. Within many clusters, local partnership arrangements already exist to ensure the admissions process for this group can occur by mutual agreement and with the support of all schools. Where these arrangements are effective and amicable, placement issues are resolved within the specified timescales and no further action is required,

Where a more transparent or rigorous system is required to ensure this happens, the Local Authority advocates the use of a Points Weighted System, detailed below.

If a pupil needs to be placed using the In Year Fair Access Protocol an agreed points-weighted list will be referred to in order to identify the schools whose turn it is to admit next.

Schools are ranked using data relating to the following factors:

- Percentage of pupils with statements of special educational need\*
- Percentage of pupils at school action plus
- Percentage of pupils eligible for free school meals
- Percentage of Looked After Children
- Percentage of mobility placements.

\* Not including children with statements of special educational need attending an attached Unit/designation.

Data will be based on PLASC agreed with Management Information Systems. Baseline points will be established annually across the County and reset annually in September. Data will be supplied to each cluster at the beginning of the academic year, to enable them to implement this process.

Each time a child is placed in a school under the protocol additional points are credited and the school moves to a lower position in the list. This means that it would be unusual for a school to be asked to admit two pupils in quick succession.

Analysis of hard to place pupils over the last 2 years suggests that it would be unusual for a secondary school to be asked to admit more than 5 children in any one year under the protocol. Primary school would rarely have to admit more than one child per year.

## **Managed Move Protocols**

21. Many Clusters and groups of schools have established voluntary managed move protocols as a preventive measure. Such protocols can work alongside

the statutory protocol which is for children without a school place. Head teacher panels may want to include managed moves data within the overall data set.

### **Finding a school place at a different time of year**

*Information contained with Kent School Admissions Booklet 2007 (for reference)*

22. If you are the parent or carer of a child who is looking for a school place outside the usual admissions round you can apply direct to any school for a place for your child, and in most cases – unless it is a grammar school and the child has not reached the required standard – you can expect that you will be offered a place if the school has one. If the school is full you will be told how to appeal for a place, and how to put your child's name on any waiting list the school keeps.

If you need information about which schools may have spaces, or if you have contacted local schools but been unable to find a place, ring 01622 696565 and ask to be put through to the Casual Admissions Team.

Occasionally, finding a school place will be harder – for example, if all the local schools are full, if the child has educational needs which require special provision, or if he or she has been permanently excluded from the school they used to attend.

In the case of children who have been permanently excluded, they should be found a place within 6 school days, and no child should be out of school for more than 30 school days.

Sometimes, to protect the interests of children who are out of school and haven't been found a school place within these time limits, the Local Authority will use what is called a Fair Access Protocol, to make sure they resume their education as soon as possible. Schools or Academies must give children who are subject to a Fair Access Protocol priority over children on the waiting list who already have a place at another school.

If you need to know more about the Fair Access Protocol, ring 01622 696565 and ask to be put through to the Attendance and Behaviour service.

### **Conclusion**

**The Forum is asked to agree the above as its policy in respect of the nationally required In Year Fair Access Protocol.**

Sally Williamson  
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Background Documents: *MINUTES of a meeting of the Kent Schools Admissions Forum held at Sessions House, County Hall on Thursday, 8 March 2007.*

## Appendix 1

### SCHOOL ADMISSIONS CODE

#### In-Year Fair Access Protocols

**3.14** In-Year Fair Access Protocols (formerly referred to as ‘hard to place pupil protocols’) exist to ensure that access to education is secured quickly for children who have no school place, and to ensure that all schools in an area admit their fair share of children with challenging behaviour. Along with devolved funding and responsibility for alternative provision, an agreed protocol encourages schools to work together in partnership to improve behaviour and tackle persistent absence.

**3.15** All admission authorities and Admission Forums **must** have Fair Access Protocols in place by September 2007. In addition, all schools and Academies **must** participate in their local authority area’s protocol in order to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. This includes admitting children above the published admission number to schools that are already full. For that reason, admission appeal panels **should not** view the fact that a protocol has obliged a school to admit over its admission number as an indication that it can do so in the normal admissions round without causing prejudice to the efficient provision of education or efficient use of resources.

**3.16** There is a balance to be struck between finding a place quickly, when the place might be in an undersubscribed school or one facing challenging circumstances, and finding a school place that is appropriate for the child. In agreeing a protocol the local authority, Admission Forums and admission authorities **should** ensure that no school, including those with places available, is asked to take an excessive or unreasonable number of children who have been excluded from other schools.

**3.17** Admission authorities and Admission Forums **must** ensure that all children who arrive outside the normal admissions round who may have difficulty securing a place are covered in their protocol. Children with special educational needs but without statements **should** be treated in the same way as all other applicants, but protocols

**must** include arrangements for ensuring that, where there is prior need for particular support or for reasonable adjustments to be made for children with special educational needs or disabilities, such children are placed quickly. Children with statements of special educational needs that name a school and who arrive outside the normal admission round **must** be admitted to the school even if the school is full. Similarly, where a local authority, as the corporate parent, directs an admission authority to admit a child in care, the governing body **must** admit the child to the school at any specified time during the year, even if the school is full, unless the Adjudicator upholds an appeal from the admission authority<sup>3</sup>.

**3.18** The governing body of a voluntary aided or foundation school may under section 97 of the School Standards and Framework Act 1998 (as amended by section 49 of the Education and Inspections Act 2006) refer a local authority's decision to direct the admission of a child in accordance with a locally agreed protocol under section 96 of the School Standards and Framework Act 1998 to the Schools Adjudicator. The Adjudicator then determines which school is to be required to admit the child. The governing body of the school **must** admit the child. If a governing body refuses to comply with a direction under section 96 the local authority may refer the matter to the Secretary of State for consideration under section 497 of the Education Act 1996. Similarly, the local authority can refer the matter to the Secretary of State if an Academy refuses to admit a child in accordance with a protocol. In the case of a community or voluntary controlled school where the governing body refuses to accept the local authority decision as admission authority to admit the child, the local authority may refer the matter to the Secretary of State under section 496 or section 497 of the Education Act 1996.

**3.19** Once In-Year Fair Access protocols have been agreed Admission Forums **must** monitor how well they are working<sup>4</sup>, how quickly the children are found places, and the contribution every school in the area is making. Additional guidance, along with example protocols and case studies of good practice can be found at [www.dfes.gov.uk/sacode](http://www.dfes.gov.uk/sacode).

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<sup>3</sup> Section 97(3) of the SSFA 1998 as amended by section 49 of the EIA 2006

<sup>4</sup> The Education (Admissions Forums)(England) Regulations 2002 (SI 2002/2900) as amended by SI 2007/xxxx



## **Proposed Structure for the Admissions Forum Annual Report**

### **Introduction**

There are three main objectives of the annual admissions forum report. Firstly to report to the Local Authority to help it exercise its duty to promote fair access, secondly as a report to the Schools Commissioner to inform his report to Parliament on Fair Access and thirdly as a basis for the forum to make broad recommendations on improving admissions arrangements or as an evidential basis for any forum objections.

Admissions Forums have been empowered under Education and Inspections Act Section 41(3) to publish an annual report. The purpose of the report is to draw together information and data that will highlight good practice and draw attention to where intervention may be necessary in ensuring a fair admissions process.

Following lengthy debate at the introduction of the Education and Inspections Bill, it was decided that it is for the Admissions Forum to publish this report, not the Local Authority. The advantage of this is that there will be greater ownership by the schools that are represented on the Forum and it cannot be seen as the Local Authority trying to impose its will on schools.

