

## LOCAL ADMISSIONS FORUM

**Venue:** Town Hall, Moorgate  
Street, Rotherham.

**Date:** Thursday, 3 July 2008

**Time:** 10.00 a.m.

### A G E N D A

1. Appointment of Chairman for 2008/2009
2. Appointment of Vice-Chairman for 2008/2009
3. Apologies for Absence
4. Minutes of the Previous Meeting held on Thursday, 20th March 2008 (copy attached) (Pages 1 - 4)
5. Matters Arising from the Minutes of the Previous Meeting held on 20th March 2008
6. Update on the Numbers of European Union Migrants, Etc and the Schools Attended (report attached) (Pages 5 - 7)
7. Definition of a Sibling (report attached) (Page 8)
8. Ministerial Statement by Schools Minister Jim Knight M.P. - Update on Action and Consultation (report attached) (Pages 9 - 10)
9. St. Bede's Catholic Primary School - Objection to Admission Arrangements - School Adjudicator's Determination (report attached) (Pages 11 - 16)
10. Admissions Forum Reports - Information Note (copy attached) (Pages 17 - 26)
11. Admissions Consultation 2010/2011 (verbal report)
12. Admission to Secondary School - 2009/2010 Booklet
13. Any Other Business
14. Date and Time of Next Meeting - Thursday, 13th November 2008 at 10.00 a.m.

**LOCAL ADMISSIONS FORUM  
THURSDAY, 20TH MARCH, 2008**

Present:- Councillor Rushforth (in the Chair); Mr. B. N. Sampson (Church of England), Mrs. I. G. Hartley (School Governors), Mr. M. Hall (Community Representative), Mr. F. Hedge (Community Representative), Mr. G. Lancashire (Junior and Infant Schools), Mrs. P. Powell (Community Representative), Mr. P. Robins (Community Representative), Mrs. H. Morris (Diocese of Sheffield) and Mrs. C. Thorpe (Diocese of Hallam).

**22. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Miss H. McLaughlin, Mrs. G. Atkin, Mrs. A. Chambers and from Councillor J. Falvey.

**23. MINUTES OF PREVIOUS MEETING HELD ON 15TH NOVEMBER 2007**

Agreed:- That the minutes of the previous meeting, held on the 15<sup>th</sup> November, 2007, be approved as correct record.

**24. MATTERS ARISING FROM PREVIOUS MINUTES**

The following issues were noted:-

(a) Welcome Centre (Minute No. 18) – reports would be submitted to the next meeting of the Local Admissions Forum on:-

- schools in the Rotherham area which have particular pressures and possible alternative schools to which pupils can be sent; and

- arrangements for a Transport Plan to be developed, with a view to getting children to alternative schools with places when nearby schools are full.

(b) Welcome Centre (Minute No. 18) – it was noted that the members' visit to the Welcome Centre had been beneficial and informative.

**25. ANNUAL CONSULTATION - FEEDBACK FOR 2009/2010 SCHOOL ADMISSIONS**

Consideration was given to a report presented by the Principal Officer, Forward Planning (Children and Young People's Services) concerning the requirement for all admission authorities to determine admission arrangements, for the 2009-2010 academic year, by 15<sup>th</sup> April, 2008. The report described the issues which had arisen as a result of the annual consultation exercise with and between schools and other admission authorities.

Consideration was also given to:-

- the Ministerial Statement by Schools Minister Jim Knight M.P., entitled 'Strengthening the School Admissions System';
- the proposed admissions policy, for the 2009-2010 academic year, for the St. Bede's R.C. Primary School.

Agreed:- (1) That the report be received and its contents noted.

(2) That the Local Admissions Forum agrees with the following courses of action:-

(a) the proposed admission numbers (contained within Annex 1 of the report submitted) for community and controlled schools be confirmed for 2009/10, subject to the clarifications/amendments contained in Annex 2, at section 1Ai;

(b) the changes relating to voluntary aided schools' admissions criteria (shown at Annex 2, section b ii of the report submitted) be noted;

(c) the appropriate notice be published in respect of the proposed admission numbers for schools named in Annex 2 of the report submitted, where the admission number will be less than that indicated by the current net capacity calculation;

(d) the report be published on the Council's Internet website; and

(e) the co-ordinated schemes for Primary and Secondary preferences be confirmed.

