

# MINUTES

## County Admissions Forum

Thursday 2<sup>nd</sup> November 2006  
6.30 p.m., Committee Room B, County Hall

Admission Forum Members		Officers Attending:	
Cllr Derrick Ashley (substitute for Richard Thake)	Present	Mr Lao Cooper	Present
Mrs Mary Calvert	Present	Mrs Julia Findley	Present
Mrs Pat Cherry	Present	Mr John Harris	Present
Mrs Terrie Clift	Apologies sent	Mr Stephen Hozier	Present
Mr Brian Coulshed	Present	Ms Jayne Howard	Present
Mr T Griffiths (substitute for Dr Steven Burton)	Present	Mrs Jill Jackson	Present
Mrs Janet Goldsmith		Mr Lindsay Martin	Present
Cllr Robert Gordon	Present	Mrs Sarah Vize	Present
Cllr Tanis Kent			
Aislinn Lee		<b>Others Attending</b>	
Cllr David Lloyd	Present	Mr Laurence Pilgrim (Governor of Parmiters)	Present
Mrs Maureen Roe	Apologies sent		
Mr Alan Scouller	Present		
Mrs Jeanette Shire	Apologies sent		
Cllr Richard Smith	Present		
Mrs Brenda Southorn	Present		
Cllr Richard Thake	Apologies sent (Derrick Ashley attended as substitute)		
Mr Rodney Tucker	Present		
Mrs Jane Winterbone	Apologies sent		

ITEM	
1.	<b>Apologies for Absence:</b> Apologies were received from Terrie Clift, Steven Burton, Jane Winterbone and

	Richard Thake.
2.	<p><b>Minutes of the Previous Meeting held on 13<sup>th</sup> July 2006</b></p> <p>The minutes of the previous meeting were agreed as an accurate record.</p>
3.	<p><b>Update on membership (verbal presentation)</b></p> <p>The following members were put forward by HASSH:</p> <p>Dr Stephen Burton – to represent foundation schools,</p> <p>Mr Brian Coulshed – to represent voluntary aided non-faith schools</p> <p>Richard Roberts has been replaced by Richard Thake</p>
4.	<p><b>The Vision for the Admissions Forum in Hertfordshire (verbal presentation)</b></p> <p>John Harris, Director of Children, Schools and Families presented the vision for the County Admissions Forum. There will be a slight change in emphasis on how the Admissions Forum will work in future. With the advent of the The Education and Inspections Act, which followed the Education White Paper, there will be a duty on schools to co-operate with other agencies. The Local Authority's role will change and it will become a commissioner rather than a provider, as well as acting as a champion of individual children, young people and parents. The Local Authority will have a leading and influencing role. School admissions is likely to be a key area where the LA will carry out this new role.</p> <p>The draft School Admissions Code is currently being consulted upon, and the Admissions Forum will need to consider how to respond to the consultation. Within Hertfordshire there is a diverse range of schools, and the Admissions Forum will need to set the expectation and standards regarding admissions and will have a role in ensuring these are followed. The Admissions Forum will need to respond to the Code, acting in accordance with it, whilst maintaining a spirit of working in cooperation with schools.</p> <p>To summarise, the Admissions Forum will need to set out key expectations concerning compliance with the School Admissions Code and monitor, challenge, support and intervene where necessary.</p>
5.	<p><b>Update on Matching Future Demand for School Places with Provision (verbal presentation)</b></p> <p>Lindsay Martin gave a verbal update on this area of activity. He confirmed that there is an expectation that the Admissions Forum will be informed of school place planning issues; therefore this is a standing item.</p> <p>Hertfordshire is currently in the middle of a series of reviews prompted by the existence of surplus places. The review is over a three year period and Hertfordshire is currently half way through.</p> <p>There are reviews of primary school provision in Hoddesdon and Wormley, and Potters Bar. The decisions have been made by Cabinet and are at the statutory notice stage. It is very likely that the decisions will go to the School Organisation Committee in December or February.</p>