The attached report will attempt to draw together the 9 key areas that the draft regulations are proposing should be included in the report. Comments on the structure and layout of the report are welcomed in order that they can inform a proposed structure for future publication. As a minimum the following points are expected to be included.

- a) the number and percentages of first, second and third preferences met (or more if applicable) and the main factors that affected whether preferences were met;
- b) the number of appeals made to the appeal panel within the area of the authority;
- c) the ethnic and social mix of pupils attending schools in the area of the authority and the factors that effect this;
- d) the extent to which existing and proposed admission arrangements serve the interest of looked after children, children with disabilities, and children with special educational needs;
- e) how well the hard to place pupil protocol has worked and how many children have been admitted to each school under the protocol;
- f) whether primary schools are meeting their statutory duty in relation to infant class sizes;
- g) details of other matters that might affect how fairly admissions arrangements serve the interest of children and parents within the authority; and
- h) any recommendations or recommendations that the forum wishes to make in order to improve parental choice and access to education in the area of the authority.

Providing the forum with the assistance of the LA are able to capture this information, it will allow future comparisons. The forum report will be a sound measure on which to report if admissions arrangements are working well and provide a facility to identify areas that may be of concern.

There is a significant challenge in preparing this report, recommendations indicate that there should be scrutiny of individual schools in how admission have been applied and that these should form the basis from which to seek patterns. The scale of Kent and the 600+ schools means that it will be difficult to establish meaningful information unless we break down the reporting into areas of the county.

With the agreement of the forum it is recommended that data is reported in cluster groupings and by school type. This will allow for issues that relate specifically to areas to be highlighted and to establish if certain types of schools are facing difficulties in attracting pupils.

Guidance recommends that the Admissions Forum give consideration as to how well the admissions arrangements are working at individual school level. Admission forums in addition to considering the effectiveness of local admission arrangements are encouraged to advise admissions authorities on ways in which the arrangements can be improved.

Admission authorities of all maintained schools and academies must have regard to any advice from the forum. The advice may require that admission authorities will review factors that affect admissions following the advice of the forum to individual admission authorities.

Scott Bagsaw  
Head of Admissions & Transport

## **Kent Admission Forum**

### **Annual report on school admissions within the County of Kent in 2007.**

#### Foreword

This report is the first annual report produced by the Kent Admissions Forum and it deals with school admissions in all the maintained schools and academies within the authority for the year 2007/08

Although the requirement for admissions authorities to produce a report following the Education and Inspections Act 2006 does not come into effect until the 2008 admission round, Kent admissions forum has decided to prepare a draft report for the 2007 admission round.

This will enable the admissions forum to refine the report for next year, and the information in this report will be a benchmark for future years. The report will act as a useful guide to Admission Authorities in understanding some of the admissions issues that transpire during the year and provide a conduit for sharing admission information and good practice.

The report will seek to identify where admissions authorities have been challenged about their admissions arrangements and it will make recommendations about future admission arrangements.

You will appreciate that this is the first annual report from the admission forum: for that reason your comments on both the format and content of the report will be particularly welcome and will serve to inform the shape of future reports.

## Kent Admissions Forum

### Introduction

For ease of reference, the information in this report (as required by The Education (Admissions Forum) (England) (Amendment) Regulations 2007) is set out using the order of the regulations.

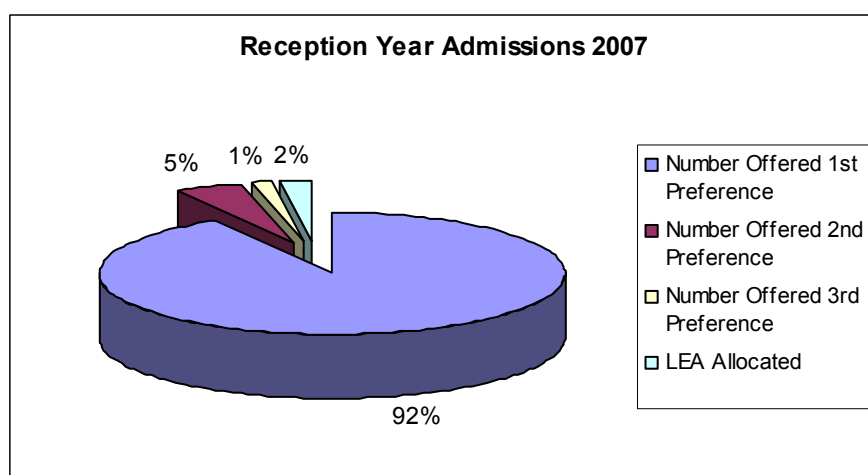
At the time of compiling this report, the guidance from the DCFS was still being developed. For each section, there is a brief analysis of the information. The report will provide graphics under each section to provide an immediate visual representation of the data and the data fields will be displayed more fully in the appendices.

At the end of each section where appropriate recommendations will be identified.

### Section (a)

**The number and percentages of first, second and third preferences met and the main factors that affected whether preferences were met.**

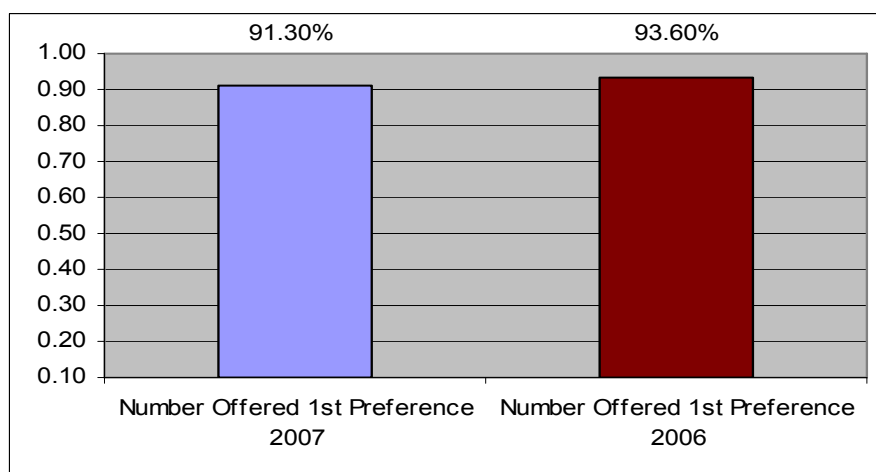
Fig.1



In any local authority, the popularity of schools and the level of oversubscription have the major impact on the number of first second or third preference secured.

In Kent there is overcapacity in the number of Primary school places available and despite there being over capacity, this is not necessarily in the right places. The Kent Primary Strategy is actively seeking to resolve this issue and its application has been the single largest strategic evaluation and review of primary provision in the country. Fig.1 shows the percentage breakdown of first, second, third preferences and the local authority allocations for Kent. Over 13800 pupils were allocated a reception place during the admission round. Below in Fig. 2 you will see that this is slightly down on 2006.

Fig. 2



You will see from Fig. 2 that there has been a slight reduction in the number of 1<sup>st</sup> preference schools being offered. Interestingly the primary admissions cohort number increased by 1.2% which may provide some of the reason for this.