(3) That, with regard to proposed admissions policy, for 2009-2010, of the St. Bede's R.C. Primary School:-

(a) the Local Admissions Forum notes and concurs with the Local Authority's concerns over the proposed changes to the admissions criteria, particularly with regard to the priority given to those attending the school's FS1 unit and the lack of timely consultation;

(b) the school's governing body be asked to respond to these concerns and to consider a redetermination in line with the admissions code of practice before the deadline of 15th April, 2008; and

(c) the Local Admissions Forum agrees that, failing a satisfactory outcome, the Local Authority should make a formal objection to the Schools Adjudicator in line with the Code of Practice and the recent Ministerial letter, against the proposed admissions criteria for St. Bede's R.C. Primary School applying to the 2009/10 year.

(4) That a report be submitted to the next meeting of the Local

Admissions Forum containing a definition of the 'sibling' criteria.

**26. MINISTER OF RELIGION FORM (DIOCESE OF SHEFFIELD)**

Heather Morris (Church of England Diocese of Sheffield) presented the amended information form and Minister of Religion Referral form which were to be used in future with the common application form for places at Church of England Aided Schools.

The Local Admissions Forum agreed to the use of these amended forms.

**27. CURRENT SCHOOL ADMISSIONS CYCLES - UPDATE**

The Principal Officer, Forward Planning (Children and Young People's Services) presented a report about the current situation with regard to primary and secondary school admissions cycles for September, 2008, as follows:-

**(a) Secondary Schools – Year 7 Admissions in September 2008**

The National offer date was 3<sup>rd</sup> March, 2008. There were seven oversubscribed secondary schools in Rotherham..

There were 510 on-line applications. It appeared that the submission of applications by this method had reached a plateau. 95.2% of parents had been offered a place at the first preferred school, compared with 87.3% for Yorkshire and the Humber and the national figure of 82%. 98.8% of children had been allocated to either the first, the second or to the third preferred school (96.6% in Yorkshire and the Humber and 94% nationally).

The Local Admissions Forum was informed of the current number of admission appeals for secondary schools and the appeal panel meetings being processed by Democratic Services. It appeared that there would be a large number of appeals for Wickersley School and Sports College, for Wales High School and also all for Saint Bernard Catholic High School and Wath Saint Pius X R.C. Comprehensive School.

**(b) Primary School Admissions – September 2008**

The national offer day was Thursday, 10<sup>th</sup> April 2008. There had been 380 on-line applications for Reception/Foundation Stage 2 and 41 on-line applications for Year 2 and Year 3 admissions. Early indications were that there might be as many as twenty oversubscribed schools which have a waiting list.

Agreed:- (1) That the report about the current admissions cycles be received.

(2) That a report be submitted to the next meeting of the Local

Admissions Forum about the effectiveness of the school admissions process, in the light of the Ministerial Statement by Schools Minister Jim Knight M.P.

**28. ANY OTHER BUSINESS**

The Local Admissions Forum discussed the following issues:-

(a) issues raised by parents concerning the admissions process to Primary Schools in Laughton – it was noted that Children and Young People's Services had provided clarification to the two schools concerned;

(b) Children's Education Advisory Service (Service Community Representation) – a reply would be sent to this Advisory Service stating that there is not a significant population of Service children attending Rotherham schools and consequently an invitation is not extended to a representative of the Service community to attend meetings of the Local Admissions Forum;

(c) School Admissions Appeal Panels – members expressed concern about the new requirement to inform parents of the names of appeals panel members (paragraph 2.11 of the School Admission Appeals Code of Practice);

(d) there was now a requirement for agendas and minutes of the meetings of the Local Admissions Forum to be made available for all schools (these documents are also published on the Council's Internet web site).

**29. DATE AND TIME OF NEXT MEETING - THURSDAY 3RD JULY 2008 AT 10.00 A.M.**

Agreed:- That the next meeting of the Local Admissions Forum be held on Thursday, 3<sup>rd</sup> July, 2008, commencing at 10.00 a.m.

Rotherham Metropolitan Borough Council  
Children and Young People's Services

**New Arrivals - Admissions to Schools. Academic Year 2006/7**

**Primary Schools**

Anston Greenlands	1
Aston Hall	1
Aughton	1
Badsley Moor Jnr	3
Blackburn	1
Brinsworth Manor Inf	1
Brinsworth Manor Jnr	1
Broom Valley Inf	11
Broom Valley Jnr	13
Canklow Woods Jnr	5
Coleridge	9
Dinnington	1
East Dene	5
Ferham	13
Greasbrough	6
Herringthorpe Jnr	1
High Greave Inf	2
High Greave Junior	7
Kiveton Park Inf	1
Meadow View	10
Our Lady & St. Joseph's	1
Rawmarsh Ashwood	1
Rawmarsh Rosehill Jnr	1
Rawmarsh Ryecroft Inf	2
Redscope Inf	1
Redscope Primary	3
Sitwell Inf	4
St. Ann's	37
St. Bede's	5
St. Gerard's	2
Swinton Fitzwilliam Inf	2
Thornhill	7
Todwick	1
Treeton	2

