



**To: Heads,
Clerks and
Chairs of Governors**

(by email to heads who are asked to ensure that the two hard copies forwarded by post are received by the Chair and the Clerk)

NEWSLETTER NO. 89

December 2006

Dear Colleague

The main purpose of this (relatively) short newsletter is to thank you, on behalf of the Department for Schools and Colleges, for all you have done in supporting Catholic education and particularly the children in your care throughout the year and to wish you and everyone associated with your school a peaceful, happy and holy Christmas.

However, in light of recent national developments, there are one or two issues, we would like to flag up with you before our next substantial newsletter.

1. Governor Training

Further governor training is being provided in January and early February. As we did last year, we are delivering the training in different venues away from Alexander House.

Wed 31 January 19.30 - 21.00 at St Peter's Catholic Primary School, Gloucester

Thu 1 February 19.30 - 21.00 at St Bede's Catholic College, Bristol

Governors will be able to attend one of the following workshops:

- a) **The Role of the Governor in a Catholic School** – this session will examine the role and responsibilities of the governing body and of individual governors. It is especially appropriate for recently appointed governors and will be led by **Peter Bradshaw**.
- b) **The Education and Inspections Act 2006 – Implications for Catholic Schools** – this session will deal with the main themes of the Act and consider its particular implications for Catholic schools. It will be led by **David Byrne**.
- c) **Social Cohesion and Section 48 Inspection Arrangements** – In persuading the government to drop the proposals on admissions quotas in the recent Bill, the CES agreed that, as part of Section 48 inspections, the contribution that individual Church schools make to social cohesion would be included in the inspection framework. **Ann Fowler**, who is responsible for the co-ordination of Section 48 inspections within the Diocese, will lead the session and discuss how schools and governors might approach this issue.

Co Directors: Mr David W Byrne MSc & Mr Peter G Bradshaw MA
Primary Schools Adviser: Mrs Trisha Antolik BA DipEd, Secondary Schools Adviser: Mrs Ann Fowler BSc MA
Administrator: Mrs Jennifer Fitzgerald

We would grateful if Clerks would circulate this information to all governors and return the attached booking slip to Jenny in the office as soon as possible in order that we may cater appropriately.

a) Admissions

Please remember that each governing body of a voluntary aided school is required by law to **review its admission policy and agree the policy for September 2008 by 15 April 2007**. Consultations with the maintaining LA and other schools in the relevant area (as determined by your Admissions Forum) must be undertaken by 1 March 2007 and then the policy agreed by 15 April 2007. The agreed policy should then be sent to those with whom your school is required to consult.

A suggested timeline is given below

- Governors' meeting to agree draft policy for consultation - Dec/Jan
- Draft admissions policy circulated to consultees (LA will provide list and may circulate for the governors) – late Jan/early February
- Deadline for replies – 1 March 07
- Governors meeting to consider representations and finalise policy – between 1 March and 15 April 07
- Final policy to be published and sent out to consultees – within 14 days of finalisation

As you may be aware the DfES has recently consulted on a new version of both the School Admissions Code of Practice and the Admissions Appeals Code of Practice. Under the terms of the **Education and Inspections Act 2006, adhering to Admissions Code of Practice is now mandatory for governing bodies**. The DfES has stated that a new Code of Practice is imminent and that school admission policies for 2008, on which you will shortly be consulting, must conform to the new, although yet undisclosed, Code of Practice. Our advice is to consider carefully the terms outlined in the draft Code, particularly those relating to oversubscription criteria, in reviewing your draft policy for consultation. We have been advised that these are unlikely to be changed substantially. We have attached that section of the draft Code that deals with oversubscription criteria as an appendix to the newsletter.

The draft Code of Practice 2006:

- confirms the right of 'faith' schools to give preference in their admission arrangements to members of a particular faith or denomination
- forbids them from keeping open places if they have insufficient applicants of their own faith
- insists that faith-based oversubscription criteria must be clear, objective and fair and that parents and families must easily be able to understand how the criteria will be satisfied.

