

Report to: **Scrutiny Committee for Children's Services**

Date: **20 June 2007**

By: **Director of Children's Services**

Title of report: **Progress report on action following the Scrutiny Review of School Admissions.**

Purpose of report: **To inform the Scrutiny Committee of progress on the action points and recommendations made within the report and to update the Committee on changes required by the Education and Inspections Act 2006 and the School Admissions Code.**

---

## **RECOMMENDATIONS**

**The Committee is recommended to note the content of the report.**

---

### **1. Financial Appraisal**

1.1 There are no financial implications in implementing the recommendations of the Scrutiny Review of School Admissions or the requirements of the Education and Inspections Act 2006 and the School Admissions Code.

### **2. Supporting Information**

2.1 The Committee will recall that a scrutiny review of school admissions took place in 2005/06 and a full report was made to the Committee in March 2006. The review was undertaken by Mr S Gregory, Cllr St Pierre and Cllr Mrs Tidy. The recommendations of the Review Board were endorsed by the Scrutiny Committee at their meeting on 23 March 2006.

2.2 The Committee received a six monthly progress report at the meeting in November 2006. At the time the Committee noted progress against each recommendation (copy attached as appendix 1) and asked that a more detailed report be made to this meeting related to the changes to admission arrangements required as a result of the Education and Inspections Act 2006. There is nothing further to report on the original recommendations. The remainder of this report relates to the new legislation.

### **3. Education and Inspections Act 2006**

3.1 The Act requires admission authorities to act in accordance with the School Admissions Code. The Secretary of State issued a new Code in February 2007 following consultation. The new Code uses the terms 'must/must not' and 'should/should not' to make clear how admissions authorities are expected to carry out their duties in respect of school admissions.

3.2 The most significant change is that admission authorities must not prioritise first preference applications above second and third preferences and all three preferences must be treated equally. The first preference first system is used in East Sussex and by most of the aided schools which are admission authorities in their own right. A circular was sent to schools in January (attached as appendix 2) explaining what this means in greater detail. The new system for allocating school places which comes into effect in respect of the 2008/09 admissions round is likely to have a significant effect on admissions in the county with a reduction in the number of first preferences being satisfied but an increase in the total preferences met when taken across the three preferences expressed by parents. It is also likely that the number of appeals heard will rise.

3.3 The new Code also raises the importance of the Admissions Forum in admission matters. Regulations related to the new Act require all schools to nominate a person to be a representative on the Admission Forum. The nominated person can be either the headteacher or a governor (but

not one appointed by the LA). Schools have been advised that the next meeting of the Forum is on 26 June and to inform the clerk to the Forum if they intend to send a representative.

3.4 The Act requires Local Authorities to provide a service to offer advice and support to parents. This service, known as Choice Advice, must be independent of the admissions service and line managed separately. Arrangements have been made for the service in East Sussex to be delivered by Parent Link and this service commenced in September 2006.

3.5 The Code makes a number of other changes to admission arrangements and a separate circular will be issued to school detailing the changes as they affect them.

#### **4. Conclusion and Reason for Recommendation**

4.1 The Scrutiny Committee is asked to note the actions taken, the progress made against each of the recommendations and the requirements resulting from the new legislation.

Matt Dunkley  
Director of Children's Services

Contact Officer: Geoff Evans Tel No: 01273 481789

Local members: All

Appendix 1: Action Plan from Scrutiny Review of School Admissions

Appendix 2: Circular to schools regarding changes to preference system

#### **BACKGROUND DOCUMENTS**

Report to Scrutiny Committee for Children's Services entitled 'Scrutiny review of the School Admissions and Home to School Transport' on 23 March 2006

Report to Scrutiny Committee for Children's Services entitled 'Scrutiny review of the School Admissions on 28 November 2006

## Appendix 1 - Progress against recommendations of Scrutiny Report on School Admissions and Home to School Transport

	Recommendation	Timescale	Progress
R1	The Board to be reconvened to complete the Home to School Transport aspect of the review once a breakdown of the costs for each aspect of discretionary transport provided by ESCC is available from the Transport and Environment Department in April 2006	November 2006 (completion date)	The Board reported on 26 September 2006 to Scrutiny Committee its findings on home to school transport
R2	The Children's Services Scrutiny Committee to be informed of future developments relating to the Education & Inspections Bill 2006 that are likely to effect the organisation of school admissions within East Sussex. The committee will then be in a position to decide if further work is needed.	Ongoing	The Bill will be enacted shortly
R3	The Board supported the current approach taken by ESCC with regard to school admissions. It felt though that there was a need for better communication between the Children's Services Authority and schools over the mechanics of setting the Published Admissions Number (PAN) and admissions above it and asked that the School Admissions Forum explore this further.	November 2006	Heads and Governors were sent a circular on 3 July 2006 explaining how admission numbers work. A copy was also included in the Autumn term briefing pack issued to chairs of governors and area forum representatives.
R4	The Board found the current appeals process to be effective in meeting current demands, but expressed concern about the resourcing capability to deal with any increased number of appeals in the future and asked that this be strengthened.	November 2006	This recommendation is being kept under review by both Directors of Children's Services and Law and Personnel.

