

# Young People's Education and Skills Operational Sub-Group

## Consultation on school admissions

Item No: 6(e)

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### Summary

- The Department for Education (DfE) recently consulted on the draft School Admissions Code and School Admission Appeals Code. The consultation recommended removing the requirement for local authorities to co-ordinate in-year admissions (admissions that happen within a school year).
- In it's response to the consultation London Councils highlighted the major impact this could have in London, an area where there is a high density of schools, many pupils move between areas and there is high competition for places.

**Recommendation** OSG members are asked to note the response.

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## 1 Background

- 1.1 A consultation on the draft School Admissions Code and School Admission Appeals Code was launched by DfE on 27 May 2011 and ran until 19 August.
- 1.2 The Department highlights two principle reasons for seeking changes to the current codes:
  - simplification: the current Admissions and Appeals Codes are 130 pages long and contain more than 660 mandatory requirements;
  - fairness: the Department contends that the admissions system has increasingly worked against genuine choice for parents and acted against social mobility, particularly for those who do not have the resources to navigate the system.
- 1.3 The London Councils response to the consultation is attached at Annex 1.

## 2 Recommendation

- 2.1 OSG members are asked to note the response.

We welcome the opportunity to comment on the Government's proposals to change the School Admissions Code.

We have chosen not to use the DfE's standard response form as we feel that for some questions, the choice of options available is not adequate to reflect our opinion. We have only responded to questions where we feel there is a particular issue for London local government.

**Question 1: Do you agree that the new Codes achieve these aims?**

***(nb: remove duplication; remove sections of the code open to (mis)interpretation; remove unnecessary bureaucratic burdens; ensure all places are offered in a fair and lawful way)***

London Councils agrees that the School Admissions Code should set in place clear and fair arrangements that enable parents to navigate the system easily. We also do not support any Code that forces unnecessary burdens on schools or local authorities as part of this system. However, we feel that a number of the proposed changes to the Code could reduce the fairness in the system and increase bureaucracy inadvertently.

Overseeing a fair and transparent school admissions system is a complex area of local government work, and one that London Boroughs are committed to delivering effectively and with minimal bureaucracy. This is a particular challenge in London where there is considerable choice between schools due to population density and a wide diversity of provision.

It is vital that the Admissions Code continues to promote fairness in the way school places are allocated in order for local authorities to be able to ensure that all children in the local community have equal access to a good education. The guidance around the demarcation of catchment areas has changed in the Code so that it now reads that this must be deemed to be 'reasonable'. Previously the Code stipulated that catchment areas must not disadvantage those from more deprived areas near the school. This change in language makes catchment areas now open to wider interpretation and could lead to certain cohorts of young people being excluded from particular schools.

**Question 2: Do you agree with the proposals to allow all popular and successful schools to increase their Published Admission Number (PAN)?**

London Councils supports the proposal for schools to be able to expand but only if this is in consultation with the local authority and other schools in the local area. It is essential that local authorities oversee this process for all state-funded schools locally in order to fulfil its statutory duty to secure sufficient places for every child who requires one in the local area.

This is particularly important in London where we are experiencing acute pressure on our school places planning system as a result of a significant surge in demand for places. It is crucial that capital funding for new places in London is prioritised for those areas that need it the most. Giving popular schools free reign to expand risks wasting significant resource in London that could otherwise be spent on ensuring all pupils have a school place.

Therefore, we have supported the recommendation in the James Review of school capital funding that local authorities and all local schools work together to create a local investment plan to determine how all capital funding should be allocated locally. We are pleased to see that the Government has supported this proposal in its response to the James review. It is not clear how this change in the Admissions Code to allow popular schools to expand without consultation fits with the Government's approach to capital funding.

We also have concerns about the impact of this measure on other schools in the surrounding area. The Government is clear in its intention to open up schools to wider market forces which would inevitably lead to weaker schools experiencing falling rolls. In the current financial climate however it would not make sense to create a system where scarce resources are wasted on school closures, which is also extremely disruptive to pupils. It would be more cost effective and better for pupils' outcomes to undertake a comprehensive review of how we support poor performing schools..

**Question 3: Do you agree that Academies and Free Schools should be able to give priority to children attracting the Pupil Premium in their admission arrangements?**

London Councils has welcomed the pupil premium as a means of securing more funding for disadvantaged pupils in London. It is widely accepted that pupils from deprived backgrounds have worse educational attainment than their richer peers and this funding could help to narrow that gap, if used effectively. In the interests of fairness and transparency, London Councils calls for *all* schools to be able to prioritise the most disadvantaged pupils within their admissions policies.

**Question 4: Do you support the proposal to remove the requirement for local authorities to co-ordinate in-year Admissions?**

London Councils is opposed to the proposal to remove the requirement for local authorities to co-ordinate in-year admissions in London. This is a particular issue for London given the high numbers of in year admissions, significant shortfall in places and competition between schools.

We recognise there may have been initial problems with local authorities only assuming this duty this year, but processes are now beginning to bed-in and London Boroughs are confident of being able to fulfil this duty effectively going forward. To remove the local authority entirely from this process risks compromising fairness in the system, increasing bureaucracy and stress for parents, and jeopardising the ability of local authorities to effectively safeguard children.

In particular, we wish to highlight the following issues with the proposal for parents to manage their own in-year admissions:

- *It creates an unfair advantage for better educated parents* – local authorities play an important role at present as effective and impartial intermediaries in balancing the needs of parents and schools. Removing local government's role in co-ordinating in year admissions could considerably disadvantage some parents and their children.
- *It will increase bureaucracy and stress for parents* – at present parents only need to make one application via the local authority who can then co-ordinate this with all local schools. If the system changes parents will, in many cases, need to undertake numerous applications with different schools, most of whom will be unaware of available places or waiting lists in other schools. This may also increase the number of multiple offers present in the system which will slow down the ability for schools to respond quickly.
- *It risks local authorities losing track of pupils* – This is a crucial issue for London particularly, given the high levels of pupil mobility; high numbers of vulnerable children; and high number of exclusions. There is a real concern that at-risk pupils may disappear in the system without any local authority oversight of the in year admissions process.
- *It will reduce local authorities' ability to identify performance issues early with schools* – In-year admissions is not just about new children arriving in an area, but about pupils changing schools. Sometimes where a high volume of in-year requests are received to

transfer away from a particular school it can provide an early warning system for the local authority to investigate whether there is an underlying problem with the culture of the school.

**Question 6: Do you support proposals to add twins (and multiple births) and children of service personnel to the list of excepted pupils?**

London Councils supports the proposal to add twins and children of service personnel to the list of excepted pupils. However, it needs to be made clear in the Code that this proposal does not give these families higher priority entry into any specific school as this would compromise the principle of fairness in the system.

**Question 8: Do you agree with the proposal to allow schools to give priority to applications for children of staff in their oversubscription criteria.**

London Councils disagrees with this proposal as it compromises the fairness of the admissions system.

**Question 9: Do you agree that anyone should be able to raise an objection about the admission arrangements they consider unfair or unlawful, of any school?**

London Councils would only support this proposed change to allow any person to make an objection on admissions if sufficient resources were in place to deal with the subsequent increase in bureaucracy.