Fig. 3

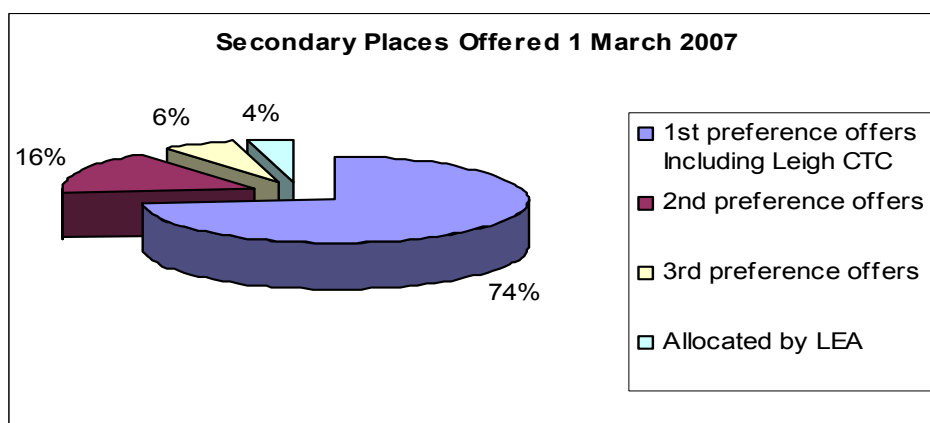


Fig.3 shows the % breakdown of places offered during the Process for Entry into Secondary Education (PESE). Just over 96% of the cohort were offered one of their 3 preferences. As with the Primary round there was a slight reduction in the number of successful first preferences and it is considered that this is directly related to the removal of First Preference First (FPF). The removal of FPF has meant that more parents have opted for a Grammar as a true first preference safe in the knowledge that if their child does not meet the required standard this does not reduce their chance of a place at their second or third preference school.

Fig 4

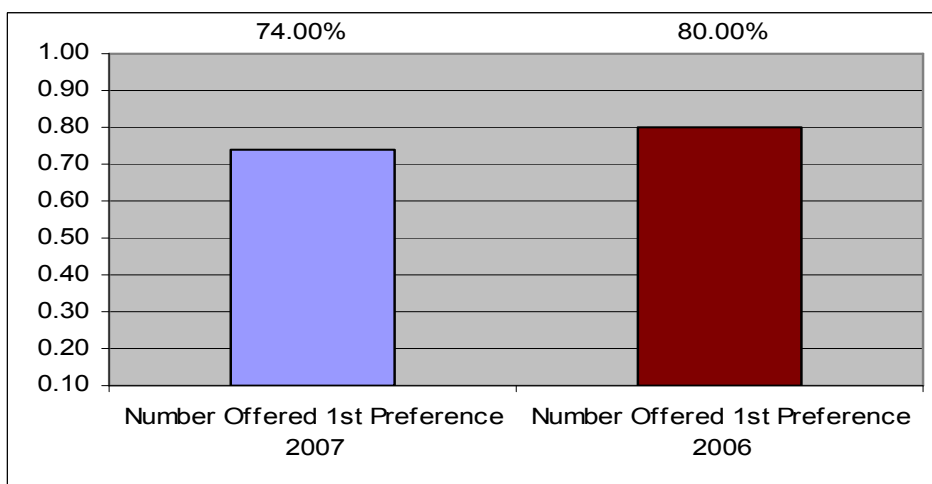
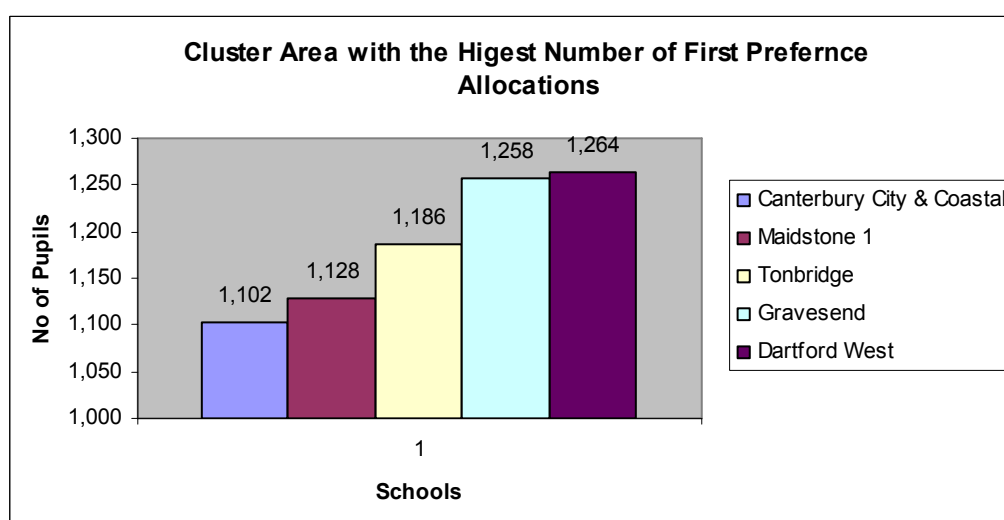


Fig. 4 shows there has been a reduction in the percentage of 1<sup>st</sup> preferences being allocated, this is despite there being over 900 pupils less in the round and there a number of potential reasons for this that are not necessarily negative. It is clear that a greater percentage of pupils have chosen to take the Kent Test and therefore this means that there have been raised expectations across the entire cohort. Parents know they can afford to place a true preference at the top of their application form and this may have resulted in parents opting for a school they might otherwise have not expected to get into. Improvements in school performance can equally have been a factor in the reduction of first preferences being allocated. If parents consider their local schools to be of a good quality they may well have stretched their aspirations for schools further a field safe in the knowledge their local school will be an acceptable alternative lower down the preference list.

Fig. 5 Below shows the cluster areas with the highest allocation of 1<sup>st</sup> preferences.



In Fig. 6 & 7, are the 10 primary/Infant schools and 10 Secondary schools with the greatest number of preferences made by parents. The charts identify that the most popular schools are spread right across Kent and do not form a pattern in any one particular area.