	<p>There are also reviews in Hatfield and Hemel Hempstead, which are currently at the public consultation stage. Public meetings are scheduled to finish week ending 3 November 2006.</p> <p>Consultation closes on 4<sup>th</sup> December</p> <p>The review of Hertford and Ware secondary schools is currently in an extended stakeholder consultation period. The decisions taken will be dependent on the Building Schools for the Future (BSF) programme. Without BSF Hertfordshire would not be able to fund any significant re-organisation.</p> <p>It is planned that there will be reviews of Stevenage secondary schools, Hitchin and Letchworth primary schools and Bushey and Watford secondary schools, from January 2007.</p> <p>The review of Stevenage secondary provision will take place during next year which is in line with the Government's BSF programme for the area. The stakeholder consultation stage will be during the spring term, and any public consultation will take place in the summer, with any decision to be made in the Autumn term.</p> <p>The review of Hemel Hempstead secondary provision will take place later next year as this area will be in the next round of BSF Funding.</p> <p>There is the possibility of reviewing primary provision in Welwyn Garden City.</p> <p>The review programme was set by Cabinet some time ago and demography is changing. There will be a report to Cabinet providing an updated forecast, with suggestions for possible additional areas or changes to the review programme.</p> <p>A question was raised as to how review plans are affected by housing targets.</p> <p>Lindsay Martin reported that any forecasting is complicated by the fact that it is usually not known where housing is going to be built until planning applications are made. Hertfordshire County Council (HCC) is however informed of all housing developments that are at the planning stage, and these are taken into account.</p> <p>Sometimes it is possible to get an idea of where the houses will be built and therefore it is possible to give a reasonable view. It is easier to plan for 3,000-5,000 as a single development, however larger numbers of smaller developments are more difficult to plan for.</p>
6.	<p><b>Admissions Update 2006/year 7 Children Out of School (attached)</b></p> <p>The paper was presented to the Admissions Forum. The Admissions Forum was updated on the number of children out of school at the beginning of term.</p> <p>It was agreed that the percentage of on-time applications offered a school place at the end of the process would be provided to the Admissions Forum, and would be circulated with these minutes (Appendix 1).</p>
7.	<p><b>Update on Matters relating to the Office of the Schools Adjudicator (OSA): Determinations in respect of Hertfordshire schools (attached)</b></p> <p>A number of referrals were made to the OSA concerning Looked After Children (LAC) as there is a necessity for schools to comply with LAC regulations. There were also objections made by other Local Authorities concerning admission</p>

arrangements.

The purpose of the report is to update the Admissions Forum on the outcomes.

As far as compliance with the Looked After Children Regulations is concerned, of the 59 objections made to the OSA, 57 schools have changed their arrangements either through determination by the OSA, or where applications were out of time, by the Department for Education and Skills (DfES).

HCC's admission arrangements were objected to by Essex County Council. As a result of this HCC's Rule 3 (siblings) was changed from 'at the time of application' to 'at the time of admission'. HCC has since received a direction from the Secretary of State to remove "between years 7 and 11" and the LA has put in place arrangements to let all parents/carers know, asking them to change any preferences as a result of this direction, and include any additional sibling connections by Thursday 9 November.

More than 10 parents objected to the published admission number for Sir John Lawes School, Harpenden. This objection was not upheld by the adjudicator. The Adjudicator recognised that there was an expectation that local children should go to local schools but recognised the pressure on space within the school.

It was pointed out that 'At the time of admission', it is not known if siblings in Year 11 are going to get into the sixth form, and it would therefore be difficult for these parents/carers to decide whether or not to claim a sibling link. Parents have therefore been asked to apply under the sibling rule if there is a 'reasonable expectation' that the sibling will be in the school at the time of admission.

It is HCC's view that the adjudicator made an error in his determination. Essex CC itself operates 'at the time of admission', but does not clarify what 'reasonable expectation' means, and this is tantamount to operating as 'at the time of application'.

