

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY 18 DECEMBER 2000 AT 9.30 A.M.**

Agenda Item No:

1a

**EXECUTIVE COMMITTEE
MONDAY 18 DECEMBER 2000 AT 2.15 P.M.**

**PRIMARY COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS
ADMISSIONS 2002-2003**

Report of the Director of Education

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1. Purpose of Report

To agree the admission rules on which the County Council should consult for the 2002-2003 admission year and the consultation arrangements for doing so.

The Cabinet are asked to make recommendations to the Executive Committee later in the day for decision.

2. Comments from Select Committee or Panel

2.1. The Student Services Panel received the text of this report from paragraph 4 onwards at its meeting on 5 December 2000.

2.2. The Panel considered that the admission rules on which the County Council will consult for community and voluntary controlled primary schools and nurseries for 2002-2003 should be similar to those used for primary schools in September 2001. However, the Panel considered that two changes should be made:

- a) The sibling rule used for 2001 is "Children who have an older brother or sister on the roll of the school at the time of application". This should be changed for 2002-03 to "Children who have an older brother or sister on the roll of the school **at the time of admission**". Paragraph 7.2. of the report considers this issue. The Panel felt that the reasons for the sibling rule meant that logically it should apply when both children would be in school at the same time.

- b) The allocation of places for 2001 is based on a preference system. This should be changed to a ranking system for 2002-03. Paragraph 9 of the report considers this issue. The Panel felt that the ranking system would increase the opportunity for parents to obtain one of their three preferences.

2.3. The above would result in the proposed rules for community and voluntary controlled primary schools and nurseries being as follows:

Rule 1

Children who must go to the school because they have a statement of special educational needs under the 1996 Education Act which names the school.

Rule 2

Children who can prove that they have a particular medical or social reason why they must go to the school.

Rule 3

Children who have an elder brother or sister on the roll of the school at the time of admission. (See note below).

Rule 4

Children for whom the school is the nearest in relation to alternative schools (if more families qualify under this rule than there are places available, those families with the longest extra journey to an alternative school with places will be given priority

Rule 5

Children who live nearest to the school. (If more families qualify under this rule than there are places available, those families with the shortest journey to the school will be given priority).

Note:

The sibling rule applies where:

- a) The child entering the reception class has an older sibling on the roll of the school (and, in the case of an infant school, on the roll of the linked junior school) at the time of admission.
- b) The child entering the nursery has an older sibling on the roll of the school at the time of admission (or, in the case of an infant school with a nursery class, on the roll of a linked junior school).

2.4. The allocation of places in accordance with the “ranking system” would be explained in the documents sent to parents. The secondary transfer document explains these arrangement for secondary schools and similar text would be used for primary schools and nurseries.

2.5. The Panel also considered that improvements should be made in the way in which the following information is presented to parents:

- a) the measurement of the distance between home and school; and
- b) the meaning of the term “nearest alternative school”.

There is no policy change proposed to these two items; it is simply a matter of how they are described.

2.6. The Panel considered the consultation arrangements in general terms and, on the basis of their discussion, it is proposed that consultation should comprise:

- a) A consultation document which sets out clearly the proposed rules with a pro-forma attached which consultees would be invited to complete and return to the Education Department. The consultation document should be sent to:
 - all Statutory Consultees, eg schools, neighbouring admitting authorities, district councils, admission forums; and
 - all affected parents, i.e. parents of current 3 year-old and 4 year-old children who will be entering nursery and reception class.
- b) A series of ten public meetings to be held in the evening across the county during the two weeks beginning 5 February 2001. The meetings would be attended by County Councillors as observers and the purpose of the meeting would be to explain the proposed rules to parents and others to help them make comments and to take note of any comments made at the meeting. The meetings would be promoted through:
 - the consultation document which is sent to Statutory Consultees and affected parents; and
 - adverts in the local press which would also include the proposed rules and which would invite comments in writing on them.
- c) The consultation documents would be sent out during week beginning 8 January 2001. The consultation meetings would be held during the fortnight beginning 5 February 2001; local press notices being sent out during week beginning 22 January 2001. The closing date for consultation would be 28 February 2001.

2.7 This report has been sent for comment to the spokesmen for Children, Schools and Families Select Committee. Their comments will be reported.