Fig.6

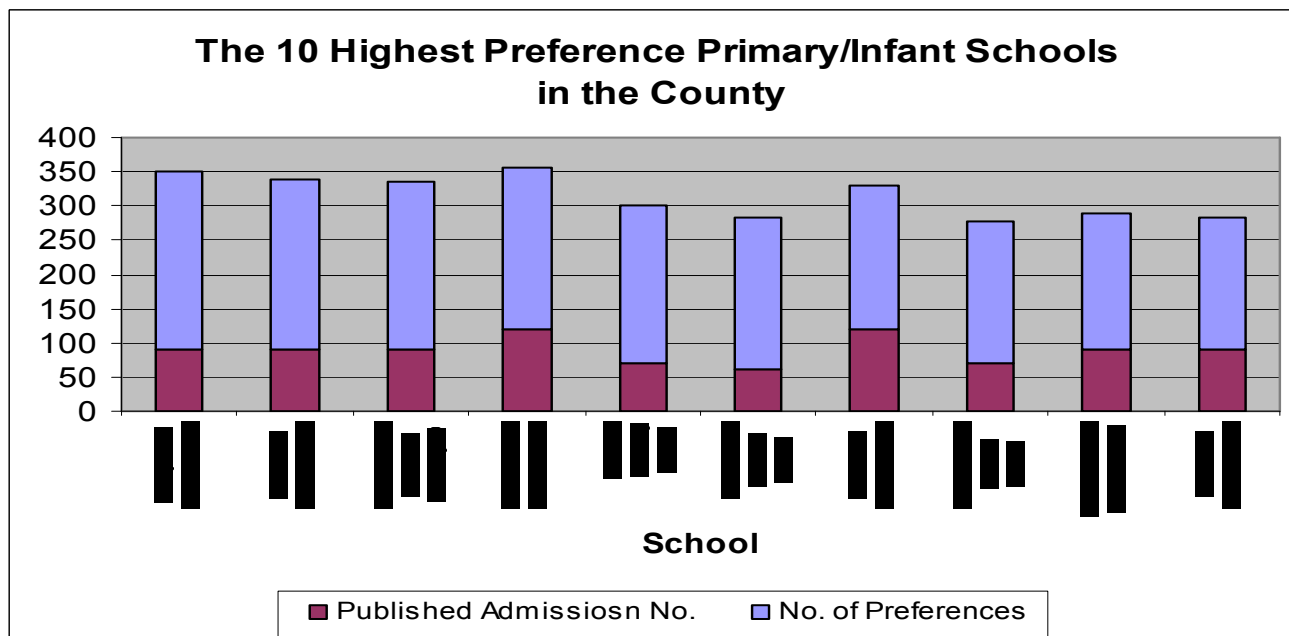
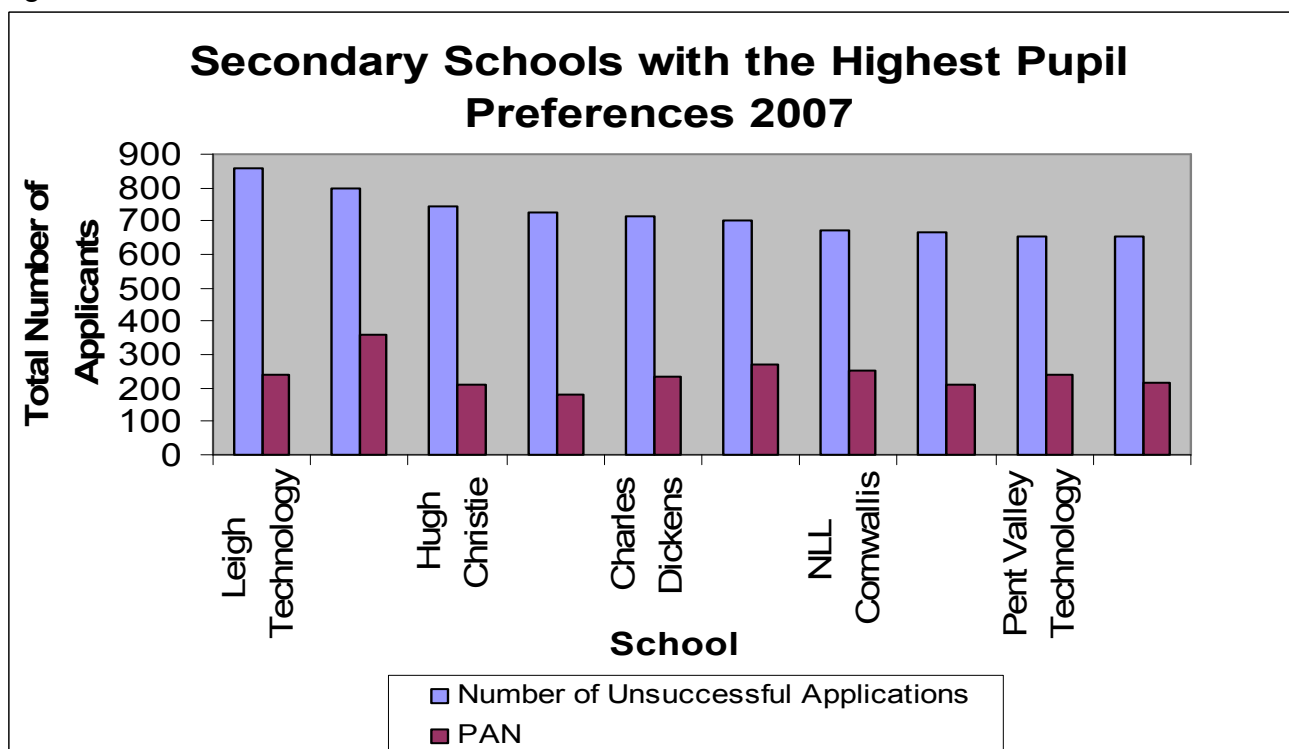


Fig. 7



The blanket application of the equal preference scheme has allowed parents to make true preferences on the common application forms. This has been raised as a concern by a number of admission authorities concerned that pupils allocated their school will not be as committed as those who have named them first on the application form. This is the first round of admissions where such a system has been applied across the country and it is too soon to establish if the new legislation will have the affect some highschoools and church schools fear.

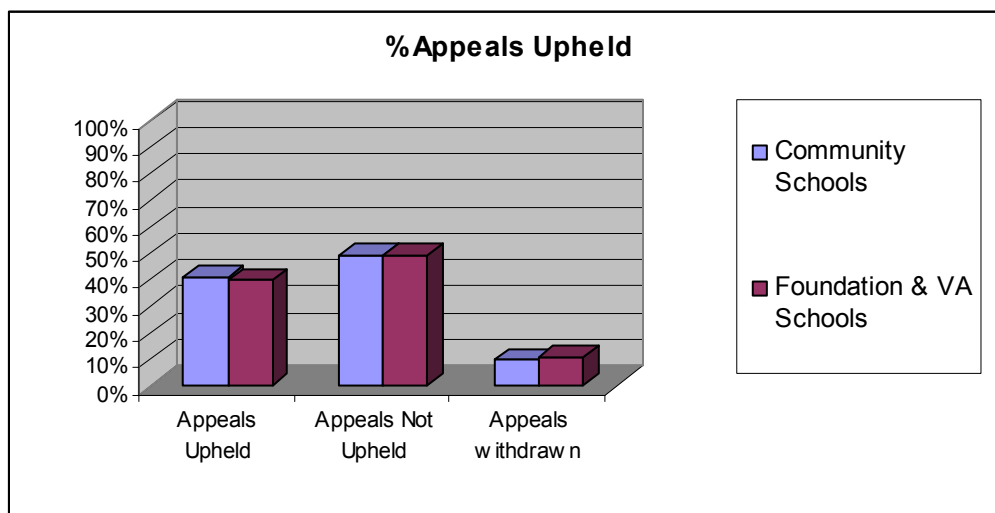
Comparative data on admissions next year will give a clearer pattern as will comparative data between the offer places and the schools where pupils end up in September after pupil movement from appeals and waiting lists.

## Section (b)

### **The number of appeals made to the appeals panel within the area of the Authority**

Legal Democratic Services recorded almost 1900 appeals for Secondary schools in Kent. This figure is split roughly 40% Community Schools and 60% Foundation and VA Schools. The chart in Fig.8 displays a breakdown of appeals for both types of schools based on the numbers upheld, not upheld and withdrawn.

