

## REPORT TO CABINET

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

Date: 17 December 2009

Member Reporting: Councillor Mrs Eileen Quick

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Wards affected: All

### 1. SUMMARY

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

1.1.2 Specifically this paper seeks Members' approval to consult the public as set out in the attached *Consultative Paper on School Admissions for Entry in 2011*. If approved, the consultation will take place between 30<sup>th</sup> December 2009 and 27<sup>th</sup> February 2010. The results of the consultation will be placed before Cabinet on 25<sup>th</sup> March 2010 for determination.

1.1.3 This document contains the proposed arrangements for entry to school in September 2011, and it includes the admission numbers for the Royal Borough's schools. There are no significant changes in these matters since the determination in March 2009 of arrangements for September 2010. However, recent Regulations place additional duties upon local authorities, and these are provided for in this document.

1.1.4 The new duties are that local authorities are required:-

- from September 2010 to co-ordinate all 'in-year' applications for schools (this matter previously having been left to schools themselves) and
- from September 2011 to receive and co-ordinate all applications from their own residents for all schools (whereas previously an authority's residents sent applications for primary school places to the authority in which the primary school was situated)

1.1.5 The document contains the following sections.

Section 1: Proposed Admission Criteria for RBWM Primary Schools including Windsor's First Schools from 1<sup>st</sup> September 2011

Section 2: Proposed Admission Criteria for RBWM Secondary Schools including Windsor's Middle and Upper Schools from 1<sup>st</sup> September 2011

- Section 3: Co-ordinated Admission Scheme for RBWM Primary Schools including Windsor's First Schools, 2011
- Section 4: Co-ordinated Admission Scheme for RBWM Secondary Schools including Windsor's Middle and Upper Schools, 2011
- Section 5: Arrangements for In-Year Applications (new)
- Section 6: Definitions and explanations (new)
- Section 7: Admission numbers of schools
- Section 8: Persons and bodies to be consulted

**2. RECOMMENDATION: That approval be given to the proposal to consult on the matters set out in the *Consultative Paper on School Admissions for Entry in 2011***

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 88M 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 30<sup>th</sup> December 2009 and 27<sup>th</sup> February 2010, with a paper to be presented to Cabinet at its meeting on Thursday

25<sup>th</sup> March finally to determine the admission arrangements for entry in September 2010. It is requirement that the consultation be open for a period eight weeks before 1<sup>st</sup> March, and these dates are chosen to meet this requirement. The list of bodies to be consulted is contained as Section 8 in the consultation document.

3.1.5 As mentioned above, this document outlines new arrangements for coordinating 'in-year' admissions and for receiving all applications from the authority's residents for all schools. The significant changes to the March 2009 determination of arrangements are shown in the text. These include some instances of clarification of arrangements. It is expected that Charters School will gain Trust status during the current academic year, when its governing body will be responsible for its own admission arrangements for entry in 2011 and beyond. The school will be expected to abide by any admissions arrangements published before it gains Trust status.

#### **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 Sections 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 At its meeting on 2<sup>nd</sup> December 2009, the Panel unanimously endorsed the report, and asked for the following two amendments to be made. First, to include a reference to foster children when defining siblings. Second, to change references from 'any' Fair Access Protocol to 'the' Fair Access Protocol. Both of these amendments have been made in the accompanying report.

## 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	n/a

Legal. S.88 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 School Admissions (Admission Arrangements) (England) Regulations 2008 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.

A new Code of Practice was published in 2009 and its workings are constantly scrutinised by the [national] Schools Adjudicator.

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

School Admissions (Admission Arrangements) (England) Regulations 2008

School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008

Education Act 2002

Specialist Schools Programme Application Guidance 2004/5

*School Admissions Code*, Department for Children, Schools and Families, 2009