

**EDUCATION AND INSPECTIONS ACT 2006: ADMISSIONS AND  
TRANSPORT MATTERS**

Report of the Director of Children, Schools and Families

Author: Sarah Vize – Senior Manager Admissions & Transport  
Tel (01992 555933)

**1. Purpose of the Report**

1.1 To update the Admissions Forum on matters relating to admissions and transport topics arising from the Education and Inspections Act 2006.

**2. Summary**

2.1 The Code of Practice on Admissions was laid on 8 January 2007, and will come into force on 28 February, following parliamentary approval. An overview of this is provided. It is important to note that the County Admissions Forum will have widened powers and functions of its own.

2.2 The DfES Code of Practice on Appeals has not been laid yet.

2.3 The Education and Inspections Act has placed new duties upon local authorities concerning school travel and transport. This is in accordance with central government's aim to widen parental preference and promote fair access relating to school admissions.

**3. Conclusion**

3.1 The Forum is asked to consider the content of the DfES Laid Code of Practice on Admissions, noting the planned implementation date of this new Code.

3.2 The Forum is also asked to note the new duties placed upon local authorities concerning school travel and transport.

3.3 The Forum will be provided with information concerning the proposed Constitution of the County Admissions Forum at its meeting on 12 March 2007 in order to consider this matter further.

**4. Background information**

**DfES Laid Code of Practice on Admissions**

- 4.1 The Code of Practice on Admissions was laid on 8 January 2007, and will come into force on 28 February, following parliamentary approval. The Code of Practice on Appeals has not been laid yet.
- 4.2 There are differences between the draft consultation version and the laid version and the key differences are listed in Appendix 1. In looking at the key areas of concern which Hertfordshire Admissions Forum responded to during the DfES Consultation, the following is a summary:

|  |  |
|--|--|
| <p>Sibling rule relating to schools with pre-existing partial selection (was paragraph 2.10)</p> | <p>In the consultation, it stated “admission authorities of these schools <b>should not</b> give higher priority to the siblings of existing pupils”.</p> <p>In the laid COP (para 2.21, it states “. . . schools that admit more than 10% of their intake by selection by ability and/or aptitude, if they intend to give priority to siblings <b>should</b> ensure that their admission arrangements as a whole do not exclude families living nearer the school”.</p>   |
| <p>Children of Staff (was paragraph 2.5k)</p>  | <p>In the consultation it stated that oversubscription criteria must not give priority to children whose parents are current or former staff, subject to 2.7 (new appointees where there is a demonstrable skills shortage for the vacant post and scope of allocating after allocation day or adding to the waiting list).</p> <p>In the laid COP (paragraph 2.13k) it states that criteria must not give priority to children whose parents are current or former staff or governors or who have another connection to the school, subject to 2.14 (as above).</p> |
| <p>Representation at Appeal</p>  | <p>The Appeals COP has not yet been laid.</p>  |

- 4.3 The Education and Inspections Act Section 84(3) requires admission authorities, governing bodies (when not admission authorities), local authorities (when not acting as an admission authority), admission forums, schools adjudicators and admission appeals panels to act in accordance with the provisions of this Code. It is emphasised that all admission authorities are required to act in accordance with the mandatory provisions.
- 4.4 The Admissions Forum will have widened powers and duties. Appendix 2 is an extract from the laid COP detailing the statutory role of admission forums.

- 4.5 This Code now has a statutory basis, and admission authorities **must** comply with the mandatory provisions of this Code. The School Admissions (Alternation and Variation of, and Objections to, Arrangements) (England) (amendment) Regulations 2007 enable admission authorities to amend their determined admission arrangements without reference to the Schools Adjudicator to ensure that they comply with the law and the mandatory provisions of this Code. Whilst this is very helpful, referrals to the Schools Adjudicator should be made within six weeks of determining admission arrangements if there is non compliance.
- 4.6 Paragraph 2.13 of the laid Code lists unfair oversubscription criteria which are prohibited, this has been extended from the draft COP list and is attached as Appendix 3.
- 4.7 The Code clarifies the purpose of supplementary information forms and prohibits admission authorities from requesting personal information. Paragraphs 1.71 to 1.73 are attached as Appendix 4.

## **5. School Travel and Transport**

- 5.1 The Education and Inspection Act 2006 represents the first major legislative 'structural' overhaul of school transport entitlement since the 1944 Act. The Education and Inspections Act 2006 extends local authority (LA) duties and powers which relate to school travel and transport. Briefly these are as follows:
- a) Placing a general duty on LAs to assess travel and transport needs and promote sustainable travel to school – this is a general duty and is not specific to individual pupils;
  - b) Extending entitlement to free home to school transport for low income families: for secondary age pupils to any one of the three nearest schools, where the distance travelled is between 2 and 6 miles; to the nearest school on grounds of religion or belief where this is between 2 and 15 miles; for primary aged pupils aged eight and over, to their nearest school where this is more than 2 miles from their home;
  - c) Enabling a small number of local authorities to propose Pathfinder schemes to test innovative approaches to home to school transport to support parental preference and increase the proportion of pupils travelling by sustainable means.
- 5.2 An overview of the guidance is provided as Appendix 5.

## 6. Potential Impacts of the new duties relating to school transport and travel

- a) **School Travel Strategies:** The LA will be required by the Act to publish a sustainable school travel strategy in advance of each academic year setting out how it seeks to ensure that travel arrangements support wider health and environmental policy objectives. Although not made explicit in the Act there are likely to be synergies with school travel plan initiatives and the Local Transport Plan process. The school travel plan process is currently being considered by an Environment scrutiny topic group, due to report in July 2007. It should be noted that government funding support for School Travel Planning ceases at the end of 2007/08.
- b) **Supporting Low Income Families:** Clause 70 of the 2006 Act seeks to 'reduce the impact of transport as a barrier to parents from low income groups exercising their choice of school.' As such the Act is within the policy framework set out by the Cabinet Office report into transport and social exclusion in 2003<sup>1</sup> and is predicated on research cited by the Government on the cost of transport as impacting on school choice for lower income families.
- c) **Pathfinder Provisions:** Clauses 71, 72 and 73 of the Act will enable a number of local authorities to volunteer for 'Pathfinder' status and to pilot innovative approaches to home to school travel arrangements. Pathfinder authorities will put in place new travel arrangements to support school choice, reduce school walking distances and increase the number of pupils travelling by sustainable means. Pathfinder schemes may also address transport issues facing specific groups (for example older pupils aged 16 plus and those living in rural communities). Pathfinder schemes cannot override the legislative entitlement to free transport but can provide additional access to sustainable transport, either free or at a charge.

6.1 The Education and Inspections Act requires the Secretary of State to consult on and issue guidance to local authorities on the duties and powers under the Act. The consultation on the DfES draft guidance commenced on Monday 11 December 2006 and closes on 11 March 2007. A further mini consultation is due to be released shortly on the financial aspects associated with these new duties prior to the final guidance and funding formula being published by 1 April 2007.

---

<sup>1</sup> Making the Connections, Cabinet Office SEU, HMSO 2003