

**CONSULTATION ON ADMISSIONS 2006-2007
VOLUNTARY AIDED AND FOUNDATION SCHOOLS IN
HERTFORDSHIRE**

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1. Purpose of the Report

To update the Forum on action taken so far along with action proposed to be taken in respect of certain Hertfordshire VA and Foundation schools whose determined admission arrangements for 2006 -07 are not compliant with the School Admissions Code of Practice (CoP).

2. Summary

A significant number of the admission arrangements for 2006-07 of Hertfordshire's 129 VA and Foundation schools are not compliant with the CoP.

The areas of most concern to the LEA centre around the priority afforded to Looked after Children or those with SENs.

Because of the timelines associated with the processes for making objections about determined arrangements to the Office of the Schools Adjudicator, senior officers and members were obliged to consider the matter at the start of May.

While it was clear that the schools' arrangements were non-compliant and that they had all previously been contacted by the LEA regarding its concerns about the proposals, it was decided for this year, that the LEA would not make formal objections to the Adjudicator but instead, the schools involved would be contacted individually and asked to bring matters into compliance, either by seeking and in-year variation or, otherwise, by making the necessary changes for the 2007-08 admission round.

3. Conclusion

The Forum is asked to note this report and the follow up action that is being taken by officers.

The Current Position – Determined Arrangements

There are 129 Voluntary Aided and Foundation Schools in Hertfordshire. They are required to notify the LEA of their determined admission arrangements and all have now done so.

Unfortunately of the 129 schools, 54, to a greater or lesser extent either:

- do not give due priority to Looked After Children (LAC); or
- do not prioritise children with Special Educational Needs (SEN); or

In the case of LAC or SEN children, the lack of priority was on a continuum of no priority at all, not being the top priority, or ambiguity about the priority; and, as a result, disadvantages either or both LAC and SEN pupils. This means that some of the most vulnerable children and young people are denied the opportunity of attending many of the highest achieving schools. These arrangements also risk the Authority facing the accusation that it is accepting less for children for whom it is the corporate parent than members or officers would tolerate for their own children. Hertfordshire ought not to be in a position where it could be said we do not have high expectations for children in our care because we accept they cannot attend some of our best schools.

There are also 3 non-faith, secondary schools where a 'first preference first' type criterion is the basis of their arrangements. For a non-faith school this is at odds with the Coordinated Scheme that operates on an equal preference basis. The disadvantage to parents and children of the 'first preference first' approach is that it militates against the optimum overall outcome. If a child does not obtain a place at the first preference school and the second preference school is also oversubscribed, he or she cannot get a place there either. There can then be the same outcome for the third preference request. A 'first preference first' system reduces the proportion of children who receive a place at one of their three ranked schools; and has a less predictable outcome.

Because of the required timelines to lodge objections with the Office of the Schools Adjudicator (6 weeks from the date of notification), the possibility of such a course of action in respect of schools with non-compliant arrangements, was considered by senior officers and members early in May.

The Process so far in Hertfordshire

Following consultation in January between the Director and Executive Member about this emerging problem, it was agreed that the Director should write to all VA and Foundation schools to highlight the Authority's desire to see top priority given in oversubscription criteria to LAC, and to ensure arrangements were not discriminatory.

At the meeting on 24 February, to which all VA and Foundation schools were invited, the Admissions Forum were advised of the requirements of the CoP, and about the DfES' expectation that the LEAs should be prepared to object to arrangements if necessary. Subsequent to the meeting of the Forum,

officers wrote to all of those schools where it appeared that the proposed arrangements were non-compliant

Decision and Consequent Actions

There are clear grounds for objecting on behalf of LAC and SEN children and when criteria are discriminatory in light of the statutory guidance in the CoP, best professional practice and the Authority's role as corporate parent.

It was recognised, however, to lodge objections against a large number of schools would have been a significant departure from the way such matters have been managed in the past. It would have disrupted good relations with these schools, and would not have accorded with the preferred way of working in partnership with schools to resolve matters locally without recourse to the law or determination by a third party arbitrator.

Taking account of all the relevant factors, it was concluded, even though there are grounds for the Authority to object this year to the non-compliant arrangements of certain schools, not to exercise that power.

However, in order to avoid a further year of what may have been seen by some as indecision and a lack of clear leadership, officers have been tasked with following up issues with the schools involved either directly or in association with the Diocese.

It will be explained that the Authority:

- has decided there are grounds for objections;
- wants to work with schools to resolve the difficulties;
- is asking schools to make an in-year variation for 2006/07; or failing that
- is asking schools to make necessary changes for 2007/08.

Officers will emphasise this is the second year following the introduction of the new CoP when the Authority could have resolved these matters by objecting but has stayed its hand. A clear message will be conveyed to the schools concerned that for the 2007/08 round of admissions, the Authority will almost certainly be obliged to object.

Arrangements are currently being finalised for a programme of visits to the schools involved which it is hoped will all have been completed by the end of this term

Conclusion

The Forum is asked to note this report and the follow up action that will be taken by officers.