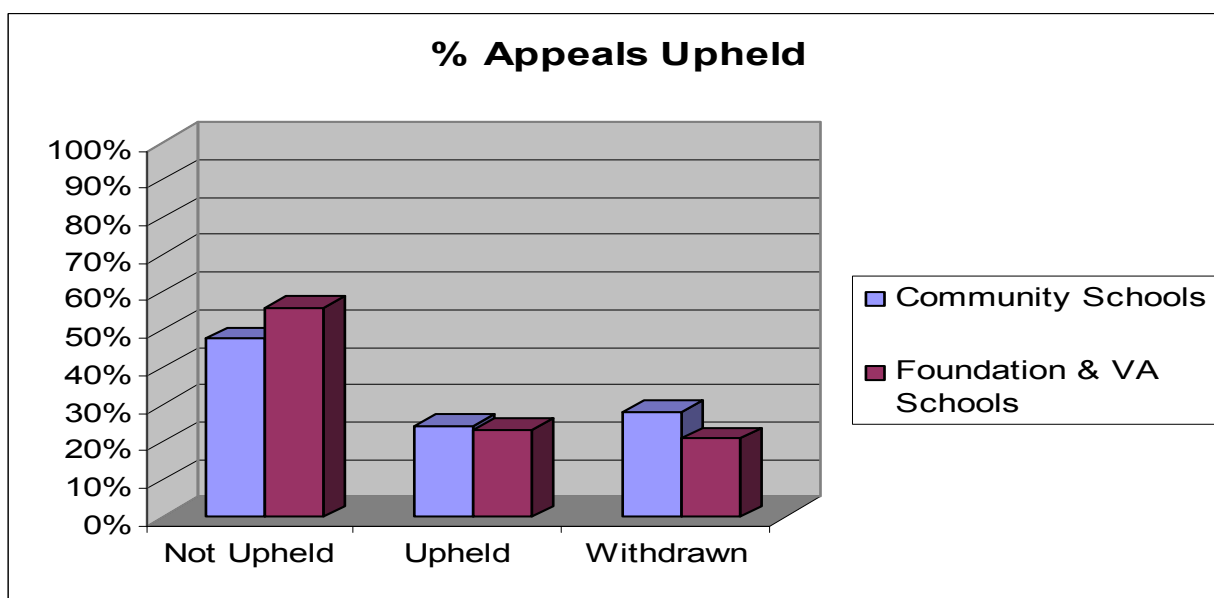
Fig. 8



The above chart shows there does not appear to be any patterns of concern in the appeals process with broadly comparable percentages of appeals being upheld regardless of the type of secondary school.



## Primary Infant and Junior school Appeals



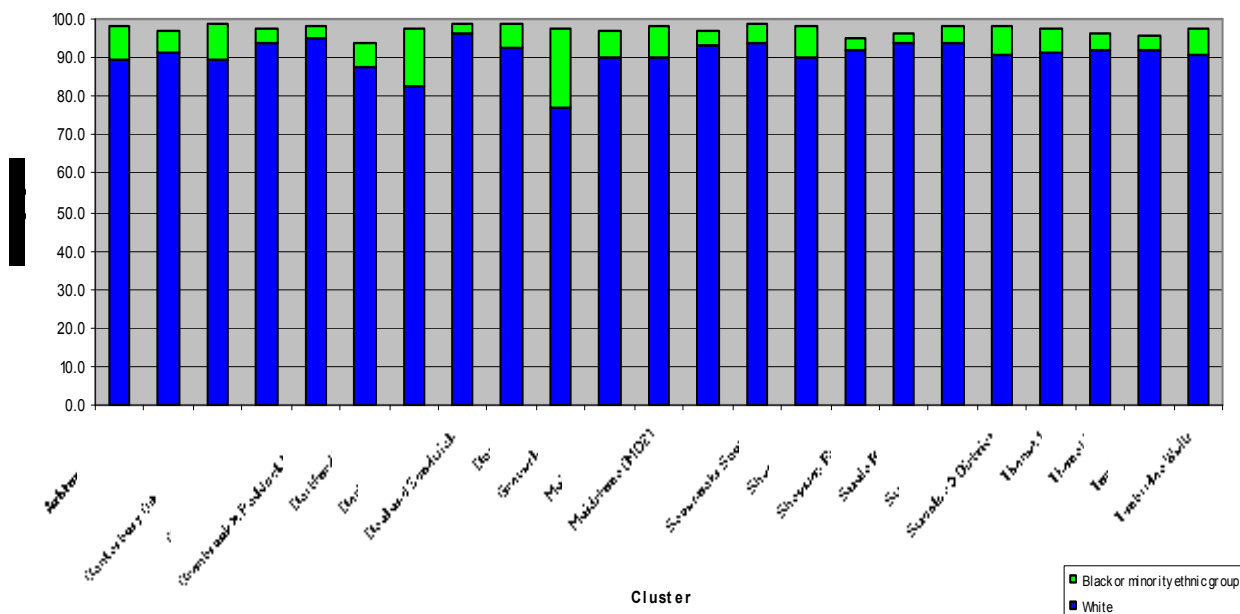
The above chart shows the % of successful appeals comparing the Community schools with those Foundation and VA schools that had their independent appeals administered by Legal and Democratic services. Whilst this provides indicative information showing that a similar % of appeals are upheld regardless of the type of school, the data is not complete as we do not currently capture appeal information from the Foundation and VA schools that administer their own independent appeals panels. It also perhaps noting that the total number of appeals lodged for Community schools was 359 and for the Foundation and VA schools administered by L&D services this was 43.

## Section (c)

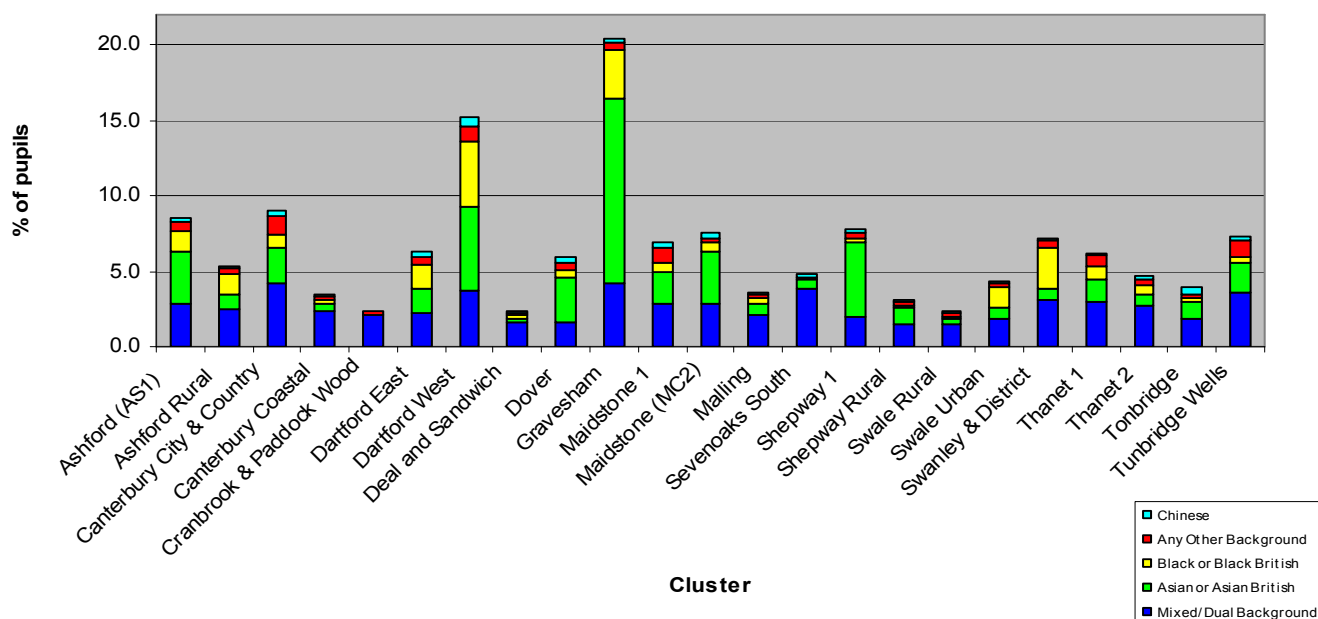
### The ethnic and social mix of pupils attending schools in the area of the authority and the factors that effect this.

The charts below shows a breakdown of the Kent clusters and the ethnicity of primary school children. The second chart shows a further breakdown of the ethnic groupings.