- instructs admission authorities of faith schools to consider how their admission arrangements impact on the local community – should demonstrate ‘community cohesion’
- states, where preference is to be given to members of a particular faith, that ‘published admission arrangements **must** make clear how religious affiliation or commitment is to be demonstrated (for example by a simple statement of affiliation, or through a reference signed by the family’s priest, minister, or other representative(s) of the church)’.
- Suggests that ‘it should be sufficient to provide evidence that the child and/or the family are practising members of the faith, and this is a position supported by most of the groups representing different faiths. Whatever method is used it **must** be clearly objective and transparent and therefore any reference requested **should** be in writing’

The Diocese will be reviewing its model admissions policies in light of the provisions of the new Code when it is published. However, In particular, admissions policies must give clear first priority to Catholic looked after children. Our advice remains that other baptised Catholic children within the catchment area of the school should be given second priority and then other looked after children should be placed ahead of all other non-Catholic children (including siblings) in the oversubscription criteria. LAs have been instructed by Secretary of State to refer any admission policies they believe to be breaching the Code of Practice to the Adjudicator. It is our view that if this advice is not followed then the Adjudicator will rule against the school whatever the provisions of the new Code.

Additional training on the provisions of the new Code of Practice will be offered to schools and governors by the Department once it is published

3. Diocesan Committee for Schools and Colleges

The Diocesan Committee for Schools and Colleges met on 8 November 2006 and

- ◆ received reports from the Co-Directors and Primary and Secondary Advisers
- ◆ received reports from the Autumn 2006 meetings of the eight sub-committees
- ◆ received the capital project bids from schools and colleges for 2007/8
- ◆ considered the Department for Schools & College’s report for 2006/7
- ◆ received a presentation from Jim Corrigan and discussed a proposed Service Agreement proposed for schools by The Hookway Partnership
- ◆ discussed the likely implications of the Education and Inspections Bill 2006
- ◆ considered and adopted Diocesan Guidance on ‘Every Child Matters – a Catholic Perspective’
- ◆ considered a Co-Directors’ paper on projected future housing across the Diocese between 2004-2011 and commissioned a further paper relating housing demand to existing and future places required in Diocesan schools.

NB. A joint seminar for the Committee for Schools and Colleges and the Diocesan Trustees was held on 30 November on the subject ‘**Diocesan Catholic Schooling – Meaning, Challenge & Purpose**’. The seminar was addressed by **Paul Barber**, former

legal officer for the Catholic Education Service and currently the Director of Education Services for the Archdiocese of Westminster

4. Congratulations

Congratulations and best wishes to **Richard James** who has been appointed Headteacher of St Mary's School, Shaftesbury.

5. Devolved Formula Capital (DFC)

As you will be aware there were major changes to the system by which formula capital was devolved to schools this year. The requirement to seek advance approval from the DfES for DFC projects was removed and, instead of claiming grant aid back from the DfES after a project was completed, money was transferred to a nominated bank account in phases.

At a recent CES briefing which David attended it was made clear to us that the DfES intended to monitor and in some cases audit the DFC expenditure of individual schools checking, in particular, whether VAT had been paid on governors' liabilities and also whether the 10% governors' contribution has been made.

Every school not in the Diocesan DFC scheme will need to ensure that they have kept a detailed account of all the DFC projects they have undertaken since April 06 and be able to demonstrate a clear audit trail showing where and when both VAT and the governors' contribution have been made. It is possible, as we made clear in our letter to you in March about this issue, that the Diocesan Trustees may require governing bodies to complete a short form concerning the projects they have undertaken in order that they can ensure that they have met their statutory duties with regards to their property. May we respectfully suggest that, if you have not already begun to keep or compile such an account, that you consider doing so sooner rather than later.

