

**COMPLIANT ARRANGEMENTS FOR 2008 ADMISSION AND REFERRALS TO  
THE OFFICE OF THE SCHOOLS ADJUDICATOR**

Report of the Director of Children, Schools and Families

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**1. Purpose of the Report**

- 1.1 This report provides an update and summary of the further activity undertaken by the local authority, the dioceses and individual admitting authorities in order to achieve compliant arrangements for 2008.
- 1.2 It suggests an improved way of working with schools and the dioceses for 2009 admission arrangements.
- 1.3 The report also outlines a referral by an individual admitting authority of Hertfordshire County Council's secondary admission arrangements, specifically Rule 3 - siblings.

**2 Summary**

- 2.1 The Admission Forum, at its meeting on 8 May, considered and agreed its approach with regard to any responses to the Office of the Schools Adjudicator (OSA), where it was necessary for the Local Authority to make referrals.
- 2.2 This paper provides a summary overview of the programme of activity the Local Authority has undertaken with individual admitting authorities with regard to monitoring and achieving admission arrangements which are compliant with the key mandatory aspects of the DfES School Admissions Code.
- 2.3 An objection has been lodged by The Leventhorpe School to the secondary admission arrangements Hertfordshire County Council has determined for September 2008, specifically the sibling rule.

### **3 Conclusion**

- 3.1 The Admission Forum is asked to note the summary overview of the individual admitting authorities where it was necessary to make a referral to the OSA.
- 3.2 The Admission Forum is asked to note that through further discussions between schools, dioceses and Hertfordshire County Council it is expected that the vast majority of referrals currently with the OSA will be withdrawn.
- 3.3 The Admissions Forum is asked to note the referral made by The Leventhorpe School to the OSA.

### **4 Determined Admission Arrangements**

- 4.1 Detailed monitoring and analysis of all admission authorities' rules has taken place. Of the 129 sets of arrangements analysed, 84 admitting authorities were written to outlining areas of concern. Where it was not feasible to achieve compliant arrangements within the six week period from date of receipt of determined arrangements, following Cabinet's approval to make referrals, 37 objections were lodged with the OSA.
- 4.2 As at Wednesday 6 June, 21 referrals remain with the OSA. In accordance with the Forum's instructions, and Hertfordshire County Council's commitment to continue to provide advice and guidance to governing bodies to achieve resolutions, the Director of Children, Schools and Families, in consultation with the Executive Member for Education, upon receipt of compliant arrangements, has withdrawn 16 objections.
- 4.3 Appendix 1 provides an overview of the total number of referrals made, and from this it can be noted that there are several common themes, set out in the next three sections. The appendix lists the 37 schools and sets out the reason(s) for referral. Unfortunately in the case of some schools there were more than one set of difficulties.

### **5. Supplementary Information Forms**

- 5.1 There were 17 cases where individual admitting authorities used supplementary information forms, but the wording used imposes an element of compulsion, for example 'must' complete a SIF, rather than 'should' complete a SIF. In addition there were 6 cases on non-compliance with regard to the SIF; there were also additional reasons for non-compliance. Since the last meeting of the Forum the Archdiocese of Westminster and the Diocese of St Albans and HCC have agreed suitable alternative wording concerning the SIF. Having explained the situation to schools, of the 17 cases where the only non-compliance was with regard to the SIF one objection has been withdrawn, four are in the process of being withdrawn and discussions are continuing with the other schools.

- 5.2 The wording of Paragraph 1.17 of the COP is shown below. This paragraph is important as it explains that admission authorities, in drawing up their admission arrangements, must ensure that they do not determine anything that is inconsistent with the co-ordinated scheme for Hertfordshire to which all schools must adhere. The Hertfordshire scheme reflects the Code in that whilst schools may ask for a SIF to be completed they may not require this to be done.

“Co-ordination schemes do not affect the rights and duties of the governing bodies of voluntary aided and foundation schools to set and apply their own admission arrangements and oversubscription criteria. Admission authorities do not have to determine the same or similar oversubscription criteria, but **must** ensure that their own admission arrangements are compatible with, and do not undermine, the co-ordination scheme for their area. Full details of how the co-ordination scheme works **must** be included in the local authority’s composite prospectus (see Appendix 4).”

## 6. Children with Statements of Special Educational Needs

- 6.1 There were 2 cases where individual admitting authorities included in the oversubscription criteria, Children with Statements of Special Educational Needs. In addition there were 5 schools where this aspect was non-compliant and there was also another area of non-compliance.