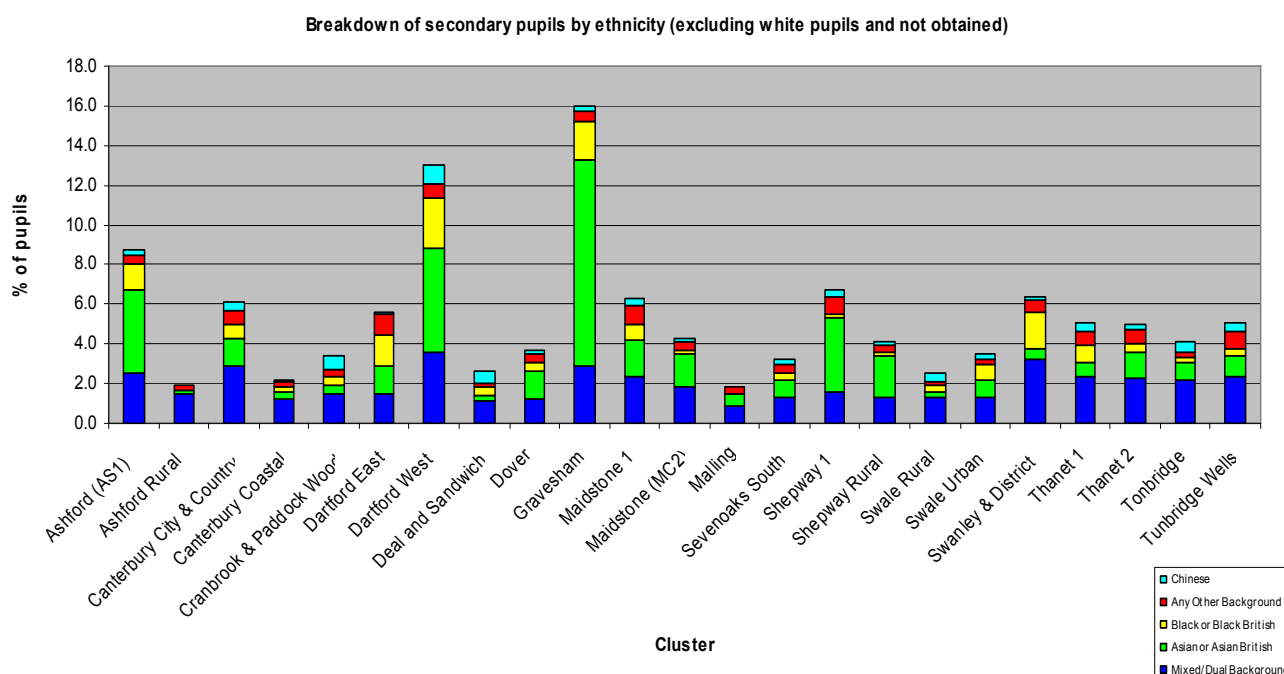
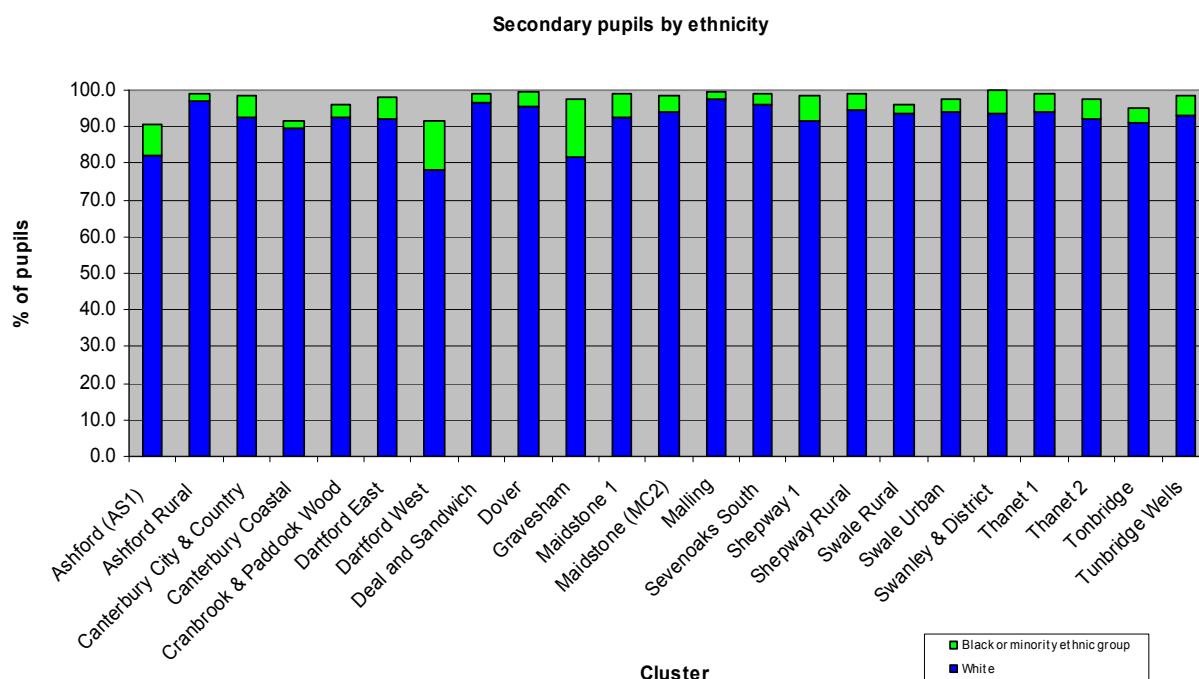
Primary pupils by ethnicity



Breakdown of primary pupils by ethnicity (excluding white pupils and not obtained)



The breakdown of ethnicity for pupils attending secondary schools is outlined below, as with the primary school data a second chart provides a breakdown of the ethnic groupings across the clusters.



A breakdown in the numbers of children from particular ethnic groups is useful information for schools. Admission authorities should monitor and report where the pupil population in a school does not reflect that of the surrounding area.

## Section (d)

**The extent to which existing and proposed admissions arrangements serve the interests of looked after children, children with disabilities and children with special educational needs.**

Admission arrangements for 2007/8 distinctly favour the afore mentioned groups. The new Admissions Code requires that any child with a statement of special educational need is given priority before any places are offered. Details of children that have a named school on their statement are provided to the LA admissions team by the SEN team and the PAN for the school in question is reduced by that number accordingly.

The provision for children in Local Authority Care is also given the highest priority in any schools oversubscription criteria. This development in the code comprehensively serves the interest of any child in public care. Approximately 50 schools originally failed to name children in public care as a first priority in their oversubscription criteria, these were all contacted and amended their arrangements accordingly.

The interests of children with disabilities are also served by giving priority to those children in the oversubscription criteria before the distance criterion is considered. Historically this was more of an issue when certain schools were regarded as more suited to accommodating disabled children. More recently as all schools have had to ensure that they are accessible to disabled children the need for special treatment for admissions purposes is reduced. Not all schools have chosen to adopt giving a level of priority to children on medical or disability grounds but all community schools do and the majority of Foundation and VA schools have taken a similar line.