Those schools participating in the Diocesan scheme will be aware that Hookways are keeping detailed records of their DFC expenditure which they can access through Elaine Davis. If other schools would like to join the Diocesan scheme (which is free to schools), they may do so from next April. Please contact one of the Co-Directors if you would like to do so or to seek more details.

6. Diocesan Sub-Committee Meetings

The next meetings of the nine Diocesan Sub-Committees are as follows:

B&NES **Tuesday 13 February '07 at 10.45am in St John's Presbytery, Bath**

Bristol **Tuesday 6 February '07 at 2.00pm in Alexander House**

Gloucestershire **Wednesday 7 February '07 at 2.00pm in St Gregory's School**

South Glos **Thursday 8 February '07 at 2.00pm in Christ the King School**

North Somerset **Monday 26 February '07 at 2.00pm in St Francis, Nailsea**

Somerset **Monday 5 February '07 at 2.00pm in SS Joseph & Teresa School, Wells**

Swindon **Wednesday 14 February at 7.30pm in St Joseph's Catholic College**

Wiltshire **Tuesday 6 February '07 at 4.00pm in St Augustine's Catholic College, Trowbridge**

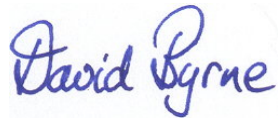
Independent Schools **Spring Term 2007** **to be advised**

May we remind you that all **headteachers and chairs of governors** are invited to these meetings and **are asked to ensure that every school is represented at each meeting.**

On behalf of all in the Department we wish you a joyful rest over Christmas and the very best of what 2007 can offer you, your school and your family.

With best wishes

Yours faithfully



David Byrne & Peter Bradshaw, Co-Directors

TRAINING FOR GOVERNORS IN CATHOLIC SCHOOLS

Please return to Jenny Fitzgerald, Clifton Diocesan Department for Schools and Colleges, Alexander House, 160 Pennywell Road, Bristol BS5 0TX or e-mail to jenny.fitzgerald@cliftondiocese.com as soon as possible

School
(Please indicate the geographical area of your school as we have several schools with the same name)

The following Governors will be attending the Training for Governors at **St Peter’s Catholic Primary School, Gloucester** on **Wednesday 31 January** at 7.30pm.

Names
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The following Governors will be attending the Training for Governors at **St Bede’s Catholic College, Bristol** on **Thursday 1 February** at 7.30pm.

Names
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Please enter the number of governors attending each session below

- The Role of the Governor in a Catholic School**
- The Education and Inspections Act 2006 - Implications for Catholic Schools**
- Social Cohesion and Section 48 Inspection Arrangements**

Thank you

Appendix

Setting Fair Oversubscription Criteria

This chapter:

- provides guidelines and imposes mandatory requirements on setting fair oversubscription criteria;
- prohibits the use of unfair oversubscription criteria (2.5).

With the exception of grammar schools, all maintained schools, including faith schools, that have enough places available must offer every child who has applied a place¹⁷. However, many schools will have more applicants than places, and it is therefore essential that the criteria used to allocate places when a school is oversubscribed are fair. **Fair oversubscription criteria are the key to fair admission arrangements.**

2.2 This chapter prohibits the use of oversubscription criteria that are unfair and **must not** be used. It also provides guidelines and examples of good practice for admission authorities to help them set criteria that are fair to all children and their families, and that promote social equity rather than working against it.

2.3 The most common oversubscription criteria in use are covered in this chapter but it is not possible to create an exhaustive list of what is good practice and what is not. For example, there may be other criteria not mentioned here that are also unfair and should not feature in a school's admission arrangements. It is possible for a criterion to be fair in some circumstances and not in others, as in the case of the sibling criterion (see paragraphs 2.10 to 2.13). It is for admission authorities and Admission Forums, acting in accordance with the provisions and guidelines in this Code, to decide which criteria they will use and in what circumstances.

Admission Forums **should** encourage all schools in their area to have arrangements that extend choice to parents whatever their social group.