R5	The Children's Services Scrutiny Committee to be provided with the outcomes from current departmental reviews being carried out on the integration of hard to place children into mainstream schools to enable it to determine if future action is needed.	November 2006	Attached as appendix 2 is a note which summarises the outcome of the review of the Behavioural Support Service
R6	The Board supported the current format and style used for the admissions booklet but considered that the wording should be strengthened to ensure that parents were fully aware of their ability to state a preference for a school rather than make an actual choice.	2007/08 admissions booklet	The admissions booklet for 2007/08 has been produced and account has been taken of this recommendation – the wording in the booklet has been strengthened to emphasise 'preference' rather than 'choice'.

**Circular 018/2007: Admissions to schools in 2008/09**

<b>Date</b>	Monday, 15 January 2007
<b>To</b>	Heads and Chairs of Governors of all schools
<b>Summary</b>	This circular advises schools that the proposed admission arrangements for 2008/09 outlined in circular 264/2006 will need to be changed to comply with the new School Admissions Code
<b>Category</b>	<b>Priority circular</b>
<b>Purpose</b>	Information
<b>Deadline</b>	None

	<b>Name and job title</b>	<b>E-mail</b>	<b>Contact number</b>
<b>Contacts</b>	<a href="#">Geoff Evans</a> Head of Admissions and Transport (client)	<a href="mailto:geoff.evans@eastsussex.gov.uk">geoff.evans@eastsussex.gov.uk</a>	01273 481789 (Work) 01273 481140 (Fax)

**Consultation arrangements**

Circular 264/2006 sought comments on the proposed admission arrangements for 2008/09. In that circular the point was made that the new School Admissions Code was being laid before Parliament and a further circular would be issued if the new Code suggested the admission arrangements needed to be different.

The Code was laid before Parliament on 8 January and has significant effects on the admission arrangements which apply in East Sussex. East Sussex has, for many years, been what is known as a 'first preference first' (FPF) authority. What this means is that for each school the first preferences expressed for that school are considered before considering lower ranked preferences. However, many authorities operate an equal preference (EP) system whereby all preferences expressed are considered to have equal weighting. All preferences are then listed against the admissions criteria which apply for the school. Where a child can be offered more than one school of preference, the highest parents' preference school is allocated. It does mean that a second or third preference could be offered at an oversubscribed school and displace a first preference. This system is also favoured by the DfES.

When the DfES released the draft Code for consultation it stated that FPF should only operate where all admissions authorities in that area operate such a system. As all secondary schools in East Sussex operate FPF it was not an issue. In the primary sector there would be a difficulty. Four primary aided schools operate EP schemes whilst the remaining 24 use FPF. In our response to the consultation exercise we made the point that we strongly supported the FPF system and

wished to see the Code loosened so that we could continue to operate FPF for primary schools even though there were four EP schools. We did not see why four schools should determine what all the other admission authorities must do.

When the Code was laid before Parliament it made clear that no admissions authority may operate a FPF scheme. We have taken legal advice but that has indicated there is little scope to challenge what the Secretary of State has put in the new Code. Clauses in the Education and Inspections Act 2006 required the Secretary of State to issue a new Code and to consult on its content before it is implemented. He has done that and the Act now requires admission authorities to act in accordance with the Code. Whilst the Code still needs Parliamentary approval, it is highly unlikely the Code will be rejected. Parliament does not have the power to amend it.

Over the next few weeks we will be re-writing the co-ordinated scheme to reflect the requirements of the new Code. The proposed scheme had been released with circular 264/2006 but that reflected a FPF system. It is not proposed to release the revised scheme for consultation as we are regarding this as part of the consultation process. However, you will appreciate that the final scheme which is put to Cabinet for adoption will have to change the admissions process to EP in accordance with the requirements of the new Code.

#### **A special note for aided schools**

Aided schools are admission authorities in their own right. As indicated, above 26 of the 30 aided schools operate FPF. They will not be able to do so in future. So far, only four aided schools have submitted proposals for 2008/09. These will have to be changed as they include reference to FPF and we will be writing to the schools accordingly. Schools that have not yet submitted their proposed arrangements (we had asked for them by 31 January) should note that it should be based on EP and not FPF. In practical terms what this will mean is that aided schools will be sent any application form on which a preference is stated, whether that be first, second or third, and schools will have to judge each application against the admissions criteria. Schools will then return the list to the Local Authority who will then determine which is the highest school that can be offered. That school will be reflected in the allocation letter sent to parents.

We, or the Diocesan authorities, will be happy to provide aided schools with further advice.