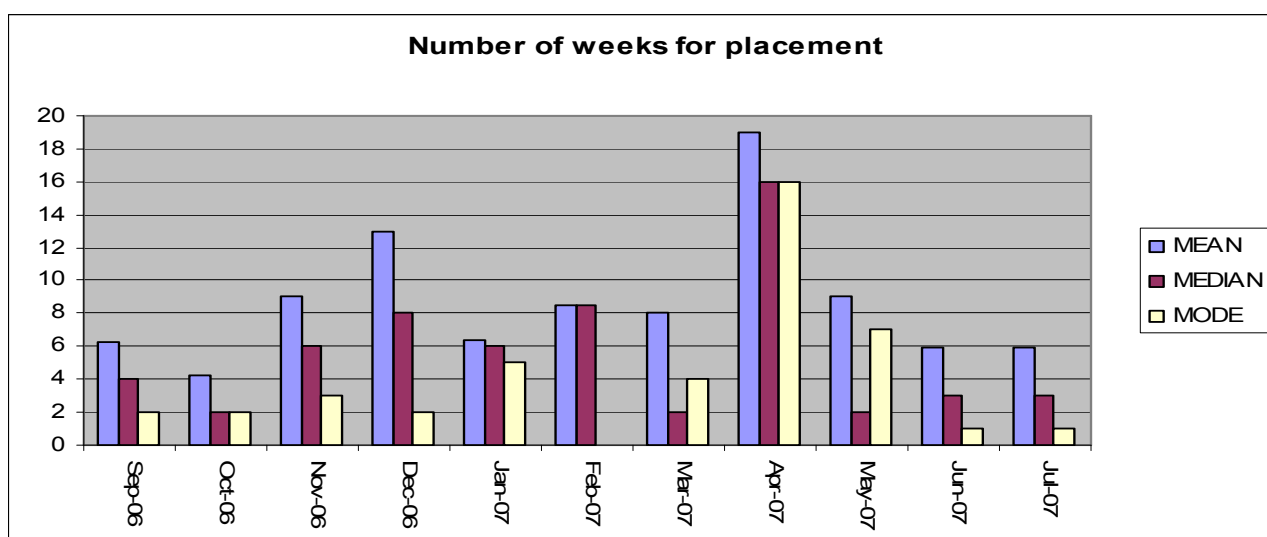
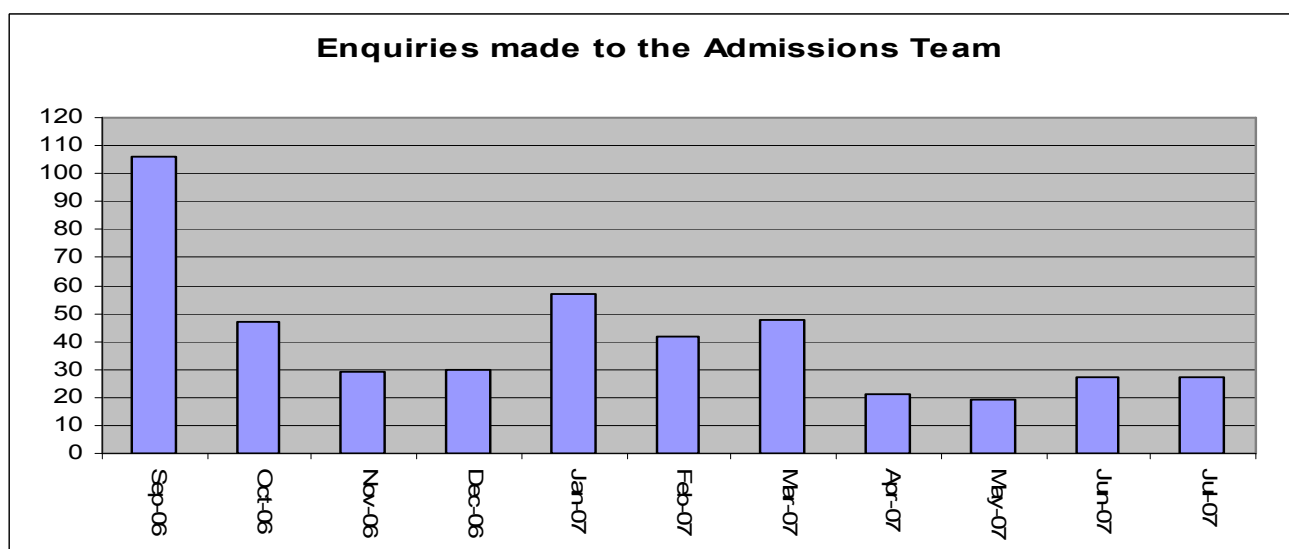
## Section (e)

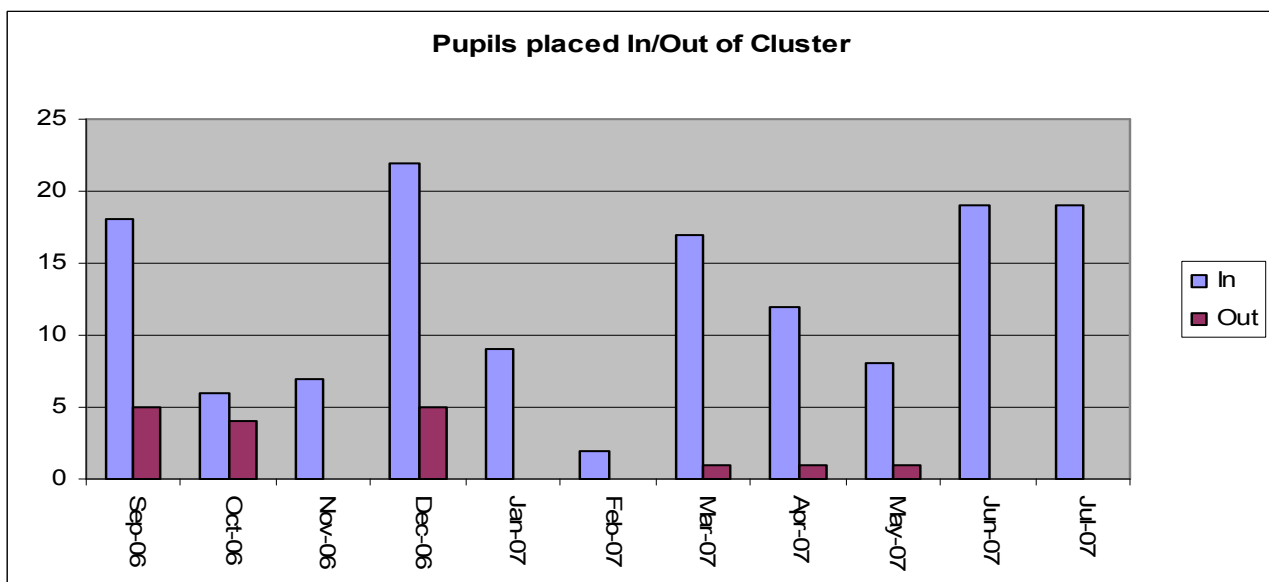
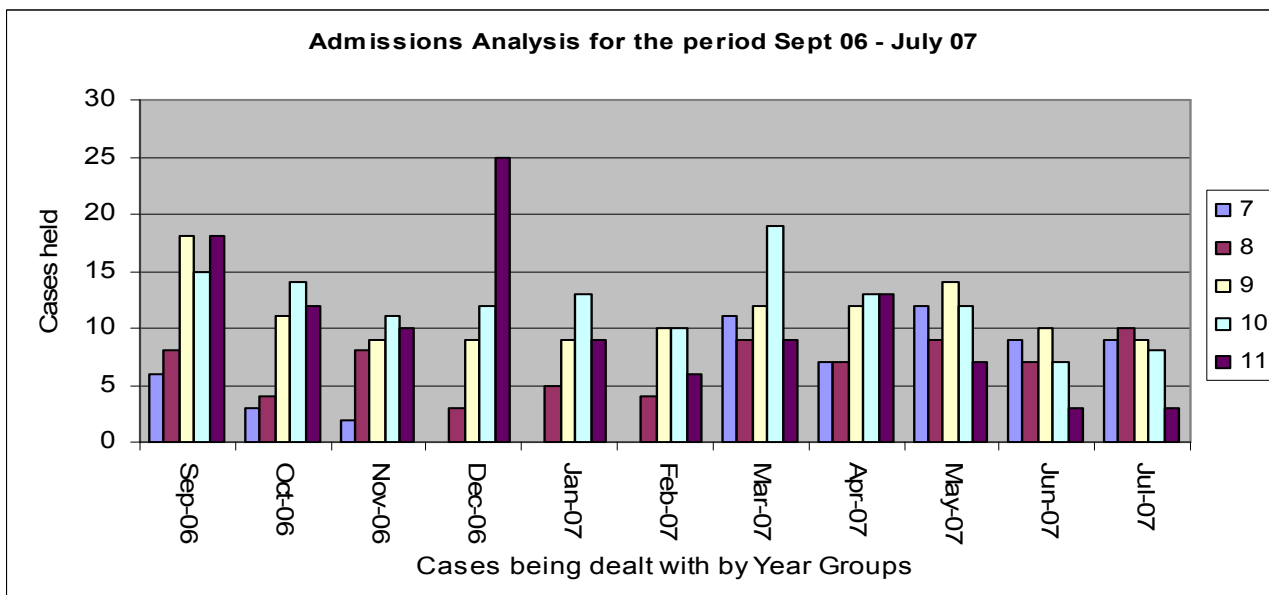
### How well the hard to place pupil protocol has worked and how many children have been admitted to each school under the protocol.