2.4 While they cannot be guaranteed a place at a particular school for their child, parents must be free to express a preference for the school or schools they want for their children whatever their social or financial status. As we make clear in Chapter 1, it is important that schools' other policies, for example on school uniform, do not inadvertently discourage applications from poorer families. Oversubscription criteria that amount to the selection of children by schools, by means that disadvantage some social groups compared to others, deny choice to parents and must be eliminated from the system. Paragraph 2.5 accordingly prohibits the use of those criteria that are clearly unfair and can disadvantage some children and families.

Prohibition of unfair oversubscription criteria

2.5 In setting oversubscription criteria admission authorities **must not**:

- a) stipulate conditions that change the priority given to an application;
- b) give priority to children according to the order of other schools named as preferences by their parents, including "first preference first" arrangements, subject to paragraph 2.6 below;
- c) give higher priority to children whose parents are more able or willing to support the ethos of the school or to support the school financially or in some other way;
- d) give higher priority to children according to the occupational or financial status of parents;
- e) give higher priority to children according to the educational or social group or background of their parents;
- f) take account of reports from primary or nursery schools about past behaviour,
- g) attitude or achievement;

- h) discriminate against or disadvantage children with special educational needs or disabilities;
- i) allocate places at a school on the basis that a sibling or other relative is a former pupil;
- j) take account of the behaviour of other members of a child's family, whether good or bad, including a good or bad attendance record;
- k) take account of parents' marital status;
- l) give priority to children whose parents are current or former staff or governors or who have another connection to the school, subject to paragraph 2.7 below;
- m) give priority to children who (or whose parents) have particular interests, specialist knowledge or hobbies;
- n) give priority to children based on the order in which applications were received;
- o) in the case of grammar schools, give priority to siblings of current pupils;
- p) expressly exclude applicants from a particular social or religious group or state that only applicants from a particular social or religious group will be considered for admission.

2.6 The prohibition in 2.5 (b) does not prevent the use of the first preference first criterion in a co-ordination scheme where all schools *in an area, where there is no selection by ability or aptitude*, agree to adopt these arrangements in their scheme. However, admission authorities **must** be able to demonstrate that the use of this criterion does not unreasonably constrain the exercise of parental choice, and this criterion **must not** be used in an area where there is any selection by ability or aptitude. This is considered further in Chapter 3.

2.7 The prohibition in 2.5(k) does not prevent a school offering a place or places to the children of a new appointee to a post at the school after the 1st March in a year where there is a demonstrable skills shortage for the vacant post in question, even where this will be in excess of the published number, providing that all other relevant law is complied with (see paragraph 3.90 of this Code). Alternatively schools may, in these circumstances, place the children of new appointees at the top of any waiting list for places (see paragraph 3.87).

Guidelines on setting fair oversubscription criteria

2.8 In this section we provide guidelines and impose additional mandatory requirements for admission authorities in setting fair oversubscription criteria. Where a provision is mandatory (either by virtue of the law or this Code) this will be indicated by the words **must** or **must not**. Admission authorities must comply with these provisions in order to satisfy their statutory duty to act in accordance with this Code.

2.9 We do not attempt to set out a list of preferred criteria here, but rather to discuss each of those commonly used, and the circumstances in which they may be good practice, acceptable or when they should not be used. It is for admission authorities to decide whether any of these criteria are appropriate in their local circumstances, but where this Code states that, in particular circumstances, a criterion **should not** be used, admission authorities must be prepared to justify their decision to use the criterion if an objection is made to the Schools Adjudicator.

Siblings of pupils still at the school

2.10 Giving priority to children who have siblings who will be at the school when they join may support parents of young children. Admission authorities **should** give consideration particularly to the needs of younger children at primary schools, where parents may have problems with transporting children placed at different schools. Admission authorities **should** also consider carefully how twins or triplets or other relatives, including those adopted, living permanently in the household will be treated if a sibling criterion is adopted.

