

School Admissions Consultation 2008

Response by the Association of Directors of Children's Services

The Association of Directors of Children's Services (ADCS) is pleased to submit this consultation response. ADCS is the national leadership organisation in England for directors of children's services appointed under the provisions of the *Children Act 2004* and for other children's services professionals in leadership roles. The Association provides a national voice as a champion for children, with local and central government, and with the public.

ADCS welcomes the general thrust of the proposed amendments to the codes and regulations on school admissions. There are a small number of key issues where the Association feels that different approaches are necessary and some points where it will be important to ensure that the details are got right.

In the interests of brevity this response focuses on the larger strategic issues, as some matters of detail will impact differently across the country. The Association stands ready to assist DCSF colleagues to achieve successful implementation at the next stage of the process. The response follows the section numbering in the consultation document.

The DCSF consultation document has been presented in a format coherent with other documents relating to the implementation of the Children's Plan. It is not easy however to identify all the differences without a detailed comparison of the new and old documents. As far as the consultation response form is concerned it is useful to have a template for responses, but many local authorities found the questions to be superficial.

Section 1 Introduction

This section provides a helpful introduction to the proposals and describes the legislative changes needed to bring about some of the proposals. There is a strong recognition that more needs to be done to put children and families at the centre of the system whilst ensuring all schools comply fully with the law and the codes.

There is an assertion that the proposals are 'broadly cost neutral', which requires further exploration with local authorities, particularly since the likely impact of setting national dates throughout the year has not been fully evaluated. Local authorities manage the workflow arising from the management of admissions, including a separate junior round in some authorities, in a full annual cycle. The establishment of national dates may have an impact on the management of that workflow and create new peaks and troughs which could have financial implications.

Section 2 Putting parents and children at the centre of the system

2.1 Making the System Clearer

Improving the application and allocation process for school places by making the system clearer, simpler and more parent friendly is a laudable intention. It is not necessarily the case, however, that more central prescription will achieve that objective. Whilst there is a recognition that the coordination of secondary admissions has had significant benefits and is working well, there is insufficient evidence that the same benefits will accrue from similar prescriptions regarding coordination at primary level.

There is a concern that prescription in terms of key dates could cause local authorities considerable difficulty running a coherent admissions programme throughout the year. If the same date is set for both phases there will be very significant challenges in terms of running the system, with a real risk of administration overload. There would also be costs associated with creating a 'peak' in admissions activity leaving it difficult for local authorities to deliver a 'value for money' service.

The prescription of any date will be difficult as local authorities have already found local solutions to the timing of primary admissions. Some local authorities have planned the primary round significantly before, and others significantly after, secondary admissions. If a set date for primary admissions is established this will present significant difficulties for half of these authorities. Local authorities have found local solutions to this issue and there would seem to be little benefit from further prescription. The better way forward would seem to be to encourage groups of local authorities to collaborate on a regional basis.

This response may not be compatible with the views of parents and the ADCS recognises this.

2.2 New Local Consultation

Although the aim of reducing bureaucratic burdens is welcome the proposal to reduce the frequency of consultation on arrangements to once every three years is not supported. All arrangements change every year if only to keep references to key dates accurate; but the distinction between 'major' and 'minor' changes will be hard to police. Individual authority's decisions to make changes will rapidly mean the cycle gets out of synch; and it will become impossible to keep track of which authorities are expected to consult in any given year. Parents, who will only be interested when their children are of a certain age, will be uncertain of their right to object if there has been no consultation. LAs will also be obstructed in the exercise of their new duty to report on admissions every year if they cannot be sure that school-based authorities are complying with their statutory duties in this respect (see 2.6 below).

The process could be simplified, streamlined and made more secure if the duty to consult could be discharged by each school based authority lodging its draft with the home LA after the new 1st December target date – which itself is a helpful innovation - flagging up any material changes or stating that none

had been made. All local arrangements would then be loading onto a dedicated website where they could be viewed by all interested parties, Similarly, notification after determination date could be undertaken via the same mechanism.

2.3 Admissions Forums

Admissions forums have had mixed benefits and so the option of them becoming voluntary would seem the best way forward. This would mean that they could continue in local authorities where they have had a beneficial impact. Making forums voluntary should also entail removing the expectation that they will make an annual report. Where they continue to exist they could contribute to the new LA report (see 2.6 below).

2.4 School Admissions Appeals

2.4.1 The recognition of the issue arising from infant class size appeals is welcome. Most local authorities already have arrangements in place to advise parents of the limited grounds for a successful appeal. The proposal for an independent and qualified reviewer may prove helpful particularly if supported by national arrangements for advice and guidance, but there are concerns about whether this will constitute value for money.

2.4.2 It is clearly inappropriate for schools that are their own admissions authority to also run their own appeals. In practice many local authorities perform the role in relation to appeals and this is recognised in the proposals. The proposed change is therefore both appropriate and sensible.

2.5 Information for Parents

The proposals for information to parents are broadly sensible and helpful and reflect the good practice already in place in many local authorities. The key issue relates to dates. The document recognises that challenges to the Schools Adjudicator may not be resolved in time and therefore consideration should be given to bringing forward the date for objections to the adjudicator. In addition the requirement on school based admissions authorities to provide detailed information for the prospectus by 8th August is unnecessarily late and should be brought forward to the end of May.

2.6 LA Duty to report on admissions arrangements

The new statutory duty on local authorities to report on the legality, fairness and effectiveness of admission arrangements in their area is welcomed. However this new duty could be properly discharged only if the consequential issues identified in 2.2 and 2.3 above are resolved appropriately. The proposed content of the report will support consideration of any changes required in admission arrangements.

