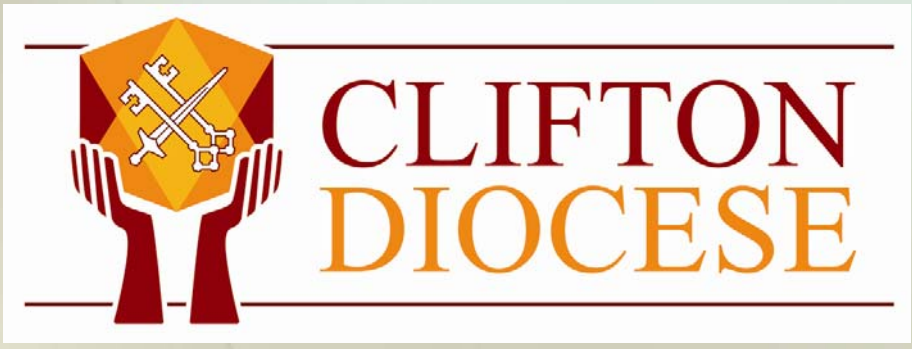
Clifton Diocese Department for Schools & Colleges

The New School Admissions Code of Practice – Implications for Catholic Schools



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Co-Directors February 07

Statutory Framework

The School Standards and Framework Act 1998 gave the Secretary of State powers to regulate School Admission Arrangements in the maintained sector by issuing a Code of Practice 'containing such guidance as he thinks appropriate in respect of the discharge by -

- Local Authorities (LAs)
- governing bodies
- appeal panels, and
- adjudicators'

Statutory Framework

The Regulations were amended by the Education Act 2002 and an updated Code of Practice was introduced in 2003. The Education and Inspections Act 2006 contained important new sections on School Admissions. A new School Admissions Code of Practice came into force on 28 February 2007

Recent Changes

- Education and Inspections Act 2006 made the School Admissions Code of Practice mandatory – Admission authorities “to act in accordance with” not “to have regard to”.
- Powers of Admissions Forums strengthened
- Prohibition on interviewing
- Restriction on alteration of admissions arrangements for new and expanded schools
- New Code of Practice

New Code of Practice 2007

Introduction

- Gives the Statutory basis for the School Admissions Code of Practice
- Details to which organisations the Code applies
- Indicates how the implementation of the Code will be monitored and enforced

New Code of Practice 2007

Chapter 1 - The Law

This chapter provides guidelines on the law and achieving fair access in school admission arrangements by:

- Placing a duty on LAs to increase opportunities for parental choice, respond to parental representations, and improve community cohesion
- Outlining the key statutory provisions on school admissions
- Describing how co-ordinated admission schemes should operate
- Summarising how admission authorities should consider applications for school places (including in sixth forms)
- Dealing with applications from children from overseas
- Ensuring equity and fair access
- Describing practices and policies that might undermine fair admission arrangements
- Prohibiting the use of unnecessary supplementary application forms
- Discouraging school uniform and charging policies that deter parents from applying for places in certain schools
- Encouraging school transport arrangements that facilitate choice and access to good schools, particularly for low income families
- Requiring admission authorities to be proactive about extending opportunity and fair access for all

New Code of Practice 2007

Chapter 2 - Setting Fair Oversubscription Criteria

This chapter provides guidelines and imposes mandatory requirements on setting fair oversubscription criteria and prohibits the use of unfair oversubscription criteria

Includes sections on

- Children with statements of special educational needs
- Children in care (looked after children)
- Admissions to ‘faith’ schools

New Code of Practice 2007

<u>Chapter 3</u> - Admission Arrangements In-Year and Outside the Normal Admissions Round and Fair Access Protocols

This chapter provides guidelines on, and where appropriate imposes mandatory requirements on, applications for school places outside the normal admissions round, in particular on

- Establishing arrangements for children who arrive in the area outside the normal admissions round
- Information sharing when a child moves school
- Direction of admission of children in care
- Children who have been permanently excluded twice
- Children with challenging behaviour
- In-year fair access protocols
- Admission of children of UK service personnel and other Crown servants, including diplomats
- Waiting lists

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Chapter 4 – Ensuring a Fair Admissions System

This chapter provides guidelines on monitoring and enforcing the Code to ensure a fair admissions system. It deals with

- Role of all admission authorities
- Requirement on LAs to object to unfair admission arrangements
- Statutory role of Admission Forums and their duty to ensure fair access and their power to report on the effectiveness of admission arrangements
- Objections by Parents
- Role of the Schools Adjudicator

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Appendices

- Other relevant legislation
- Admission Forums;
- Co-ordinated Admission Schemes
- Consultation and publication
- Choice Advisers
- Boarding Schools
- Glossary and Definitions