**Primary Total 162**

**Secondary Schools**

Aston	1
Brinsworth	8
Clifton	16
Oakwood	26
Pope Pius X	2
St. Bernard's	2
Thrybergh	17
Wales	2
Wickersley	2
Wingfield	1
Winterhill	9

**Secondary Total 86**

**Special Schools**

The Willows 1

RCAT 17

Moved away 104

Living in another L.A. + applied to R'ham 28

Applications not processed, 7

(i.e. too old or too young for school)

**Final Total 405**

Rotherham Metropolitan Borough Council  
Children and Young People's Services

**New Arrivals - Admissions to Schools. Academic Year 2007/8**  
**Position as at 1 May, 2008**

**Primary Schools**

Aston Lodge	1
Badsley Moor Inf	3
Badsley Moor Jnr	2
Brinsworth Howarth	2
Broom Valley Inf	4
Broom Valley Jnr	8
Blackburn	1
Canklow Woods	3
Coleridge	15
East Dene	19
Ferham	6
Herringthorpe Jnr	4
High Greave Junior	1
Kimberworth Primary	2
Maltby Manor Jnr	1
Our Lady & St. Joseph's	1
Rawmarsh Ashwood	2
Rawmarsh Monkwood Inf	1
Rawmarsh Monkwood Jnr	1
Rawmarsh St. Joseph's	1
Roughwood	1
St. Ann's	6
Swinton Brookfield	1
Swinton Queen	2
Thornhill	1
Wath Victoria	3

**Secondary Schools**

Aston	1
Brinsworth	2
Clifton	5
Dinnington	2
Oakwood	4
Rawmarsh	1
St. Pius	1
Thrybergh	9
Wath	1
Wickersley	1
Winterhill	5
RCAT	6

**Sub total 130**

Awaiting confirmation of admission date	58
Other ongoing cases	50
Moved Away	60

**Total 298**



**WHERE A SECONDARY SCHOOL IS OVERSUBSCRIBED, PLACES ARE ALLOCATED TO CHILDREN ACCORDING TO THE FOLLOWING ADMISSION CRITERIA, RANKED IN ORDER OF PRIORITY:-**

- (i) Relevant Looked After Children
  - (ii) Children who, on the Closing Date, are living\* in the catchment area of the school, as defined by the Authority.
  - (iii) Those children who live\* outside the catchment area whose older brothers or sisters will be on the roll of the preferred school at the time of their admission. *(The sibling rule does not apply when parents seek a transfer of school and, when more than one child is involved each transfer request will be considered on an individual basis).*
  - (iv) Children who have a specific medical reason confirmed by a medical practitioner which the Authority is satisfied makes attendance **at that particular** school essential.
  - (v) Children with a compelling social reason which the Authority is satisfied make attendance **at that particular** school essential. The kind of overriding social reasons which could be accepted are where there is evidence that the pupil's education would be seriously impaired if he or she did not attend the preferred school. N.B. VERY FEW CASES ARE AGREED ANNUALLY ON SOCIAL GROUNDS.
  - (vi) Children who, on the Closing Date, are on the roll of one of the associated primary/Junior/Junior and Infant Schools as identified by the Authority.
  - (vii) Children who, on the Closing Date, live\* nearest to the school measured by a straight line on a horizontal plane, (commonly known as measurement, "as the crow flies").
- \*This means that a child is habitually and normally resident at an address for a settled purpose which is not solely to receive education.

For the **sibling criterion** to be applicable one of the following conditions must exist:

- \* brother and/or sister to be permanently resident at the same address
- \* stepbrother and/or stepsister to be permanently resident at the same address
- \* half brothers and/or half sisters to be permanently resident at the same address.
- \* brother and/or sister who do not live at the same residence but, who share the same parents.

You may be required to provide proof e.g. Birth Certificate and proof of residence.

**ROTHERHAM BOROUGH COUNCIL****CHILDREN AND YOUNG PEOPLE'S SERVICES****REPORT TO THE LOCAL ADMISSIONS FORUM**

3 July 2008

**Ministerial Statement – Strengthening the School Admissions System  
- update**

There was some discussion at the previous meeting concerning a ministerial statement which had been forwarded to all LAs by Jim Knight. This report gives an opportunity for an update.