Paragraph 2.6 of the COP states:

‘All governing bodies are required by section 324 of the Education Act 1996 to admit to the school a child with a statement of special education needs that names the school. This is not an oversubscription criterion. Schools must admit such children whether they have places or not.’

Having explained the situation to schools of the 2 cases where the only non-compliance was regarding SEN one case is now in the process of being withdrawn. Discussions are continuing to take place with other schools.

## 7. Past Siblings

- 7.1 6 cases relate to siblings at the time of application, rather than at the time of admission. Paragraph 2.13(h) of the COP states:

‘In setting oversubscription criteria the admission authorities for all maintained schools **must not** allocate places at a school on the basis that a sibling or other relative is a former pupil, including siblings who were on roll at the time of the application but will have left by the time the child starts school.’

Discussions are continuing to take place with these schools.

## **8. Arrangements for 2009**

- 8.1 We appreciate that the experiences of this year have not been happy ones for schools, dioceses, the LA or the Admissions Forum and arrangements need to be put in place earlier to discuss the admissions arrangements for 2009. Unfortunately the LA had little room for flexibility in that it had to carry out the duty placed upon it to ensure compliant arrangements within a restricted timetable,
- 8.2 As previously reported to the Forum, it is proposed that the arrangements around consultation and determination of admission arrangements, including the scheme of co-ordination is remodeled and enhanced. It is planned to bring to the Admission Forum for their early consideration common themes relating to admissions rules and co-ordination. In this way, the Admission Forum will be able to formulate and promulgate their advice to governing bodies early in the autumn term.
- 8.3 The local authority will be working to develop the programme for consultation, and again this will be brought to the Admissions Forum early in the autumn term.

## **9. Referral by The Leventhorpe School to the secondary admission arrangements of Hertfordshire County Council, specifically Rule 3**

- 9.1 Hertfordshire County Council was formally notified on 24 May 2007 of The Leventhorpe School's (TLS) objection to the secondary admission arrangements of HCC, specifically Rule 3.

- 9.2 Rule 3 was determined as follows:

'Children who have a sibling at the school at the time of admission. Note: This would be based upon a 'reasonable expectation' that the elder sibling will be at the school.'

*A sibling means the sister, brother, half brother or sister, adopted brother or sister, or child of the parent/carer or partner, and in every case living in the same house from Monday to Friday.*

- 9.3 The objection lodged by TLS is on the basis that the sibling rule (Rule 3) does not comply with the mandatory requirements contained in paragraph 1.65 of the Admissions Code.

Paragraph 1.65 of the Admissions Code states:

Parents must be able to make informed decisions when applying for school places for their children. The admissions system can appear very complex to some parents and admission authorities **must** make every effort to ensure that all parents are able to understand the process and in particular

how oversubscription criteria will be applied. Parents should also have access to all relevant information before they make their application. It is easier for parents to understand local admissions systems that are clear, objective and fair. Above all, parents need to be able to understand whether they have a realistic chance of being offered a place for their child at any particular school. In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places:

- a) are clear in the sense of being free from doubt and easily understood. Arrangements that are vague only lead to uncertainty and this may reduce the ability of parents to make an informed choice for their children. They are also likely to increase the chances of an objection;
- b) are objective and based on known facts. Admission authorities and governing bodies **must not** make subjective decisions or use subjective criteria;
- c) are procedurally fair and are also equitable for all groups of children (including those with special educational needs, disabilities, those in public care, or who may be a young carer);
- d) enable parents' preferences for the schools of their choice to be met to the maximum extent possible;
- e) provide parents or carers with easy access to helpful admissions information. (Regulations<sup>1</sup> require the local authority to produce a composite prospectus that covers admission arrangements for all schools in their area. See Appendix 4);
- f) comply with all relevant legislation, including on infant class sizes and on equal opportunities, and have been determined in accordance with the statutory requirements and the mandatory provisions of this Code.

9.4 Hertfordshire County Council's response to the adjudicator, Dr Peter Matthews, is attached.

## **10. Conclusion**

10.1 The Admission Forum is asked to note the summary overview of the individual admitting authorities where it was necessary to make a referral to the OSA.

10.2 The Admission Forum is asked to note that through further discussions between schools, dioceses and Hertfordshire County Council it is expected that the vast majority of referrals currently with the OSA will be withdrawn.

10.3 The Admissions Forum is asked to note the referral made by The Leventhorpe School to the OSA.