3. Conclusions

The Cabinet is asked to make recommendations to the Executive Committee (at 2.15 p.m.) for them to agree:

- (a) the admission rules for community and voluntary controlled primary schools and nurseries for 2002-2003 on which the County Council should consult and
- (b) the arrangements for consultation.

4. Background Information

4.1. The Education Committee on 12 April 2000 agreed a set of admission rules for community and voluntary controlled primary schools and nurseries which gave preference to siblings and children living nearer the school over siblings living further away (the split sibling rule). Letters from parents and members of the public about the impact of the new admission rules led the Committee to review the rules at its meeting on 12 July 2000.

4.2. The Committee noted that:

- a) The intention of the new rule was, as far as possible, to ensure that in the case of over-subscription, the distance children need to travel to school is minimised and that children living near the school are not displaced by those living further away while, at the same time, securing the opportunity for the sibling connection to remain.
- b) The above was in response to the fact that in some areas of the county children near the school had been displaced by siblings living further away.
- c) The new rule resulted in 28 out of 4,161 siblings not being admitted to nursery in September 2000 because they lived further away than only children who lived nearer to the nursery. However, it also resulted in many parents being concerned that the certainty of the sibling rule had been removed. While the number affected might be small, the new rules had raised considerable anxiety more generally among parents who were concerned that they might be faced with the problem of getting two primary age children to two different schools at the same time.
- d) The development of new housing, especially in-fill housing, was contributing to the uncertainty of parents. While the split sibling rule could help parents of primary age children who moved into new housing near an over-subscribed school, it was seen as working to the disadvantage of potentially larger number of parents who were already settled and had one child in a school but who lived further away. The County Council were being advised of a housing target which would require in-fill housing and which would therefore increase uncertainty for parents who were settled.

4.3. In the light of the above, the Education Committee resolved:

“That the Director of Education undertake appropriate consultative discussions with a view to developing proposals for a sustainable and balanced Primary Admissions Policy for September 2002.....”

“That any consultations on new proposals should include parents, admissions forums, schools and other interested groups.”

- 4.4. The Cabinet on 23 October 2000 agreed a process for considering the admission rules for community and voluntary controlled primary schools and nurseries for the admissions year 2002 – 2003. This is set out in Appendix 1 to this report. The process includes the following:
- a) Informal discussions on primary admission rules during the Autumn Term to gain an understanding of people’s views about the rules. Discussions to be held with the First Steps Action Group (FSAG), Action for St Albans Central Community Schools (ASCCS) and other parents with a particular interest in the subject, Local Admission Forums, the County Admissions Forum and partnership groups such as the Primary Heads’ Forum.
 - b) A piece of qualitative research by MORI to gain an understanding of the views of a cross-section of Hertfordshire residents on different aspects of the primary admission rules.
 - c) The outcomes of the above together with the views of the Student Services Panel being used to help the Cabinet and the Executive Committee to decide on the admission rules on which the County Council will undertake formal and widespread consultation during the Spring Term 2001.
- 4.5. The outcome of the informal discussions and the qualitative research by MORI need to be considered all together. They reflect a number of different views on the primary admission rules and help the Panel gain a greater appreciation of some of the issues which surround the rules. Whatever admission rules are used to decide which children should be admitted to an over-subscribed school, there will always be some people who are disappointed and disagree with the rules – hence the different views expressed in the Appendices to this report.
- 4.6. It is important to note that the outcomes of the discussions and the MORI survey are not “weighted”, i.e. the numbers of people who support a particular view are not taken into account. That is something which will emerge during the widespread formal consultation in the new year.
- 4.7. The informal stage of discussions has been completed. The following are attached to this report to provide the Panel with information about some of the different views held on primary and nursery admission rules.

Appendix 2 : **First Steps Action Group (FSAG) Report (Please note that Para. 2.6. had not been received at the time of the despatch of this report to the Student Services Panel. However, it was received in time to be ‘tabled’ at the Panel meeting on 5 December and it is attached as Appendix 7 to this report together with officer comments).**

- Appendix 3 : Action for St Albans Central Community Schools (ASCCS) Discussion Document
- Appendix 4 : The Report of the MORI Research
- Appendix 5 : A list of the issues raised at the County Admissions Forum by Local Admissions Forums
- Appendix 6 : A sample of letters that have been received. Some were in response to FSAG placing letters in the local press encouraging people to express their views during the period of informal discussion. Some were received after discussions with L.E.A. officers. Copies of all the letters are available in the Members' Room.
- Appendix 7 : Para 2.6. of the FSAG Report (see note on Appendix 2 above).

