

Information Note on the New Role and Responsibilities of Admission Forums

Introduction

1. Section 85A of the SSFA 1998 requires all local authorities to establish an Admission Forum to bring together local authority and admission authorities to discuss and monitor admissions policies in the area and ensure both fairness and compliance with statutory requirements.
2. The revised School Admissions Code (February 2009) makes changes to the role, membership, and reporting procedures of Admission Forums
3. While the School Admissions Code and associated regulations (available [here](#)) should clearly be the first point of contact for queries, this note gives information on the changes and answers some commonly asked questions.
4. As a result of our own evidence, and feedback from the 2008 Consultation on School Admissions. Ministers decided to make three main changes to the Admission Forums system. These changes were:
 - to change the membership of Admission Forums to make them smaller, more manageable advisory groups that represent the interests of the local area;
 - to change the focus of Admission Forums so they consider the fairness rather than the legality of proposed admission arrangements; and
 - to simplify regulations for Admission Forum reports to ensure that they do not duplicate the statutory report on admissions arrangements by the local authority.

Membership of the Forum

5. Regulations now require no more than 20 members that reflect the types of schools in the area, representatives from each faith group represented by schools in the area, parent and community representatives, local authority representatives, local employers, Armed Forces and Choice Advisers.
6. The membership of Forums is laid down in Regulations (the School Admissions (Regulation 8 of the Local Authority Reports and Admission Forums) (England) Regulations 2008), and in paragraph 4.29 of the revised School Admissions Code.
7. It is important that Forums think carefully about membership to make sure that it consists of members that have a genuine interest in admission arrangements in their area, and that they have a spread of members that reflect the local area. Membership should not be dominated by any one group.

E.g. the local authority.

Role of the Forum

8. New regulations change the role and constitution of Admission Forums to improve their effectiveness making them into smaller, manageable advisory groups that concentrate on the fairness - rather than legality - of admissions arrangements within the local area, and ensure that they have an ongoing role as consultees in local admission arrangements.

The Admission Forum Report

9. Section 85A(1A) of the School Standards and Framework Act 1998 (as inserted by section 41(3) of the Education and Inspections Act 2006) provides admission forums with an important power to produce a voluntary annual report to the Schools Adjudicator on school admissions.

10. The Education and Skills Act 2008 places a new duty on local authorities to produce an annual report on admission arrangements in their area. The duty will ensure that reports are received from every local authority, to ensure that the Schools Adjudicator can consider them on a consistent basis. The current voluntary system (through Admission Forums) is unlikely to achieve this. We want to place a clearer duty on local authorities to check the fairness, legality and effectiveness of admissions arrangements in their areas as part of their role in monitoring compliance with the School Admissions Code and admissions legislation. Producing a report is also in line with their general duty to ensure fair access to educational opportunity

Format of the forum report

11. Forums are not expected to produce complex reports that duplicate the local authority report on admission arrangements. We would expect Admission Forums to be included in the production of the local authority report, or at the least to have had sight of it before it is sent to the Schools Adjudicator.

12. There is no standard format for the report from Admission Forums, as the production of the report is itself voluntary. As per Regulation 18 of the School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 ('the Forum Regulations'), Forums should report on how they feel that arrangements in their area contribute to fair access. They could do this with a report on all arrangements in their area, or through a study of one particular aspect of arrangements in their area. This is a matter for the Forum to decide locally.

13. If produced, the Forum report should accompany the local authority report, which must be sent by 30th June each year to the Office of the Schools Adjudicator. This will help to inform the Chief Adjudicator's annual report on Fair Access to the Secretary of State.

Office of the Schools Adjudicator

Mowden Hall
Staindrop Road
Darlington
DL3 9BG

Alternatively, reports can be emailed to the Office at:
OSA.TEAM@dcsf.gsi.gov.uk

Responsibility for drafting the report

14. The forum as a whole is responsible for researching, writing and submitting the report, and also determining who, or which organisation, should undertake this work. It is therefore crucial that, whatever is decided, all members of the forum have the opportunity to participate.