The wording for Rule 3 (siblings) will be looked at again when considering the admission arrangements for 2008/2009. The DfES has made it clear that HCC can introduce its original wording on the sibling rule qualification in 2008, subject to the usual consultation process.

Essex objected to Rule 4 (children of staff) as it had been removed from their own schools arrangements. HCC put forward reasons as to why this rule was used but the adjudicator upheld the objection and the rule has been removed from HCC's rules.

Rule 5 (aptitude) has also been removed from HCC's admission arrangements on the basis that this rule has never been used by any Hertfordshire community or voluntary controlled school and the argument put forward by Essex CC was that it unnecessarily complicates the rules for parents/carers.

The objections to the admission arrangements for schools in Sawbridgeworth and Bishops Stortford are highlighted in Appendix 3, and were outlined at the meeting.

Following the decisions reached concerning St Mary's RC School in Bishop's Stortford, the school has been directed by the DfES concerning applications where no supplementary information form (SIF) is completed. It was confirmed in the meeting that a SIF is not a requirement. However voluntary aided and foundation schools may need the SIF in order to consider applicants under all the

admissions criteria. Where a SIF is not completed, schools must still consider the application if the CAF has been completed.

The Chief Adjudicator published his annual report on 1 November, highlighting the increased number of objections received by the OSA concerning admission arrangements.

Brenda Southern of the Diocese of St Albans confirmed that four training sessions were conducted for 90 schools from four areas of the county, out of which only 24 schools were represented. It was noted that there are a number of schools who had advice available to them, but were not using it.

8. **Draft Code of Practice – Admissions & Appeals – and response to consultation (attached)**

There is a 12 week consultation period for the Admissions and Appeals Codes.

These new codes will require admitting authorities, LAs etc, to act in accordance with these. The wording 'Must' and 'Must Not' is used within the draft codes to define mandatory requirements. 'Should' and 'Should Not' are used to show where discretion can be applied. It is expected that this will only be in exceptional circumstances.

The DfES was represented at a seminar held by HCC on 1 November and made a presentation on the changes in legislation and the draft Codes of Practice on Admissions and Appeals.

The draft Admissions Code highlights the need for fair access. All governing bodies must ensure that practices and policies do not disadvantage certain groups.

The equal preference scheme works very well and is established in Hertfordshire. There is support for the non-use of conditionality, based on the fact that it fetters parental discretion and this was confirmed by the Adjudicator in recent determinations in the Bishop's Stortford/Sawbridgeworth areas.

**Sibling Criterion:**

The Admissions Forum considered the paragraphs relating to sibling criterion, and in particular 2.12 & 2.13. **Sibling Criteria at schools with permitted forms of selection by ability or aptitude:** under this sub section paragraph 2.12 states "It is acceptable for schools that select up to 10% of their intake by aptitude in permitted subjects under section 102 of the School Standards and Framework Act 1998 to give priority to children who have a sibling at the school whether that child was admitted by selection or not."

Paragraph 2.13 then explains "However, a number of schools are still permitted under Section 100 of the 1998 Act (see Regulation 9 of the Education (Determination of Admission Arrangements) Regulations 1999) to use pre-existing partial selection by ability. Giving priority to siblings of children at the school may result in a disproportionately high number of children who live close to the school being denied a place in favour of children who live further

away and children from poorer families or certain social groups being given lower priority compared to others. The higher the proportion of children that are admitted by selection the more likely it is that this will be the case, and the greater the potential for unfairness. Accordingly the admission authorities of these schools should not give higher priority to the siblings of existing pupils."

2.13 implies that those schools with pre-existing selection should not give a high priority for any siblings.

A number of points were made, as summarised below:

It was outlined at the presentation given by the DfES representative on 1<sup>st</sup> November that the Minister's intention was that it should only apply to the siblings of those admitted under an ability/aptitude criterion.

Approximately a third of all schools nationally who select on ability/aptitude are within Hertfordshire.

