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My ref: JH/SV/bm
Your ref:
Date: 5 June 2007

Dear Dr Matthews

**Objection to the admission arrangements of Hertfordshire LA Schools
Case reference: ADA/001134**

I acknowledge receipt of the objection lodged with the Office of the Schools Adjudicator by The Leventhorpe School, concerning the Local Authority's sibling criterion (rule 3) and the submission by The Leventhorpe School that this does not comply with the mandatory requirements contained within paragraph 1.65 of the current Admissions Code. Hertfordshire County Council, in consulting upon and determining the arrangements for 2008 has worked to comply with the recently introduced new DfES Code of Practice on Admissions and consequently determined the sibling rule for secondary schools to read:

'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.

This was on the basis of the experience of last year, which is recorded below for your information. It is important to note that 2.13(h) of the Code states that 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 application but will have left by the time the child starts school'. At the consultation phase, January and February 2007, we consulted on two options for the sibling rule for secondary community schools as listed below:

Option 1: 'Children who have a sibling at the school at the time of admission where the sibling would be in years 7-11 (compulsory education)'.

Option 2: 'Children who have a sibling at the school at the time of admissions.'

Note: where the elder sibling is in Year 12 or Year 13 at the time of admission, this would be based upon a 'reasonable expectation' that the elder sibling will be at the school.

The responses received during the consultation were as follows:

	Option 1	Option 2	Neither	No opinion
All	26.3% (40)	60.5% (92)	7.2(11)	5.9% (9)
Schools	18.9% (14)	71.6% (53)	5.4% (4)	4.1% (3)
Other	33.3% (26)	50% (39)	9% (7)	7.7% (6)

In addition to considering the feedback above, the County Council in determining the admission arrangements for 2008 also considered the fact that the Admissions Forum, at its meeting on 22 February 2007, supported Option 2, as the sibling definition for the secondary admission rules.

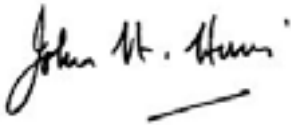
I would like to lodge with you the background concerning the sibling rule for secondary schools in Hertfordshire. Last year Essex County Council objected to the Office of the Schools Adjudicator concerning the sibling rule for 2007 admission. The Adjudicator Mr David Taylor upheld the objection and consequently we amended Rule 3 to be at 'the time of admission'. Despite our concerns over the lack of clarity regarding the revised wording, we sought to implement the determination concerning the Rule 3 Sibling. We believe in Hertfordshire that admission arrangements should be clear and objective not subjective. When the Adjudicator made his decision to change the word 'application' to 'admission', mindful of our 45 community/voluntary controlled secondary schools with sixth forms and our desire for objective criteria, we asked the Adjudicator for clarification. As clarification was not forthcoming we sought legal advice which was that in order for the admission arrangements to be objective, clear and transparent as required by the Admissions Code of Practice, we should explain that the claim could only be if the older child was in Years 7 to 11. When the younger child is applying for a secondary school place it is not known whether or not the older sibling would be in the sixth form as decisions are often dependent on GCSE results, etc, and such clarity would not be available at the time of processing applications.

As a result of parental complaints, the DfES instructed us (see attached letter) on 30 October 2006 to remove from the explanation that "this applies to siblings who will be in years 7 to 11 in September 2007". Accordingly we informed all parents/carers of this and applied the rule according to the direction by the DfES. This meant that children with an older brother or sister who would be or where there is a reasonable expectation that that they would be in the sixth form in September 2007 have been offered a place for their younger child at a community or voluntary controlled secondary school. This is on the basis of the direction made.

In summary, our sibling rule implements the decision of Mr David Taylor and the direction of the DfES. We believe it to be in accordance with the legislation and the DfES School Admissions Code.

I trust you will consider the background to this case, the contents of the recently published DfES School Admissions Code and the approach we have taken to act consistently in this matter, whilst considering and taking forward feedback from stakeholders during the consultation stage.

Yours sincerely

A handwritten signature in black ink, appearing to read "John H. Harris", with a horizontal line underneath.

John Harris
Director of Children, Schools and Families

Encl.