**Background**

In December 2007 the government published its Children's Plan which included a pledge to monitor the impact of the new Schools Admission Code. As a result, government officials were asked to carry out an analysis of the published admissions arrangements for 2008 in three local authority areas – Northamptonshire, Manchester and Barnet. This analysis led to the minister's decision to produce the statement which included plans for 'strengthening the admissions system for 2009'.

**Main points**

- 1) **Strengthening the role of local authorities** – local authorities to produce a report each year on the legality, fairness and effectiveness of all school admissions arrangements in their area.
- 2) **Improving Admissions Forums** - consultation on further steps that can be taken to ensure that forums operate as effectively as possible.
- 3) **Consulting and engaging communities and parents more effectively** – effective consultation should include all those who have an interest in admissions policies, including parents. There will be consultation on steps to be taken.
- 4) **Properly informing parents** – new guide for parents on the admissions and appeals codes to be produced.
- 5) **Extending the role of the Schools Adjudicator** - Schools Adjudicator to report on steps to be taken to ensure compliance with the statutory requirements in respect of 2009 admissions arrangements. Additionally, the period for objections is to be extended.

**Action**

The DCSF has subsequently:

- 1) Published 'Primary and Secondary School Admissions and Appeals: A Guide for Parents' in April 2008
- 2) Requested the Schools Adjudicator to seek confirmation from all LAs that full consultation on all admissions policies and procedures has taken place for 2009/10. Admissions booklets including all existing policies have been forwarded to the Schools Adjudicator together with any amended policies for that year. The Adjudicator will test samples of these and report back on any aspect which might contravene the Admissions Code.
- 3) Drafted amendments to the Education and Skills Bill.
- 4) Launched a consultation on changes which would include an updated Code. Conferences to discuss potential changes have been arranged to take place shortly with the consultation period ending on 2<sup>nd</sup> October 2008.
- 5) Extended the period for objections to admissions procedures to 31<sup>st</sup> July.

Officers have yet to attend one of the consultation conferences. However, the consultation has been launched and details can be found on the DCSF website: [www.dcsf.gov.uk/consultations](http://www.dcsf.gov.uk/consultations)

Some of the potential changes being put forward include:

- all parents applying for a school place to the 'home authority' (this would bring Primary school applications into line with those for Secondary schools)
- consulting on admission arrangements only every 3 years after the 2010/11 round (unless changes proposed)
- 'relevant parents' to be consulted
- consultation for at least 8 weeks from 1<sup>st</sup> December to 1<sup>st</sup> March
- 4 options for change to the LAF - changed to 'smaller advisory groups'
  - change of focus – fairness rather than legality
  - simplify regulations on reports to ensure non duplication with LA report
  - make LAFs voluntary
- suitably independent and qualified reviewers could be appointed who can assess whether an Infant Class Size appeal is likely to be successful or not
- priority could be given within admissions criteria to those who accept and support the clearly stated ethos of the school
- popular and successful schools could have a higher admission number (without the requirement to publish a statutory notice where this is 27 or more). School Organisation Regs could be amended.

The Local Authority will respond to the consultation in due course after conferences have been held, but LAF members may wish to comment on the above.

**DETERMINATION**

**Case reference:** ADA/001219  
**Objector:** Rotherham Borough Council  
**Admission Authority:** St Bede's Catholic Primary School  
**Date of decision:** 3 June 2008

**Determination**

**In accordance with section 90 (3) of the School Standards and Framework Act 1998, I partially uphold the objection lodged by Rotherham Borough Council.**

**I determine that for September 2009 the arrangements for St Bede's Catholic Primary School, Rotherham should be as set out in the annex to this determination.**

**The referral**

1. Rotherham Borough Council (the Council) has referred an objection to the Adjudicator about the admission arrangements (the arrangements) for St Bede's Catholic Primary School (the school) for September 2009.
2. The Council objects to the following elements of the school's over-subscription criteria:
  - the use of statements of special educational needs to identify first priority;
  - the inclusion of a criterion affording priority to siblings attending the school at the time of application;
  - the use of attendance at the school's Foundation Unit combined with distance from home to school as a tie-breaker.

**Jurisdiction**

3. These arrangements were determined under section 89(4) of the School Standards and Framework Act 1998 (the Act) by the governing body which is the admission authority for the school. The arrangements were notified to the objector on 19 March 2008. The Council submitted its objection to these determined arrangements on 21 April 2008. I am satisfied that this objection has been properly referred to me in accordance with section 90 of the Act, and that it falls within my jurisdiction.