A meeting took place on 2 November, involving seven Headteachers from South West Hertfordshire, where paragraphs 2.10, 2.11, 2.12 & 2.13 were considered. There is a wide interest from parents/carers of current students and the large numbers of parents/carers that are currently applying for school places. The links between family members and siblings was also looked at.

It was deemed unthinkable that schools that have the capacity to take the siblings will be allowed not to do so. Parents/carers have an expectation that siblings will attend the same school.

It was felt that this proposal is not family-friendly in that it fails to support children from the same family attending the same school and complicates such arrangements as travel to school and shared values/ethos within the school.

Anything that undermines the ability of admission authorities to use the sibling rule should be objected to. It is not possible to predict the impact on travel to school patterns if such a proposal were to be effected. Parents/carers may seek places in the independent sector and there could be an impact on other schools in the area.

There would need to be a considerable amount of modelling and consultation if such schools were to introduce a change like this. The point was made that HCC would never consider adopting a change like this without carrying out large scale modelling exercises.

The other option, whereby this would only apply to siblings admitted where the elder child was admitted under selection criterion, was also considered undesirable and an administrative nightmare. For example, would schools be able to access data from previous admissions processes to identify if an elder sibling had been admitted under selection criteria or not?

Certain schools want partially to select and have the sibling rule There is no sound evidence, as has been claimed, to suggest that siblings admitted where the elder child was admitted on academic ability would also be academic.

- Some siblings would get admission on the distance rule.
- There needs to be transparency within the rules for parents. Parents want to know where they stand.

The background as to why this has been placed in the draft code was considered:

There were two judgements, Rickmansworth School adjudication 2005 and South West Herts Judicial Review 2003, highlighting a concern that a combination of criteria could lead to local pupils being displaced. Selection by ability/aptitude, siblings and catchment areas may impact on local families not securing places and some parents/carers may have very limited choice for their local school. These rules were changed to take this effect into account.

There is a need to reflect on local concern, to highlight the issues, and to seek an agreement on the sibling issue. The proposed response is summarised as follows:

- This amendment does not achieve the government's aim and is a contradiction in the government's family policy approach. Such a proposal would cause trauma to families, and cause inconvenience/additional congestion as far as travel to school arrangements are concerned.
- The other option is also unworkable, and even if this option were introduced, there would need to be a phasing in of such arrangements with clear and transparent consultation prior to such change.
- There has not been proper consultation on this proposal, and no evidence of detailed modelling of the effect of such a change.
- Such a change would have an effect on the distinctive character of these schools, and potentially impact upon other schools in the area.

There was agreement without dissent, to the above response from the Forum. It was unanimously agreed by the Forum that the comments of concern would form part of the response to the consultation.

It was agreed that a draft response would be circulated to the Admissions Forum for comment, before being sent to the DfES.

### **Conditionality and Supplementary Information Forms (SIF)**

Conditionality and Supplementary Information Forms were discussed.

The Local Authority must play a part in ensuring the SIF is completed.

One option would be to include the information needed by voluntary aided and foundation schools on the common application form, however, this was not thought to be a practical way forward.

There were suggestions about putting supplementary information forms on the website. This may be achieved through the replacement admissions system project.

The Archdiocese is going to object to wording in the code with regard to conditionality.

### **Testing Arrangements**

The issue of letting parents/carers know the result of their test before expressing preferences was discussed.

At the seminar, the DfES had implied that the intention had been for this proposal

not to apply where there is an equal preference scheme of co-ordination in place, as is the case in Hertfordshire.

Rickmansworth School co-ordinates the testing process and feels it would be unworkable. It takes four weeks and children would need to take the test in year 5 or during August. Parents would also not know the value of the results, because the actual score that any one child obtained in any one year is meaningless because the score is only relevant in the context of the cohort to which the child belongs.

It was agreed that if the code is implemented as described by the DfES this would be an unworkable solution, and a response made in this regard.

### **Objection Rights etc**

When an admission forum is giving 'friendly' advice there should not be a requirement for the admissions forum to object to the school's adjudicator if the advice is not followed.