2.7 Wider role of the schools adjudicator

The wide role proposed is welcome and should improve compliance with the code. The independence from government, local authorities and schools is essential.

2.8 Service Families

This section will be responded to by local authorities with direct experience.

Section 3 Fair access for all children: improvements in Fair Access Protocols

The extended guidelines and changes in the draft Code relating to Fair Access Protocols are helpful. There is a recognition that a timeframe for dealing with such cases is valuable but speeding the process up whilst requiring local authorities to take more action before referring to the Department for direction is unlikely to be cost neutral. For many local authorities the greatest issue arises from the placement of children with challenging behaviour. There is strong support for the Code's statement that "all schools in an area should admit their fair share of children with challenging behaviour." There is also strong support for the statement that "undersubscribed schools must not be required to admit a greater proportion of children with recent history of challenging behaviour than other schools."

There is some concern however that the list of circumstances which may justify a school resisting the admission of children with challenging behaviour has been modified in a way that appears to be at odds with the ambitions of the National challenge to improve outcomes in low attaining schools. No explanation is offered as to why there has been a sharp reduction in the attainment levels at which such a refusal would normally be considered appropriate (from 30% to 20% of pupils achieving 5 or more A* - C GCSEs including English and Maths in a secondary school; and in a primary school from 65% to 55% of pupils achieving level 4 at Key Stage 2 in both English and Maths for four or more consecutive years).

Section 4 Other Changes

4.1 Supporting The Ethos Of The School

This section provides clarity regarding what is not permitted in terms of giving priority according to parents' willingness to give practical support (e.g. time and/or money) to the ethos of the school. It is clearly important that this issue is raised since admissions criteria identified to assess and judge the validity in terms of parents' claims to support the ethos of the school are often a source of perceived unfairness in the system.

Schools should certainly have the right to make their ethos, aims and values clear to potential applicants. If they do, it is reasonable to assume that the act

of seeking a place for their child constitutes a demonstration of parental support for the school's declared ethos. Requiring a formal declaration is therefore unnecessary and carries the risk that some parents will still read more into it than is intended without preventing others making cynical declarations.

Although the attempt to provide clarity is welcomed it is hard to see how the proposals will achieve the stated aim of striking 'a balance between making parents aware of the school's ethos and its importance to the school, and ensuring that schools cannot deter parents from applying by asking for or alluding to the requirement of a practical commitment to the school which would involve parents having to give up their time or money'.

4.2 School Sixth Forms

The parallel rights proposed for parents and young people over the age of 16 needs reconsideration. In most cases, of course, this will not prove to be a problem, but when there is a dispute between parents and the child or there are complex family relationships, it will be hard to determine whose views will hold sway.

Serious consideration needs to be given to transferring all existing parental rights of choice and appeal to young people at the age of 16. Such a proposal would be more compatible with the main thrust of the 'Every Child Matters' agenda and the Children's Plan, and would serve as a useful practical solution to this issue. Some assessment may need to be made with regard to the meeting of travel costs that, as a consequence, may fall to parents, as the EMA is limited to low-income families. Choice of establishment for continuing education and training may have travel and transport implications depending on the policy of the individual local authority.

4.3 New Schools

It is unclear what an 'indication' of a new school's admission arrangements and oversubscription criteria will mean in practice. It is essential that there is a requirement, at the very least, to identify clear and binding oversubscription criteria since these are likely to be the most contentious.

4.4 Published Admission Numbers

This is a complex area and the proposed relaxation on the rules regarding schools admissions over their PAN could prove problematic for local authorities. There is concern that the proposals could compromise the coordinated scheme and the principles of fair access. It is unclear what safeguards will be put in place to stop some schools from offering additional places to high attaining pupils. Although additional places should be allocated in accordance with criteria, will there be any regulation to ensure this happens? The ADCS would propose that schools should be allowed to relax the PAN only with the explicit agreement of the local authority.

In situations where it is sensible for schools to expand, the existing procedure of publication of statutory notice would ensure all considerations are taken into account. This would also serve to ensure schools do not admit more pupils than their buildings can accommodate. There is concern that without sufficient regulation there will be significant capital implications.

Allowing schools to unilaterally increase the PAN without proper scrutiny or challenge could disturb the balance of provision. This in turn may result in a significant number of children from disadvantaged backgrounds suffering because of the expansion of schools in more 'desirable' areas.

The local authority's role as commissioner of provision could also be compromised since allowing the unregulated expansion of some schools will make it more difficult to secure effective and equitable distribution of school places across the whole area.

4.5 School Charging

The proposal to reinforce the framework of regulation on charging seems appropriate.

4.6 Banding

ADCS supports the extension of banding schemes which can – if properly implemented – extend choice and help raise standards. However further clarification and stronger guidance on acceptable schemes is essential. The ideal model is a common scheme involving all (or most) of the schools in an area based on shared testing and local ability ranges.

Banding based on the performance of applicants for individual schools, or national norms where these are divergent from those prevailing in the area are unsatisfactory and should be discouraged. There is a growing risk, as more schools adopt their own different banding schemes, that the situation will become confusing for parents and lead to unfair or anomalous outcomes.

It would be preferable for the Code to give stronger encouragement to adoption of a common banding scheme in local areas. Ideally such schemes should be managed by the Local Authority.

This response has been prepared by Di Smith, Director of Children's Services, Brighton & Hove and ADCS Admissions Policy Lead. Any queries regarding this response should be addressed in the first instance to Robert Belli, Administrative Officer, ADCS (e) robert.belli@adcs.org.uk .

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