4.8. For information the current admission rules for community and voluntary controlled primary schools and nurseries are as follows:

Rule 1

Children who must go to the school because they have a statement of special educational needs under the 1996 Education Act which names the school.

Rule 2

Children who can prove that they have a particular medical or social reason why they must go to the school.

Rule 3

Children who have an elder brother or sister on the roll of the school at the time of application. (See Para. 4.9. below).

Rule 4

Children for whom the school is the nearest in relation to alternative schools (if more families qualify under this rule than there are places available, those families with the longest extra journey to an alternative school with places will be given priority).

Rule 5

Children who live nearest to the school.

(If more families qualify under this rule than there are place available, those families with the shortest journey to the school will be given priority).

4.9. The sibling rule applies where:

- a) The child entering the reception class has an older sibling on the roll of the school (and, in the case of an infant school, on the roll of the linked junior school) at the time of application.

- b) The child entering the nursery has an older sibling on the roll of the school at the time of application (or in the case of an infant school with a nursery class, on the roll of a linked junior school).
- 4.10. The remainder of the report considers aspects of the admission rules and, where appropriate, draws upon the information in the Appendices to illustrate points of view.

5. Rules which relate to Special Educational Needs and Medical or Social Reasons

- 5.1. Throughout all the discussions, no significant issues of concern were raised by people about these two rules. It was pointed out that only a few children are admitted under these rules.
- 5.2. It is accepted generally that in the event of over-subscription, Rule 1 should relate to children with a statement of special educational needs and Rule 2 to children who can prove they have a particular medical or social reason why they must go to the schools.
- 5.3. It is suggested that consultation should take place on these two rules continuing as Rule 1 and Rule 2.

6. The Sibling Rule and the Split Sibling Rule

- 6.1. During the informal discussions, the issue of whether all siblings should be admitted (the 'sibling rule') or whether siblings and children living nearer the school should have preference over siblings living further away (the 'split sibling rule') was considered at length.
- 6.2. The MORI Research shows that the popularity of the sibling rule derives in very great part from parents' concerns about the logistics of getting children to and from school. However, the participants in the survey were concerned that this might be at the expense of local children and many were uncomfortable about this. (Appendix 4, Pages 5-7).
- 6.3. The submission by ASCCS favours the split sibling rule; parents of children living near schools in the centre of St Albans have in the past been displaced by siblings living further away. ASCCS propose a distance criteria from the school and also suggest that older brothers or sisters have to be at the school at the time of the younger child's admission. The latter point has the potential to reduce the number of siblings that might be admitted because the current rules require the elder child to be at the school at the time of application, i.e. they may have left the school by the time the younger child starts. (Appendix 3, Page 3).
- 6.4. The submission by FSAG favours the sibling rule and emphasises the logistical problems of getting two children to and from different schools. (Appendix 2, Section 1).

- 6.5. The benefits which accrue from the split sibling rule are listed below. These arise regardless of how the rule is applied in practice, i.e. whether a ring-fence is used or another type of distance rule.
- a) It ensures that children living near the school obtain a place before those living further away, so supporting parents' expectations that their children will go to their local primary school and enhancing the school's relationship with its local community.
 - b) It can work in both urban and rural areas. In villages in particular it will help to avoid children living in the village having to travel some distance to another school in another village or nearby town. It can also have the same effect in towns.
 - c) It is a robust response to the KS1 rule which stops the size of a KS1 class exceeding 30. In the past any extra children near the school could be accommodated but the KS1 class size now stops this from happening. So any children living near the school and displaced by siblings living further away will obtain a place.
- 6.6. During the consideration of the report on Admission Rules at the Education Committee on 12 July 2000, it was noted that the building of new houses, especially on in-fill sites, could have a significant impact on the number of children applying for a primary school. In this case, the split sibling rule could be helpful in ensuring that children nearest the school, sometimes from new in-fill housing estates, obtain a place before siblings further away.
- 6.7. However, the split sibling rule was viewed by many parents as creating uncertainty for them and the MORI Research indicates that while parents may not like the idea of children living near the school being displaced by siblings further away, they believe the sibling rule should remain largely because of the logistical problems associated with getting two or more children from home to different schools and back to home. In this context, the benefits of the sibling rule are:
- a) It provides the parents of a child already at a school with the certainty that the younger child will go to the same school no matter what housing development takes place locally and it is to be expected that in-fill development will continue in Hertfordshire.
 - b) It reflects the lifestyle of working parents who need the convenience and regularity of a single home to school route.
 - c) It reduces anxiety and worry about children who go to different schools having to wait to be collected by parents at the end of the school day or having to wait alone before the arrival of school staff in the morning.
- 6.8. The letters which have been received reflect the cross-section of views on the sibling rule.

