

**HERTFORDSHIRE COUNTY COUNCIL
CABINET
MONDAY 15 OCTOBER 2001 AT 10.00AM**

**EXECUTIVE COMMITTEE
MONDAY 15 OCTOBER 2001 AT 2.15PM**

SUPPLEMENTARY REPORT

Agenda item

A

**REVIEW OF ADMISSION RULES FOR COMMUNITY AND VOLUNTARY
CONTROLLED SECONDARY SCHOOLS**

Report of the Director of Children, Schools and Families

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1. Purpose of the report

- To update the Cabinet on issues discussed by the School Places Admissions and Commissioning Panel at its meeting of 11 October.
- To make suggestions on areas for possible consultation.

2. Summary

2.1 The Panel discussed key issues and additional modelling data relating to:

- (a) identifying broad catchment areas on the basis of parish boundaries;
- (b) the numbers of pupils likely to be written in as a result of proposed changes to Rule 4;
- (c) traditional areas for single sex schools.

2.2 The Panel agreed that it would refer through for Cabinet consideration, proposals on:

- (a) the introduction of broad catchment areas, preferably based on parish boundaries.
- (b) revisions to Rule 4 to:
 - remove denominational schools for measurement purposes
 - calculate longest extra journey on the basis of the nearest co-educational school

- (c) consulting parents on their views about partial selection by aptitude at specialist schools and those with recognised specialisms.
- (d) allowing twins, triplets, siblings or step-brothers/sisters in the same year group to have the opportunity to attend the same school.
- (e) consulting about giving priority consideration for the children of staff employed by the school.
- (f) rationalising traditional areas for single sex schools and developing broad based catchment/priority areas.

2.3 The Panel also referred through for Cabinet discussion and further legal advice the following issues:

- measurement of home to school distances using public transport and Ebus routes.
- exceptional educational need

3. **Conclusions**

The Cabinet is asked to agree issues for informal consultation based on the advice and background work of the School Places, Admissions and Commissioning Panel.

1. **Background considerations on issues referred by the School Places, Admissions and Commissioning Panel**

1.1 Catchment Areas

1.1.1 The Panel recommended that these should be consulted on and expressed a preference for parish rather than postcode boundaries for co-educational community schools.

1.1.2 If the catchment areas together comprise areas of the county only, so that in total no area outside Hertfordshire was in the combined ring fences, then this would be unlawful and contrary to the Greenwich Judgement.

1.1.3 The use of postcode boundaries (which include areas outside Hertfordshire) would be permissible, but the exclusive use of Hertfordshire parish boundaries would not be (as they do not include areas outside the county).

1.1.4 An alternative which would be lawful, would be to adopt all parish/ward boundaries where there is a traditional link with Hertfordshire schools based on parents' pattern of applications. This would mean including all Hertfordshire parishes and wards, together with those from neighbouring authorities where more than 50% of parents make a first ranking of a Hertfordshire school within the broad catchment area.

1.1.5 The advantages of this proposal are that :-

- Parents would have a clearer indication of which schools they would have a strong chance of meeting the rules for
- Parents will be able to identify links between the community in which they live and the schools in the catchment area

1.1.6 Possible disadvantages are as follows :-

- Parents may feel that it restricts their choice of school, although the rule change would not prevent them from securing a place in a school in another catchment area where there are places and according to the oversubscription criteria.
- Parents living close to the border of a catchment area may feel disadvantaged compared with those living more centrally, since they may only have one school within the catchment area for which they will qualify. This does not mean that all people within a catchment area will get a place within a catchment area.

1.2 Single Sex Schools

1.2.1 The Panel discussed single sex schools and came to the view that fixed broad catchment areas would give greater clarity and ensure a more even distribution of places. However there has not been sufficient time to model this option in detail or to consult with the schools themselves. Legal advice is that fixed catchment areas can be established providing these are reviewed regularly in order to ensure that indirect discrimination does not occur.

1.2.2 The potential advantage of this arrangement is that :-

- Parents would have greater clarity when deciding on their rankings.
- The defined catchment area would not be subject to annual change on the basis of patterns of application in previous years

1.2.3 The potential disadvantage is that some parents will feel that their children do not have equal access to single sex schools (although this is also true of the current situation).

