

## REPORT TO CABINET

Title: **ANNUAL CONSULTATION ON SCHOOL ADMISSION ARRANGEMENTS**

Date: 18 December 2008

Member Reporting: Councillor Mrs Eileen Quick

Contact Officer(s): Rhidian Jones, Principal Education Officer, Children's Commissioning (tel. 01628 796779)

Wards affected: All

### 1. SUMMARY

1.1.1 This report fulfils the statutory requirement to consult annually on admission arrangements.

1.1.2 Specifically to seek Members' approval to consult as set out in the attached *Consultative Paper on School Admissions for Entry in 2010*, which contains six annexes, as follows.

- On the principle of admitting children full-time to mainstream schools twice a year in September (for those becoming five years of age during the autumn term) and January (for those becoming five during the spring and summer terms);
- on the principle of removing completely from the admission criteria any consideration of medical or social reasons;
- on the Criteria for Admissions to Community and Voluntary Controlled Schools within the Royal Borough (annexes 1 & 2),
- on the established Co-ordinated Admissions Scheme for primary and secondary schools for September 2010 (annexes 4 & 5),
- and on admission numbers for the Royal Borough's schools (annex 6).
- It also seeks approval to consult on continuing an option for the Specialist Schools 10% Selection by Aptitude Criteria for 2010 (annex 2).

The annexes are as follows.

Annex 1: Proposed Admission Criteria for RBWM Primary Schools including Windsor's First Schools from 1<sup>st</sup> September 2010

Annex 2: Proposed Admission Criteria for RBWM Secondary Schools including Windsor's Middle and Upper Schools from 1<sup>st</sup> September 2010

Annex 3: Distribution List of those bodies to be consulted

- Annex 4: Co-ordinated Admission Scheme for RBWM Primary Schools including Windsor's First Schools, 2010
- Annex 5: Co-ordinated Admission Scheme for RBWM Secondary Schools including Windsor's Middle and Upper Schools, 2010
- Annex 6: Admission numbers of schools
- Annex 7: Note about revenue implications for admission of 'rising 5s' to school

## 2. RECOMMENDATION

**That the proposal to consult on the matters set out in the *Consultative Paper on School Admissions for Entry in 2010 (i.e. annexes 1 –6)* be approved.**

What will be different for residents as a result of this decision?
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This consultation is a statutory requirement. It is Central Government's intention that admissions schemes for residents should be as simple and as equitable as possible.
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## 3. SUPPORTING INFORMATION

### 3.1 Background

- 3.1.1 In accordance with Section 89B of the School Standards and Framework Act 1998, all local authorities must have a Co-ordinated Admissions Scheme for primary and secondary schools. Should an authority fail to put such a scheme in place, a scheme may be imposed on the authority by the Secretary of State.
- 3.1.2 Under the Co-ordination of Arrangements Scheme, the authority must be responsible for sending parents a single letter offering their child a school place. This requirement extends to all voluntary aided schools, where the offer is made on behalf of the governing body. A Secondary Co-ordinated Admissions Scheme enables parents to complete their 'home' authority's application form and to receive a single letter offering one school place. The Primary Scheme is similar, but parents may fill in a second application form from another authority if they wish to apply for a school in the area of a neighbouring authority.
- 3.1.3 The provisions of Section 102 of the School Standards and Framework Act enabled maintained schools to consult upon the selection of up to 10 per cent of pupils for admission to their school, by reference to their aptitude in a prescribed specialist subject or subjects. The Windsor Boys' School (performing arts) and Charters School (sports) currently have criteria for selection by aptitude.
- 3.1.4 It is proposed that consultation be carried out between 1<sup>st</sup> January and 28<sup>th</sup> February 2009, with a paper to be presented to Cabinet at its meeting on Thursday 26<sup>th</sup> March finally to determine the admission arrangements for entry in September 2010. The list of bodies to be consulted is contained as Annex 3 to this report.
- 3.1.5 Members are invited to note significant changes to previous arrangements:

### **For all schools:**

- It is proposed to remove the rule allowing parents to adduce social or medical reasons for a place at a particular school. This is for two reasons: first, operation of this rule inevitably leads to subjectivity in its interpretation; second, pupils with the greatest such needs are likely either to be Looked After or be the subject of statements of special educational need, either of which confers a priority in admission.

### **For primary and first schools:**

- The Consultation formally seeks comments on new arrangements for first admission to school. Members agreed in May 2008 that this statutory consultation should include consultation on the principle that children should be first admitted full-time to mainstream school twice a year, on 1<sup>st</sup> September (those becoming five years of age during the autumn terms) and 1<sup>st</sup> January (those becoming five in the spring or summer terms).
- Depending on the outcome of the relevant decision making process, South Ascot Village Primary Schools and South Ascot Village Nursery School are to be amalgamated with effect from 1<sup>st</sup> September 2009.