- 6.9. It is suggested that consultation should take place on the sibling rule continuing as Rule 3.

7. Qualification as a Sibling under Rule 3

- 7.1. In the case of admission to reception classes, the sibling rule currently applies if the child entering the reception class has an older sibling in the school (and, in the case of an Infants' School, on the roll of the linked Junior School) at the time of application.
- 7.2. ASCCS suggest that the sibling rule should apply only when the older sibling will be at the school at the time of the younger child's admission. (Appendix 3, Page 3, Point 3a). This proposal follows logically from the benefits to parents of the sibling rule and it can reduce the number of siblings being admitted who will not have a brother or sister in the school when they start school.
- 7.3. The definition suggested by ASCCS and others (Appendix 5 and Letters) was used in the past and was replaced by the arrangements set out in paragraph 7.1. above because:
- a) There were cases of parents stating that the older child would be in school when the younger child started and so they obtained a place for the younger child. The parents, however, did this in the knowledge that the child would be transferring to another school and a dispute would follow at the start of term. The new rule in 7.1. above avoids this.
 - b) It is best to have rules which are easy to apply and do not allow for uncertainty or abuse. The rule in 7.1. is helpful in this respect.
- 7.4. It is suggested that consultation should take place on the application of the sibling rule set out in 7.1. above.

8. The Longest Extra Journey to the Nearest Alternative School with Available Places

- 8.1. Discussions about this rule covered a number of issues. It is fair to say that the views expressed by people reflected their understanding of the way in which the rule works.
- 8.2. In the case of the MORI Research, the participants found very little difficulty in applying the rule and felt that it is a fair way of deciding who should get a place. (Appendix 4, Page 8). ASCCS recognises that it is the way by which all children can obtain a school near to where they live and that it "attempts to smooth out the distances to school that all children have to undertake". (Appendix 3, Page 3).

- 8.3. The use of the alternative school with available places as the point against which the longest extra journey is measured raises concerns because:
- a) The school with available places is seen as an unpopular school and since it is the one used for the measurement of the longest extra journey, parents expect to be allocated the school if they do not get one of their three preferred schools. (MORI Research, Appendix 4, Page 9).
 - b) The alternative school may vary from year to year as the level of under-subscription changes between schools. This is seen as creating uncertainty for parents. (FSAG, Appendix 2, Section 2).
- 8.4. Both the above points are fair and reasonable but the consequence of removing the alternative school with available places is that the rule no longer can work and the benefits set out in paragraph 8.2. above are lost.
- 8.5. The FSAG have proposed and discussed a rule which it is understood is based on home to school distance, i.e. those nearest a school obtain a place before others further away. While this is easy to understand, it can result in some children “falling between schools” and then having to travel some distance past other schools to a school with places. (FSAG, Appendix 2, Para. 2.6. refers – details have not yet arrived).
- 8.6. Despite the problems associated with the use of the alternative school with available places, the longest extra journey rule associated with the alternative school has benefits over other rules based on distance. These are:
- a) It reduces the chance of children having to travel past school gates to get to a school with a place.
 - b) It minimises home to school journey times and distances.
- 8.7. It is suggested that consultation should take place on the longest extra journey to the alternative school with available places continuing as Rule 4.
- 8.8. The MORI Research suggests that parents do not like the term Alternative School (Appendix 4, Page 9). This seems to be because at first they think it is their “other local school” and then they recognise it is the “nearest under-scribed school” and they react strongly to the thought of their child being sent to the school. Better ways are needed to explain this to parents. This was also raised by others (Appendix 6, Letter C, penultimate page).