The In Year Fair Access Protocol (IYFAP) came into effect from September 2007. It is recommended that the number of times the protocol is brought into use will be recorded and reported on a cluster basis for future reports.

The information collected should also include details of performance and whether pupils are being placed within the legislative timeframe.

*Because the IYFAP is not yet fully established for monitoring purposes included below are some charts which highlight the number of admission enquiries that are received outside of the normal admissions round, the timescales associated with placing children, breakdown by year group and whether children have been placed within their home cluster.*





The above charts show that officers have considerable difficulties in securing places for hard to place children within reasonable timeframes. Unfortunately this is because there tends to be a concentration of LAC in certain areas and this causes pressures on schools often in areas of relative deprivation.

Often the nearest appropriate school with vacancies may be one that has recently come out of special measures or indeed have already taken a disproportionate number of looked after children. There is provision within the code for such schools to refuse a place and consequently the time taken for correspondence to pass between the first choice schools and alternative schools the guardians may wish to consider results in delayed admission. The new IYFAP is expected to significantly assist officers in reducing these timescales, and provision within the code to direct schools has also been strengthened.

## Section (f)

### **Information on whether Primary schools are meeting their statutory duties in relation to infant class sizes.**

In the January 2007 PLASC return 2 schools were identified as facing a potential breach situation in September 2007, both schools in question were able to justify the initial cause and have taken appropriate action. In one case the school has employed an additional member of teaching staff and the other had a child leave the school which prevented the breach.

This year has seen an influx in the number of schools that have been placed in a potential breach situation as a result of independent appeal panel decisions. The LA are aware of approximately 9 schools currently in this situation and unless there is pupil movement before September 2008 the schools in question will be required to either reorganise their classes or employ additional teaching staff to comply with the infant class size legislation.

## Section (g)

### **Details of other matters that might affect how fairly admissions arrangements serve the interests of children and parents within the authority.**

- **On Line Admissions**

During the 2007 admissions process the opportunity for parents to apply on line was introduced for the first time. The government set targets of between 5-10% of the cohort to have applied on line. For the secondary admission in Kent this was 17.8% and for the primary it was 18.9 % and for Yr3 10.9% this significantly exceeded government targets and enabled a total of 5679 parents to apply online and successfully receive their offers electronically.

The online process was not without its problems in 2007, the in house design of the on line application form meant that parent details were not entered until the end of the form and this meant that where forms were incomplete we had no way of tracking the parents to issue reminders etc.

The On Line for 2008 has been greatly improved, and there have been several improvements to enhance the parents experience when using the form. The on line system went live as of Friday 7<sup>th</sup> September and at time of preparing this report over 50 applications have already been submitted all displaying positive customer feedback.

Some parents complained in 2007 citing that it was unfair that on line applications were able to view their applications on National Offer day where as those who applied on paper were required to wait for their official letter. The situation is the same for 2008 however the offer will only be available to view from 4pm on National Offer day. In 2007 Admissions took the view that this would be available to parents from 9am after the start

of the school day to avoid any playground banter resulting from some pupils knowing and others not. This resulted in a number of parents keeping their children out of school on national offer day and it is anticipated that the change of time will hopefully avoid this.

- **Parents on the border of Medway**

For 2008 Medway have devised a scheme that will enable them to deliver the results of their 11+ testing before parents are required to submit their Common Application Forms. This creates an awkward inequity in the process for parents in Kent who may be considering a Medway school.

Because Kent are signed up to the PAN London agreement and therefore as part of their legal obligation to coordinate with neighbouring authorities must supply pupil preference information to neighbouring authorities by mid November we must collect the common application forms by the 19<sup>th</sup> October.

Medway District council are not required to meet this deadline and despite the difficulties this will cause parents on the borders of Medway they have set a closing date for their CAF of 6<sup>th</sup> December. This will mean that Kent parents applying for a Medway school will be required to have made that choice by the 19<sup>th</sup> October without knowing the outcome of the Medway test.

- **Appeals panels**

There have several complaints from schools regarding the admissions appeals process in 2007. There have been several decisions that have resulted in schools facing a future breach situation and potentially putting them into financial deficit position.

There is a legal requirement to adhere to the decisions that the Independent appeal panels take and consequently it is essential that proper training and clerking is in place. Some schools have felt aggrieved by the decisions of some panels and it is considered that the Clerks of the appeals take a greater role in ensuring panels can justify the decisions they wish to take in line with the legislative guidelines.

- **Concentration of Grammar assessed pupils in areas of high affluence**

This year the Process for Entry into Secondary Education (PESE) identified that in the more affluent areas of Tonbridge and Tunbridge Wells approximately 40% of pupils were identified as of selective ability. This resulted in a higher number of pupils eligible for Grammar school than the number of grammar school places available in the area.

- **Decision of the Adjudicator to retain the Dover test**

During 2007 the LA and St Edmunds School challenged the admission arrangements for the Dover Grammar School for Boys. Unfortunately when applying the letter of the law the school do not break any admissions rules outlined in the code consequently the Adjudicator found in favour of retaining the Dover Test.



The LA must now allow for those pupils who are considered ineligible for a grammar place through the PESE test to be deemed selective for the Dover Grammar schools (but no other grammar schools in Kent) if they are able to pass the Dover Test.

- **Monitoring of schools and the use of their supplementary forms**

Some complaints have been received from parents where schools have asked for inappropriate information on their supplementary forms. The new code relating to admissions makes clear that supplementary forms are part of a schools admission arrangements and must comply with the code of practice.

Where this has been brought to our attention we have written to schools explaining that they can only request information that is relevant to them applying their admissions arrangements.

This year where there have been some breaches (i.e. schools asking for preference information, or the amount of time a person has lived in the country) when challenged schools have claimed older forms have gone out in administrative errors. Next year any schools found acting unlawfully will be named and reported to the Admissions Forum, the DCSF and the Office of the Schools Adjudicator.

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