2.11 If using a sibling criterion, admission authorities should bear in mind that different ethnic and social groups may understand terms such as “sibling” in different ways. Admission authorities should make clear the position of other children living in the same household and define terms used such as step-children, and once defined **must** use the same definition consistently.

Sibling criteria at schools with permitted forms of selection by ability or aptitude

2.12 It is acceptable for schools that select up to 10% of their intake by aptitude in permitted subjects under section 102 of the School Standards and Framework Act 1998 to give priority to children who have a sibling at the school whether that child was admitted by selection or not.

2.13 However, a number of schools are still permitted under section 100 of the 1998 Act to use pre-existing partial selection by ability. Giving priority to siblings of children at the school may result in a disproportionately high number of children who live close to the school being denied a place in favour of children who live further away and children from poorer families or certain social groups being given lower priority compared to others. The higher the proportion of children that are admitted by selection the more likely it is that this will be the case, and the greater the potential for unfairness. Accordingly the admission authorities of these schools **should not** give higher priority to the siblings of existing pupils.

Social and medical need

2.14 If admission authorities propose to give *higher* priority to children for social or medical reasons they **must** ensure that in doing so they are not failing to comply with paragraph 2.5(g) of this Code, which prohibits the use of oversubscription criteria that discriminate or disadvantage a child because of their special educational needs or disabilities.

2.15 Admission authorities **must not** use this criterion to give a child a *lower* priority in obtaining a place at the school, but it may be acceptable to give higher priority to children or families where there is a social or medical need (for example where one or both parents or the child has a disability that may make travel to a school further away more difficult).

2.16 If using this criterion, admission authorities **must** give a clear explanation of what supporting evidence will be required – for example a letter from a registered health professional such as a doctor or social worker – and how this will be assessed objectively. It should be made clear that the supporting evidence should set out the particular reasons why the school in question is the most suitable school and the difficulties that would be caused if the child had to attend another school. Admission authorities **must not** give higher priority to children under this criterion if the required documents have not been produced.

2.17 This criterion, if used, **must not** relate to particular aptitudes for some subjects such as in sport or music. For example, schools **must not** seek to admit children, under this criterion, on the basis that they ‘need’ to attend the school because of an aptitude or interest in sport and the school has particularly good sports facilities. Selection by aptitude is dealt with in paragraphs 2.57 to 2.61 of this Code and schools wishing to admit a proportion of children on the basis of their aptitude for a particular subject **must** follow the guidelines provided there.

Faith-based oversubscription criteria

2.18 Schools designated by the Department as having a religious character may give preference in their admission arrangements to members of a particular faith or denomination, providing this does not conflict with other legislation, such as equalities legislation (see Appendix 1) or the mandatory provisions of this Code. As with all other maintained schools faith schools **must not** keep open places if they have insufficient applicants of their own faith and other families have applied for a place at the school.

2.19 As with all oversubscription criteria those that are faith-based must be clear, objective and fair. Parents and families must easily be able to understand how the criteria will be satisfied.

2.20 Where preference is to be given to members of a particular faith, published admission arrangements **must** make clear how religious affiliation or commitment is to be demonstrated – for example by a simple statement of affiliation, or through a reference signed by the family’s priest, minister, or other representative(s) of the church. It should be sufficient to provide evidence that the child and/or the family are practising members of the faith, and this is a position supported by most of the groups representing different faiths. Whatever method is used it **must** be clearly objective and transparent and therefore any reference requested **should** be in writing and consistent with paragraphs 1.26 to 1.28 of this Code.

Guidance provided by church or religious authorities

2.21 Church or religious authorities may provide guidance for the admission authorities of schools of their faith that sets out what process and criteria may be used to establish membership of the faith. Such guidance should clearly define the terms used and how membership is to be determined, and **must be** consistent with the provisions and guidelines of this Code. Where such guidance is produced, the admissions authorities for schools of the faith **should** follow it.