New Code of Practice 2007

Implications for Catholic Schools

- No interviewing to determine faith commitment or other factors
- Governors must give first priority to Catholic looked after children
- Restrictions on information sought on supplementary information forms
- Governors must make clear their policies on admitting children from multiple births
- Schools must adhere to agreed co-ordinated admission scheme and cannot operate first preference first arrangements
- Governors should consider how their particular admission arrangements impact on the communities in which they are physically based and those faith communities which they serve – community cohesion

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Terminology used in the Code of Practice

Mandatory requirements:

- must
- must not

Guidelines:

- should
- should not

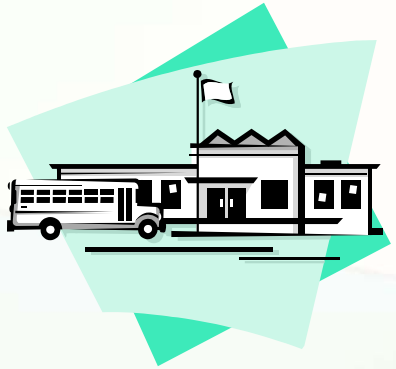
relevant bodies should follow the guidelines unless they can demonstrate, if challenged, that they are justified in not doing so.

Handling Admissions

- Admission policy and arrangements must be reviewed annually by Governing Body – cannot be delegated
- Admissions Committee (at least 2 governors) and Head Teacher appointed by Governing Body to deal with application of policy – meetings must be clerked
- Applications must be considered strictly in accordance with published arrangements
- Governors will be asked by LA to rank all applications regardless of how highly the parents ranked the school (equal preference)
- Must give reasons for non-admission and detail how to appeal
- When co-ordinated arrangements are agreed:
  - Provide LA with any applications received locally
  - Comply with agreed arrangements
  - Provide LA with list of applicants in priority order so that places can be offered by LA on governors' behalf

Setting the Admissions Number

- All schools have been independently assessed in order to determine their pupil capacity
- The pupil capacity is determined by the Net Capacity Assessment
- The Net Capacity Assessment for the school determines the Indicated Admissions Number (IAN) for each year
- Admission Authorities who wish to publish an admissions number (PAN) which is less than the IAN must publish a notice in a local newspaper explaining their reasons for doing so. Parents may object to the Adjudicator about this and the public notice must tell them how to do so



Unlawful/Unfair Admissions Criteria (1)

The new Code of Practice prohibits unfair admissions criteria. These include:

- stipulating conditions that change the priority given to an application;
- *giving priority to children according to the order of other schools named as preferences by their parents, including "first preference first" arrangements*
- *giving higher priority to children whose parents are more able or willing to give practical support to the ethos of the school or to support the school financially or in some other way;*
- giving higher priority to children according to the occupational or financial status of parents;
- giving higher priority to children according to the educational or social group or background of their parents;
- taking account of reports from primary or nursery schools about past behaviour, attitude or achievement;

Unlawful/Unfair Admissions Criteria (2)

- discriminating against or disadvantage children with special educational needs or disabilities;
- allocating places at a school on the basis that a sibling or other relative is a former pupil;
- taking account of the behaviour of other members of a child's family, whether good or bad, including a good or bad attendance record;
- taking account of parents' marital status;
- *giving priority to children whose parents are current or former staff or governors or who have another connection to the school, (subject to certain specified conditions)*
- giving priority to children who (or whose parents) have particular interests, specialist knowledge or hobbies;
- giving priority to children based on the order in which applications were received;
- *expressly excluding applicants from a particular social or religious group or stating that only applicants from a particular social or religious group will be considered for admission.*

Charging , Uniform and Transport Policies

School uniform, transport and charging policies must not discourage less well-off parents from applying to the school.

"The school has a very strict uniform policy"

Appropriate Admissions Criteria

The new Code of Practice 2007 indicates that the following oversubscription criteria may be appropriate in the correct circumstances:

- Looked after children (Children in care)
- Catchment areas
- Siblings – not when related to ability and aptitude
- Social or medical reasons
- Attendance at named feeder schools
- Distance between home and school
- Ease of access by public transport
- Religious affiliation
- Selection in grammar schools (and partially by aptitude in specialist subjects in specialist secondary schools)
- Banding

Tie-Breaker Clauses

All admission arrangements need to have a tie-break clause. The draft Code of Practice suggests that the following are appropriate and acceptable:

- Distance
- Random allocation

Admissions to 'Faith' Schools (1)

The new Code of Practice 2007:

- 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'

Admissions to 'Faith' Schools (2)

The new Code of Practice states, where preference is to be given to members of a particular faith, that

- 'published admission arrangements must make clear how membership or practice is to be demonstrated in line with guidance issued by the faith provider group or religious authority. Whatever method is used it must be clearly objective and transparent and therefore any reference requested must be in writing and consistent with the Code'.
- 'It is primarily for the relevant faith provider group or religious authority to decide how membership or practice is to be demonstrated, and, accordingly, in determining faith-based oversubscription criteria, admission authorities for faith schools should only use the methods and definitions agreed by their faith provider group or religious authority.'