1.3 Partial Selection by specialism

1.3.1 The Panel recommended that there should be consultation on the principle of allowing schools to select up to 10% on the basis of aptitude in a prescribed specialism.

1.3.2 It is for the County Council, as admitting authority for maintained schools, to determine if a school does have a prescribed specialism. This should be done in consultation with individual governing bodies. However, the Authority will be open to challenge in this area if it is not able to come up with a way of assessing aptitude which is clear, fair and objective. It would also be necessary to distinguish measures of aptitude from those of ability.

1.3.3 The advantages of this proposal are that :-

- It includes an educational dimension within the admissions criteria
- Children with a particular aptitude can benefit from specialist facilities

1.3.4 Possible disadvantages are that :-

- There are no readily identifiable aptitude tests at present and the Authority could be open to legal challenge.
- There is still a need for further development work in view of changes in government policy.
- Parents may use up a ranking choice if their application is unsuccessful on the basis of aptitude.

1.4 Changes to Rule 4

1.4.1 The Panel felt that denominational schools should not be used for measuring purposes, since these were not appropriate alternative schools for many children. This change would result in minor variations to the distribution of allocated places within no particular pattern.

1.4.2 The Panel felt that the proposed use of a child's nearest school for measurement purposes was clearer than the existing Rule 4. They were concerned about the impact of this in Harpenden, Bennington and Wheathampstead. On balance, the Panel felt that this option should be included in the consultation. It should be noted that this

effect could occur in any particular admissions year under the current Rule 4 depending upon the pattern of applications.

1.4.3 The Panel also felt that this proposal gave greater clarity for parents.

1.5 Measurement of actual distance to school where the journey is greater than 3 miles

1.5.1 The Panel considered this and asked for further legal advice as to whether it would be permissible to measure distance by the route taken by public transport or 'E-bus' if the Local Authority determines the route on the basis of clearly identified criteria. The legal advice is that it would be permissible to measure distance in this way.

1.5.2 Please note that there are the same potential practical problems with this approach. In particular individual parents may challenge the route chosen by the Authority and bus companies may vary their routes. The impact of this change is only likely to be significant in cases where children pass one school to get to their designated school.

1.6 Multiple Births

The Panel felt that the principles underlying the current sibling rule should be applied to twins, triplets, siblings and step-children within the same year group.

1.7 Priority for the children of staff employed by the school

1.7.1 The Panel felt that priority ought to be given to the children of staff employed at the school in order to support recruitment and retention at individual schools.

1.7.2 Legal advice is that this would be permissible if there was an identifiable objective justification eg as an identified tool for recruitment and retention purposes.

1.8 Exceptional Educational Needs

1.8.1 The Panel had a detailed debate about the pros, cons and viability of introducing some means of allowing parents to express a preference for a particular school on the way in which its characteristics match the perceived needs of their child. It was not possible to formulate any proposals as to how this might be achieved within the Admissions Code of Practice.

1.8.2 In determining its admission arrangements the County Council has a statutory duty to comply with the Code of Practice on School Admissions Arrangements. This provides that the County Council as admissions authority has a fairly wide discretion to determine their own oversubscription criteria provided that these are objective, clear, fair and compatible with admissions and equal opportunities legislation. The code sets out a number of commonly used and acceptable criteria (eg sibling links and medical and social grounds) but does not include exceptional educational needs. If a clear, fair and objective method could be developed of verifying exceptional educational needs (which also does not assess either ability or aptitude) then this could be included as an oversubscription criterion. No such method has been produced and

the legal advice, therefore, is that it would be unlawful to proceed with exceptional educational needs as a criterion. Nonetheless, the Panel wish to refer this criterion to the Cabinet for further discussion.

2. **Consultation Arrangements**

The Panel considered that the parents of all Key Stage 2 pupils should be involved in the consultation process but otherwise adopted existing officer proposals.

Background material referred to by the author while compiling this report

If you require further information about the issues referred to in this report please contact:
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