There would still be an element of discretion involved, under particular circumstances.

Objection rights. These were summarised as follows:

A single objection will be valid for mandatory sections.

Ten parents/carers will need to object, if objecting to partial selection, or Published Admission Numbers (PANs).

There will be a need to respond to parental representations concerning the provision of schools in their areas and set an action plan in place or give reasons why no action will be taken.

Under Paragraph 12.3 there will be a requirement to publish a notice in the local paper to explain the determined arrangements.

Under Paragraph 2.47 pupils attending linked nursery schools should not be given priority within the oversubscription criteria as there is a perception that parents will travel a long way for nursery school and then are able to obtain a place in the primary school, thus gaining priority over children who live locally but who did not attend the nursery. There are also a number of parents who do not send their children to nursery as this is not statutory.

It was noted that the Adjudicator would be able to consider all of the admission arrangements, rather than the particular criterion objected to.

It was clarified that Other Fours children start after they have been allocated a primary place.

The draft appeals code was discussed by the Admissions Forum.

It was agreed that the Admissions Forum should respond to the consultation stating that members should be able to represent their constituents at appeal hearings where there are no conflicts of interest. It was noted that:

- Parents should be free to choose who should represent them at appeal.

- It is understandable why governors from the school should not be allowed to attend, however local politicians should be encouraged to attend.
- A written submission is however allowed.
- Politicians represent the schools and there may be a conflict of interest.
- Whilst the admission authority should be strong enough to conduct their case, some constituents are not able to make their case and are intimidated by the process.
- The Local Authority sets published admission numbers (PANs) and if the appeal decision is around PANs then there could be a conflict of interest as members are involved in determining such arrangements.

It was agreed that the written response would recommend that local politicians should be able to continue to support families in appeal hearings providing there is not a clear conflict of interest (e.g. a member of the executive). It was agreed that it should be pointed out that the current proposal is in direct contrast to the current Local Government White paper which is proposing that local politicians should be able to contribute to planning issues and licensing arrangements.

#### **Membership of Admissions Forum**

Members should have had the opportunity to think about changes in the membership of the forum eg other faith groups and community representatives. There is a requirement for the Admissions Forum to include a representative from the armed forces (or other crown servants, if there is a large presence in the area).

As proposed in the draft COP, all schools within Hertfordshire will be part of the Admissions Forum and are entitled but not necessarily expected to attend.

The Admissions Forum was asked to consider its membership at the next meeting.

#### **9. Feedback on Publications 2007**

The Admission Forum should review publications.

The Admissions Forum is asked to comment on the current publications and provide feedback to officers.

#### **10. Consultation on Relevant Areas**

It is proposed that HCC should maintain the status quo of 20 relevant areas with one amendment in accordance with changes to the priority area.

It was agreed:

(i) to name Welwyn within the Relevant Area list;

(ii) that the priority areas for community schools are based on applications and because no one was applying to community schools from Northwood and Pinner it had been suggested that these be removed from the priority area. Northwood and Pinner applicants do however apply to voluntary aided and foundation schools and should therefore still be included in the relevant area. It was agreed

	that this would be amended before the document was distributed.
11.	Date of Next Meetings: 22 <sup>nd</sup> February 2007 18.30 hrs- Committee Room B 14 <sup>th</sup> June 2007

## Appendix 1

	<b>Percentage of Hertfordshire parents/carers being offered one of their ranked schools on allocation day</b>	<b>Percentage of Hertfordshire parents/carers who applied on time being offered one of their ranked schools on allocation day</b>	<b>Percentage Satisfaction Rate of Hertfordshire parents/carers who applied on time being offered one of their ranked schools at end of process</b>
<b>Nursery</b>	98.44%	98.86%	98.15%
<b>Primary</b>	97.92%	98.33%	97.97%
<b>Junior</b>	99.28%	99.49%	99.35%
<b>Secondary</b>	93.73%	94.42%	96.12%