15. The forum, when setting or reviewing its constitution, should consider carefully the roles and responsibilities of members, their involvement in the development of the report, whether external personnel or resources are to be used, deadlines and any follow up action that might be necessary. This will ensure that the report is thorough but does not become overly burdensome for individual members. Those involved in developing the report will need to understand admissions legislation and the provisions within the School Admissions Code.

Agreeing and finalising the report

16. It is essential that the report should represent the views of the majority of the forum. The forum should therefore seek to achieve consensus when agreeing the report. If this is not possible, the report should be agreed by a majority of forum members attending the relevant meeting.

17. 'Agreeing the Forum Report' should be an agenda item of a forum meeting and all forum members should be given the opportunity to attend the meeting and vote, if necessary on the final report.

18. We would also expect that the Forum report would be shared with the local authority admissions team, and admission authorities for own-admission schools.

19. The forum might also consider whether to copy the report to neighbouring local authorities and forums. The report should be easily accessible (including by parents), for example, by being posted on the local authority's website.

Taking forward recommendations

20. Recommendations can be to the local authority, schools in general or individual schools. Admission authorities are under a duty to have regard to the forum's recommendations and the forum should monitor whether recommendations are implemented and consider what action to take (for

instance, objection) if they are not implemented.

21. If in doubt about the lawfulness of admission arrangements, the forum should take legal advice. If a school which is consulting on potentially unlawful or unfair arrangements does not take the forum's advice into account and ultimately determines unfair or unlawful arrangements the forum would be expected to use its right of objection.

Frequently asked questions:

Q. The regulations give slightly different membership details for Forums than is in the Code (para 4.29). The Code says that the Forum must have up to 2 LA members, but regulations do not mention this. Do we need to have local authority members?

A. Regulation 8(1) is not an exhaustive list of members - it says members "must include" people falling within sub-paragraphs (a)-(d). Local authority representatives are the admission authority for community and VC schools and are not optional - the number is stated as up to 2 in the Code to avoid the Forum being overly run by the local authority. There must be at least one local authority member. When taken together, the Code and regulations make clear to those convening Forums both the importance of reflecting the locality and the limits on membership.

Q. Why have you made changes to the Admission Forum system?

A. Admission Forums have been changed so that a) they're more representative of the areas that they represent (e.g. if there is one large company in the area that lots of people work for then they could be represented, or the services if appropriate etc), and are not dominated by any one group and b) so that their report is not duplicating the LA duty. When convening the Forum you need to really think about what would be most useful in reflecting the local context, rather than just the same individuals as previously attended.

Q. Can the local authority members elected under paragraph 4.29 of the Code be elected Councillors?

A. Yes, they can although to avoid any possible accusations of a conflict of interest, we would not necessarily recommend it. As mentioned before, when convening a Forum you should think hard about who best represents the views of the community in this area.

Q. What has the membership been limited and why?

A. Regulations now require no more than 20 members that reflect the types of schools in the area, representatives from each faith group represented by schools in the area, parent and community representatives, local authority representatives, local employers, Armed Forces and Choice

Advisers. This representation should ensure that local groups are involved in the decision making process, encourage more local involvement and fair access.

Q. Do parents have to be parent governors in order to join the Forum?

A. No. Any parent can be a member of an Admission Forum, as long as they meet the requirements laid down in regulations – namely that they have a child who:

a) has attained the age of two and is receiving primary education;

or

(b) is of compulsory school age
at the time of their appointment.

Q. How many members have to attend for the forum to be quorate?

Legislation is silent on what constitutes a quorum. Therefore, no matter how few members actually turn up for a meeting the forum is always quorate.

However, regulations state that members *may* regulate procedure. It would be reasonable to interpret this as including the freedom to decide what constitutes quorate. The exact number required is therefore for the forum itself to decide.