### **For secondary, middle and upper schools:**

- Should members prefer to retain the medical or social rule, then it is proposed that it should be moved after, rather than before, the sibling rule, to bring it into line with the primary school arrangements.
- It is also proposed that when there are more children living in the designated area for a school than there are places remaining, the tiebreaker should be changed so that it matches the primary school arrangements. This would mean that in this situation places would first be allocated to those children with older siblings attending the school. Proximity to school – which is the only tiebreaker for secondary schools at present – would be used as a tiebreaker (a) if there are more children with older siblings than places available; or (b) where there are still places (but not enough) once all the designated area siblings have been admitted. The proximity measure alone is then used as a tiebreaker on all subsequent rules.
- Charters School has gained Trust status as of 1<sup>st</sup> September 2008, and its governing body will be responsible for its own admission arrangements for entry in 2010 and beyond. The school must, however, abide by the published admissions arrangements for September 2009 (agreed by the Royal Borough in March 2008).
- Consultation is currently in progress (from 1<sup>st</sup> December 2008) on changing the designated areas for Maidenhead's secondary schools. Its outcome is to be reported to Cabinet in March 2009 as part of the Determination of School Admission Arrangements.

3.1.6 Most of the above points relating to secondary, middle and upper schools were first raised in the report to Cabinet on the 23<sup>rd</sup> October 2008 titled 'Secondary School

Designated Areas’.

- 3.1.7 Members are invited to note that national consultation has recently taken place on a new Code of Practice for School Admissions, the results of which are due to be published early in 2009 by the Department for Children, Schools and Families.

#### **4. OPTIONS AVAILABLE AND RISK ASSESSMENT**

##### **4.1 Options**

	<b>Option</b>	<b>Comments</b>	<b>Financial Implications</b>
1.	To agree to carry out the consultation	It is a statutory requirement that consultation take place before an admissions scheme is determined	There are none arising from the consultation itself
2.	Not to approve the consultation	Should the Council fail to agree a scheme, the Secretary of State can impose his own scheme	There are none arising from the consultation itself

##### **4.2 Risk assessment**

- 4.2.1 The possible risk is as mentioned above in paragraph 4.1.

#### **5. CONSULTATIONS CARRIED OUT**

- 5.1.1 Consultation relating to Annex 4 and 5 is currently required to be undertaken each year with neighbouring admission authorities and these annexes detail the Co-ordinated Admissions Scheme for primary and secondary school respectively. The scheme is based on guidance and a suggested model scheme from the Department for Children Schools and Families.

#### **6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL**

- 6.1.1 Members queried the removal of the medical and social criterion from the proposed admissions arrangements. It was a difficult and subjective criterion which potentially disadvantaged some pupils. It could result in some parents seeking statements of special educational need. Members were pleased to note the proposal that first admission to school would take place at two points in the year. The Panel queried the potential impact of Desborough [Boys’] School admitting girls into its sixth form from September 2009. In relation to the admission of children as rising or pre-rising fives, it was confirmed that the £600,000 would have to be found within the existing Dedicated Schools Grant. The Panel noted that the Department for Children, Schools and Families had immediately implemented part of the 2009 Admissions Code referred to in paragraph 3.1.7 of the Cabinet report. This would result in a longer period of consultation and a wider range of groups to be consulted. The Cabinet report would be amended to reflect this new requirement.

#### **7. IMPLICATIONS**

- 7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	n/a	n/a	n/a

Financial. The proposal to admit children full-time to mainstream schools twice a year as rising or pre-rising fives will cause funding difficulties in the first year. It is likely that up to £600,000 will need to be found from within the Council's existing resources to allocate to schools for the increased number of pupils. Once the first year of pupils is in place, their numbers will bring a larger Dedicated Schools Grant for the second and subsequent years and so will remove the difficulty from then on. Annex 7 explains the position in more detail, and suggests possible ways of reducing the allocation to schools in the first year.

Legal. S.89 of the School Standards and Framework Act 1998 provides that the admission authority for every maintained school must determine the school's admission arrangements every school year. The Education (Determination of School Admission Arrangements) Regulations 1989, as amended, set out the details of this duty, which includes that arrangements must be determined before 15<sup>th</sup> April in any given year.

S.9 of the Education Act 1996, as amended by the School Standards and Framework Act 1998, obliges an authority to have regard to the concept of parental preference, whereby parents express a preference for their child to attend a specific school. Education in accordance with parental preference is subject to the provision of efficient education and the avoidance of unreasonable public expenditure.

The admission arrangements are governed by a strict legislative framework. Unless there is a major change in circumstances the admission arrangements cannot be altered at short notice.

Human Rights. The convention right under the Human Rights Act relevant to this report is Article 2 of the First Protocol, the right not be denied an education. This convention right will not be affected by this decision. This decision does not affect any victims as defined under the Act.

Background Papers:

Education Act 1996

School Standards and Framework Act 1998

Education (Determining School Admission Arrangements) Regulations 1998

Education (Determination of School Admission Arrangements) Regulations 1999

Education Act 2002

*Five Year Strategy for Children and Learners*, Department for Education and Skills, 2004

Specialist Schools Programme Application Guidance 2004/5

*School Admissions Code*, Department for Education and Skills, [28 February] 2007