

RAFT SCHOOL ADMISSIONS CODE PUBLISHED 2 NOVEMBER 2011

This is a draft document subject to Parliamentary Scrutiny and Royal Assent of the Education Bill 2010-11. The final document must also be read alongside admission regulations, which will be published in 2012.

THE STATUTORY BASIS FOR THE SCHOOL ADMISSIONS CODE

This section explains that the Code will apply to admission arrangements determined in 2012 for admission in 2013/14; it imposes mandatory requirements and details who the code applies to. Subject to the education Bill gaining Royal Assent objections to the admission arrangements of Academies will be considered by the Schools Adjudicator (not the YPLA). The Schools Adjudicator will be able to investigate the admission arrangements of any school she considers do not comply with the Code, not just arrangements referred to her. Whilst the decision is binding the power to modify arrangements will be removed, where school fail to implement the decision the Secretary of State may direct them to do so. (1-11)

INTRODUCTION

The purpose of the Code is to ensure all school places are offered in an open and fair way. The Code has the force of law and must and must not statements are mandatory requirements. The previous should and should not statements are removed. Criteria to allocate places must be 'fair, clear and objective' (12 -14)

Admission Authorities must determine' their admission arrangements annually. Consultation must take place if changes are made and be for 8 weeks from 1 November to 1 March of the year before the arrangements are to apply. If no changes are made the arrangements need only be consulted on at least every 7 years.

An outline of the admission process is included in this section including confirmation that National Offer Date for Secondary Schools will be 1 March or next working day and for primary schools the National Offer Date will be on or about 16 April or next working day from the 2014/15 year onwards. (15)

SECTION 1 - DETERMINING ADMISSION ARRANGEMENTS

Determination

As part of 'determining' the arrangements annually the Admissions Authority must set an admission number. (PAN) Own admission authorities are not required to consult on any proposed increase to the PAN in any consultation on their admission arrangements. For Community and VC schools the LA must consult at least the Governing Body if it intends either to increase or make no change to the PAN. Admission authorities must notify the LA of their intention to increase the school's PAN and make reference to it in the school's website.

Following determination of the PAN, admission authorities may notify the local authority that they intend to admit above the PAN, but must do so in time for the LA to deliver its co-ordinated responsibilities effectively.

Any admissions above the PAN will not constitute an increase to the PAN. A variation to increases the PAN does not need to be referred to the adjudicator. (1-5)

Oversubscription Criteria

The highest priority must continue to be given to looked after children but this now includes children who were looked after and have been adopted, or became subject to a residence

order or a special guardianship order immediately following having been looked after. The list of oversubscription criteria that must not be used is very similar to the present Code except Academies and Free schools may where their funding agreement permits give priority to children eligible for free school meals and it removes a ban on allocating places to relatives of former pupils. This section also explains how commonly used criteria such as distance from the school, social and medical need and catchment areas should be defined. (6–16).

Selection by ability or aptitude

This section is very similar to the previous Code, however all selective schools must publish the entry requirements and the process for selection, and schools that allocate places based on scores do not have to give priority to a looked after or previously looked after child. Schools must not allow for more than 10% of total year group to be selected by aptitude even if they have more than one specialism (7 -24)

Banding

As now but confirms that admission authorities must publish the admission requirements, the process, how decisions are made and include details of any tests. Schools that use banding and admission by 10% aptitude should set out clearly how the two methods will be applied. (25–30)

Test for selection

Must be clear fair and objective (31 -34)

Random allocation

Cannot be used as principal oversubscription criteria for all places at all schools in the area (34-35)

Faith based oversubscription criteria in schools with a religious character

1.38 As now schools **must** consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated. Church of England schools **must**, as required by the Diocesan Boards of Education Measure 1991, consult with their diocese about proposed admission arrangements before any public consultation. (36 -38)

Children of staff at the school

Admission authorities may give priority in their oversubscription criteria to children of staff where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage. (39)

Maintained boarding schools

As in current Code (40–41)

Consultation

Confirms that own admission authority schools do not have to consult on a proposed increase to PAN and that if no changes are made consultation is only every 7 years. The draft admission regulations 2012 will exempt from consultation, selective arrangements for grammar schools or the abandonment of such arrangements. Consultation and determination arrangements are as detailed in the current Code.