Duty to Consult Religious Authority

The new Code of Practice states,

‘It is good practice for the governing bodies of all faith schools that are their own admission authority and that are proposing to use faith-based oversubscription criteria to consult their religious authority before going out to statutory consultation with other admission authorities’.

and

‘The admission authorities for all faith schools are required to consult such body or person representing their religion or religious denomination ……., in addition to consulting other admission authorities, about their admission arrangements. Such religious authorities may refer an objection to the Adjudicator about the arrangements at schools of their faith.

Guidance provided by religious authorities

The new Code of Practice states:

‘Religious authorities may provide guidance for the admission authorities of schools of their faith that sets out what objective process and criteria may be used to establish whether a child is a member of, or whether they practice, the faith. The admission authorities of faith schools that propose to give priority on the basis of membership or practice of their faith should have regard to such guidance, to the extent that the guidance is consistent with the mandatory provisions and guidelines of this Code’.

Use of Supplementary Forms (1)

Admission authorities must not use supplementary application or information forms that ask:

a) for any personal details about parents, such as criminal convictions or marital, occupational or financial status;

b) for details about parents' achievements, educational background or whether their first language is English;

c) for details about parents' or children's disabilities, special educational needs or medical conditions, unless this is in support of positive action

d) about parents' or children's interests, hobbies or membership of societies (this does not apply to membership or participation in activities as part of religious observance or practice at schools designated as having a religious character).

Use of Supplementary Forms (2)

Admission authorities may use supplementary application/information forms that request additional information when it has a direct bearing on decisions about acceptable oversubscription criteria; for example, asking for a reference from a priest or other religious minister for a school designated as having a religious character (faith school) or to assess an application for a boarding place.).

Co-ordinated Arrangements

W.E.F. September 2005

- Use of Common Application forms – supplements for Church/Faith schools
- Application forms to be sent to home LA by agreed date
- Parents to state preferences (up to 3 in rank order for Secondary schools)
- LA send preferences to other Admission Authorities.
- Admission Authority to apply its over-subscription criteria, rank preferences, indicate number to be admitted and return list.
- LA to sift ‘offers’ and determine single offer and promote to ‘vacant’ places in accordance with Admissions Authority’s ranked list.
- LA to make single offer on agreed date on behalf of appropriate Admission Authority

Admissions Outside the Normal Round (1)

- Co-ordinated admission schemes must set out how late applications and arrangements for admissions outside the normal admission round will be handled.
- The admissions process must be co-ordinated beyond the offer date, at least until late applicants have been offered schools and places which become available because of rejected offers have been reallocated.
- Relevant bodies must also consider how the admissions process in-year and for years which are not a normal point of entry to schools can be better co-ordinated

Admissions Outside the Normal Round (2)

- Admission authorities must not adopt procedures or criteria that disadvantage children who arrive in the relevant area outside the normal admissions round (including Gypsy, Roma and Traveller children who must be quickly registered)
- Admission authorities must not refuse to admit children based on behaviour elsewhere unless the child has been permanently excluded twice within the last two years.
- Admissions can be deferred to the start of a term in cases not involving a house move or where there is no need for an immediate move.
- LAs may direct other admission authorities to admit a child in their care to the school best suited to his or her needs (including a Catholic school). Before giving a direction the local authority must consult with the admission authority.

Admissions Outside the Normal Round (3)

- the requirement to comply with parental preference is removed for a period of two years for a child who has been excluded permanently from two schools
- Admission authorities must not refuse to admit children in or outside the normal admission round on the basis of their behaviour elsewhere
- Admission authorities must not refuse to admit a child thought to be potentially disruptive, or to exhibit challenging behaviour, on the grounds that the child is to first be assessed for SEN

Fair Access Protocols

- Formerly called ‘hard to place pupil protocols’
- Twin purpose
  - to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible
  - to ensure that all schools in an area admit their fair share of children with challenging behaviour.
- All admission authorities and Admission Forums must have Fair Access Protocols in place by September 2007
- All schools and Academies must participate in their LA’s local authority area’s protocol
- The governing body of a VA school may refer a LA’s decision to direct the admission of a child in accordance with a locally agreed protocol to the Schools Adjudicator.
- Admission Forums must monitor the Fair Access Protocol

Admissions Committee

Suggested Terms of reference:

- To determine, within statutory provisions and the governing body's policy, whether any child should be admitted to the school*
- To review admissions arrangements and to make recommendations for changes to the governing body
- *Any items which individual governing bodies may wish to include*

*cannot be delegated to an individual

Membership – It is considered good practice to appoint the headteacher onto any admissions committee, but headteachers cannot act in place of the governing body in determining the school's admissions policy, or in deciding on the admission of any individual child.

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Thank you for listening

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