2.22 Admission authorities for faith schools **should** consider how their particular admission arrangements impact on the local community. Faith schools can contribute to community cohesion by having admission arrangements that are inclusive of other faiths and of all elements of the population of their local area. Some faith schools already achieve inclusiveness by designating a proportion of places for which children of their own faith or denomination will be given priority, and the remainder as community or open places for which local children will be given priority.

2.23 In their admission arrangements faith schools **must**, as a minimum requirement, give first priority to looked after children of their faith but **should** go further and give first priority to all looked after children.

The governing bodies of Church of England schools that are their own admission authorities **must** consult their local Diocesan Board about the admission arrangements they are proposing for their schools before they go out to statutory consultation with other admission authorities, and they **should** follow the Board’s advice. Section 89 of the School Standards and Framework Act 1998 requires all admission authorities for maintained schools to consult:

- the local authority (if the governing body is not the admission authority);
- the admission authorities of all other maintained schools in the area;
- and the Admission Forum about their proposed admission arrangements.

In addition, faith schools **must** also consult the body representing their religion or religious denomination.

Random allocation (lottery)

2.25 Random allocation of school places can be good practice particularly for urban areas and secondary schools. However, it may not be suitable in rural areas. It may be used as the means of allocating places or alongside other oversubscription criteria such as a ‘tie break’. Random allocation can widen access to schools for those unable to afford to buy houses near to favoured schools and create greater social equity.

2.26 If admission authorities decide to use random allocation when schools are oversubscribed, they need to set out clearly how this will be operated, and **must** ensure that arrangements are transparent. They **should** undertake a fresh round of random allocation when deciding who

should be offered a place from a waiting list, and should not use the results of an earlier round of random allocation, as this would disadvantage those who had applied for a place at the school after the first random allocation was carried out.

2.27 In order to provide verification that the random allocation process has been carried out fairly, admission authorities **should** ensure that they are supervised by someone independent of the school.

Ease of access by public transport

2.28 Admission authorities may give priority to children who could reach one school by public transport, but not another, or to children who would have a disproportionately long journey to another school if denied admission to their nearest school.

Distance between home and school

2.29 Where an admission authority determines to use the distance between home and school as part of oversubscription criteria it **should** explain clearly how distance from home to the school will be measured including the points at the school and the child's home from which distance is to be measured (for example, the main school gate, the front door to the home, how flats will be treated) and care should be taken to use a reliable and reasonable system which parents can readily understand.

2.30 Where a child lives with parents with shared responsibility, each for part of a week, the oversubscription criteria need to make clear how the 'home' address will be decided in a fair and considered way.

Catchment areas

2.31 The 1997 Rotherham Judgment confirmed that there is nothing unlawful in the principle of admission authorities operating catchment areas as part of their oversubscription criteria and thereby giving priority to local children whose parents have expressed a preference for the school. However, admission authorities **must not** guarantee places to parents in a local catchment area, in case the pattern of preferences expressed does not allow this guarantee to be met. In drawing up catchment areas admissions authorities should ensure that they reflect the diversity of the community served by the school. A catchment area does not prevent parents expressing a preference for the school if they do not live in the area.

2.32 Local authorities **must not** suggest that parents should express a preference for the school in whose catchment area they live, or that they have been allocated a place at that school before they have expressed a preference. Although they should explain the possible consequences of not doing so, local authorities **must** be clear that parents are allowed to express a preference for any school they choose. Some schools have adopted inner and outer catchment areas and these work well for some specialist schools in particular by extending choice to more parents.

2.33 For children of UK Service personnel and other Crown servants admission authorities **must** treat a family returning to their area as meeting the residency criteria for that catchment area even if no house is currently owned in that area once proof of the posting has been provided.

2.34 Where catchment areas are used, admission authorities **should** provide a map of the areas, and indicate how far parents within those areas have succeeded in getting places in the past, and whether that is likely to be a guide for the future. Catchment areas **must not** be set after applications have been made.