Local authorities must as now publish a composite prospectus by 12 September they must also ensure it is kept up to date throughout the "choosing period"(42 -51)

SECTION 2 APPLICATIONS AND OFFERS

This section outlines the application and offer process and is basically the same as the previous Code.

In section 2.12 it gives guidance on the withdrawal of a school place, which lacks timescales. Admission authorities must not withdraw an offer unless it has been offered in error, is fraudulent or the parent has not responded in a reasonable time. If no response is received admission authorities **must** give parents a further chance to respond and tell them that if they do not the offer may be withdrawn. If a place is withdrawn because of misleading information the application **must** be considered afresh and a right of appeal offered.

Advice is also given about the withdrawal of a school place once a child has started. A school **must not** withdraw a place except where it was fraudulently obtained and in deciding to do so must consider how long the child has been at the school. It might be considered appropriate if the child has been at the school for less than a term.

Each admission authority **must** maintain a clear, fair and objective waiting list for at least the first term of the academic year of admission, Priority **must not** be given to children based on the date their application was received or their name was added to the list. Looked after children and previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, **must** take precedence over those on a waiting list.

Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single teacher. Additional children may be admitted under very limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The list of excepted children now includes; looked after children and previously looked after children admitted outside the normal admission round, children of UK service personnel admitted outside the normal admission round, twins and children from multiple births when one of the siblings is the 30th child admitted. (1 -19)

Co-ordination

Local authorities **must** formulate and publish on their web site a scheme by 1 January to co-ordinate admission arrangements.

There is no requirement for local authorities to co-ordinate in-year applications for the offer year 2013/14 and all subsequent years but they **must** provide in the composite prospectus how in-year applications can be made and will be dealt with. Local authorities **must**, on request, provide information to a parent about the places still available in all schools within its area, and a suitable form for parents to complete when applying for a place for their child at any school for which they are not the admission authority. Any parent can apply for a place for their child at any time to any school.

Own admission authority schools **must**, on receipt of an in-year application, notify the local authority of both the application, and its outcome, to allow the local authority to keep up to date figures on the availability of places in the area. The admission authority **must** also inform parents of their right to appeal against the refusal of a place.

For secondary school applications, all offers **must** be made on the same day; secondary National Offer Day is **1 March or the next working day**, and for primary school

applications National offer day is **16 April or the next working day**. The primary National Offer Day will apply to schemes for entry 2014/15 and all subsequent years. (20 -25)

SECTION 3 ENSURING FAIR ACCESS

The Schools Adjudicator

This section outlines the Schools Adjudicators role. Local authorities must refer any arrangements it believes are unlawful. Subject to the Education Bill receiving Royal Assent anyone will be able to make an objection to the Schools Adjudicator. Objections cannot be made about the removal of selection arrangements, decisions to increase a PAN, matters considered by the Adjudicator, for that school, in the last two years and anonymous objections. The Adjudicator may also consider arrangements that come to her attention by other means. Objections must be made by 30 June.

Admission arrangements cannot be changed once determined without referral to the Schools Adjudicator. A variation to increase a school's PAN is not required to be referred to the Schools Adjudicator. (1 -8)

Children with Challenging Behaviour and Fair Access Protocols

Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for two years from the last exclusion. Subject to clause 4 of the Education Bill gaining Royal assent this rule will not apply to children who were below compulsory school age at the time of exclusion or children who have been reinstated following a permanent exclusion.

This section also details the local authorities duty in respect of Fair Access protocols. Where a governing body does not wish to admit a child with challenging behaviour outside the normal admission round, even though there are places available, it must refer the case to the local authority for action under the Fair Access protocol. This provision will not apply to a looked after or previously looked after child who must be admitted.

Before deciding to direct a school to take a pupil, the local authority must inform the governors and the headteacher who have 15 days to refer the case to the Schools Adjudicator, the local authority cannot issue a direction until 15 days has elapsed. For a looked after child this time is reduced to 7 days. (8 -22)

Local authority reports

Requirement reduced to an annual report to be published locally and sent to the Adjudicator. Minimum requirements are how admissions serve the interests of looked after children, children with disabilities and SEN. An assessment of Fair Access Protocols, the number of admission appeals lodged and upheld and any other issue the local authority want to include. (23)

The Code has Appendices that detail relevant legislation that local authorities, schools, admission authorities, Adjudicators and appeal panels **must** comply. There are also sample admission arrangements and an admissions timeline.