9. A Preference System and a Ranking System

- 9.1. At the present time, the primary admissions process is based on a preference system. This means that all parents are allocated their first preference school first and only after all first preferences have been satisfied are second and third preferences considered.

- 9.2. An alternative to the preference system is the ranking system. This means that parents are, wherever possible, given their highest ranked school. Parents who do not get their first preference are likely to get their second and, if not their second, then their third.
- 9.3. The MORI Research revealed that on balance participants favoured ranking over preference. It was felt to be fairer and also a more instinctive way of making choices about which school to apply for. (Appendix 4, Page 18).
- 9.4. The allocation of children to reception classes in September 2001 will be the first indication of how many primary-age children obtain one of their ranked schools, and so whether or not the ranking system would improve the situation. There are also administrative considerations for voluntary aided and foundation schools.
- 9.5. It is suggested that in the light of information on September 2001 allocations, a decision is taken on whether or not to consult on the introduction of a ranking system for nursery and primary admissions.

10. The Nearest to the School Rule

- 10.1. The use of this rule was not an issue during any of the discussions.
- 10.2. It is suggested that consultation should take place on the nearest to the school rule continuing as Rule 5.

11. Measurement of Distance

- 11.1. For the purpose of measuring home to school distances, the County Council uses the shortest designated route. This is a public route with a proper made-up surface such as tarmac or concrete. If it is a road, it does not need to have a separate pavement. In town or city areas, or if it is a path, the route must be lit.
- 11.2. This definition is used purely for the purpose of measuring distance, and parents are not expected to walk the route. This causes confusion for some people and this came through as an issue in the MORI Research. Although some parents recognised the need for an objective measurement of distance, they still wanted to insert “safe” into the designated route which would make it not objective. (Appendix 4, Page 15).
- 11.3. The point was made repeatedly that it is important for parents to be given clear advice on definitions. (See Letters and Appendix 2, Paragraph 3 and Appendix 3, Page 6).
- 11.4. It is suggested that consultation should take place on the current definition of the “shortest designated route” as set out in 11.1. above continuing.

12. Rules for Nursery Classes and Schools

- 12.1. The MORI Research explored the issue of children attending a nursery class in a primary school having a priority for places in the reception class over children not attending the nursery class.
- 12.2. The general view was that such a rule would be unfair to parents with children not already in the nursery (Appendix 4, Page 12).
- 12.3. It is suggested that consultation should take place on the rules for admission to nursery school and classes being the same as for admission to primary school; also, that the sibling rule should apply where:
 - a) children who have an elder brother or sister on the roll of the school at the time of application (or, in the case of an infant school with a nursery class, on the roll of a linked junior school).

13. Other Matters

- 13.1. During the informal discussions, a number of admission issues were raised which do not relate directly to the admission rules for community and voluntary controlled primary schools and nursery schools and classes for 2002 – 2003. These include:
 - the use of Continuing Interest Lists (Appendix 3, Pages 4 to 6 and Appendix 2, Section 4)
 - appeals (Appendix 3, Page 6)
 - consultation (Appendix 2, Section 6 and Appendix 4, Page 20); and
 - a number of very helpful comments about the process were made by all those involved especially by parents in letters and by those involved with the MORI Research (Appendix 4, Page 20 onwards).
- 13.2. It is suggested that a further report should be prepared which deals with these issues.
- 13.3. A number of provision issues were also raised (Appendix 3, Page 1) and in letters (Appendix 6, Letter C) but these have not been considered in this report.
- 13.4. The question of how best to introduce rule changes was raised in the MORI Research but no really clear view emerged (Appendix 4, Page 17). Discussion and comments from others suggest a gradual implementation. It is suggested that decisions about how to implement any new rules should be taken in the light of the nature of the changes.

14. Consultation Process

- 14.1. Consideration needs to be given to the process for consultation in January and February 2001. There will need to be consultation with the statutory consultees, i.e. admitting authorities, and with governors and headteachers of all primary and nursery schools. The time-scale for this will accord with the DfEE time-scale with the end of consultation being 28 February 2001.

- 14.2. It is proposed that consideration should be given to consultation involving:
- a) A short consultation document setting out the proposed rules with a response sheet attached.
 - b) The document should be sent to:
 - parents of 3 year-olds; and
 - possibly all parents of children in primary and nursery schools and classes.
 - c) A series of four public meetings in early February for parents – possibly one in each quadrant of the county.