## **Procedure**

4. In coming to my conclusions, I have had full regard to the Act and Regulations made thereunder, the Schools Admissions Code (the Code) and all the evidence presented so far as it is relevant to the objection. I have also had regard to the relevant provisions of the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995; and the Human Rights Act 1998.

5. The documents I have considered in reaching my decision include:

- the Council's objection form received on 21 April and supporting documents;
- the school's response to the objection and supporting documentation;
- the Council's booklet for parents seeking admission to schools in the area in September 2008.

## **The Objection**

6. The Council argues that the following two elements of the arrangements are inconsistent with the law or the Code. Firstly they argue that the inclusion of a criterion giving priority to children with a statement of special educational needs is not appropriate, as this priority is afforded automatically as a result of the relevant legislation. Secondly, the Council believes that the priority afforded to the siblings of children already attending the school should only apply where the children will consequently be at school at the same time.

7. The Council further argues that the use of attendance at the school's Foundation Unit as a tie-breaker, whilst not prohibited, is discouraged by the Code; and that the inclusion of this tie-breaker can be interpreted as an attempt to constrain the exercise of parental choice when parents are making decisions about nursery provision for their children.

8. The objector is also concerned that the arrangements are unhelpfully complicated by the inclusion of a second tie-breaker based on distance, to be used when the application of the first tie-breaker leads to the identification of more children than there are places in the relevant year group.

9. The Council acknowledges that the use of the attendance at the school's Foundation Unit as a tie-breaker is not prohibited by the Code, but draw attention to what they regard as ambiguities in the Code.

## **The School's Response**

10. The school's governors accept the points made regarding the criteria referring to statements of special educational need and siblings, but contend that the use of attendance at the Foundation Unit combined with distance as a tie-breaker is important to them and permitted by the Code. They accept,

however, that the wording of the tie-breaker could be confusing and that it would be helpful to amend it.

### **Consideration of Factors and Conclusion**

11. The Council is right to argue that the priority afforded to children with statements of special educational needs is absolute. The relevant legislation provides for such children to be admitted whether or not the school has reached its admission number in the relevant year group. It is therefore unhelpful to include this factor in the criteria for the allocation of a specific number of available places. Indeed the Code specifies that such a consideration is not an oversubscription criterion. I therefore support the Council's objection on this point, although I would accept that this is a technical distinction which will have minimal impact on the operation of the arrangements.

12. The justification for a criterion giving priority to siblings of children already at the school is that it enables brothers and sisters to be educated in the same school. This is beneficial for them and convenient for their parents. There is no such justification for allowing such a priority to siblings of children who are about to leave the school. The Code explicitly prohibits the use of a criterion which allocates places on the basis that a sibling is a former pupil, including pupils who are at the school at the time the application is made, but will have moved on before the child is admitted to the school.

13. I am pleased to note that the governors have acknowledged the need to amend these two criteria.

14. Turning to the question of inclusion of attendance at the school's Foundation Stage nursery in the arrangements, I note that this is not included as a principal criterion but as a tie-breaker to be used only when there are more applicants meeting a given criterion than there are available places. It is likely to be needed in a relatively small number of cases in any one year.

15. The Code allows the use of attendance at an associated nursery provided this does not have the effect of disadvantaging families who live in the community served by the school but have chosen alternative nursery provision or who have recently moved into the area. The Council makes the very reasonable point that this could be a difficult proviso to meet in some cases.

16. In this particular case, however, the school primarily serves a faith community rather than a geographical one, and the whole thrust of the arrangements (and of the criteria in particular) is to give priority to Catholic families and others with a close affinity to the Church. As a result there is much less risk of a child living close to the school being refused admission just because he did not attend the Foundation Unit. I therefore conclude that the inclusion of a tie-breaker which takes account of attendance in the Foundation Unit is acceptable.

17. Since it is possible that the use of this factor as a tie-breaker could be inconclusive, a final determinant is required. The distance of the child's home

from the school is a clear and objective factor and is entirely acceptable. I do accept, however, that as currently drafted the relationship between these two factors is unclear. I have set out a revised wording in the attached amended criteria.

**Determination**

**In accordance with section 90 (3) of the School Standards and Framework Act 1998, I partially uphold the objection lodged by Rotherham Borough Council.**

**I determine that for September 2009, September 2010, and September 2011 admissions, the arrangements for St Bede's Catholic Primary School, Rotherham should be as set out in the annex to this determination.**

Dated: 3 June 2008

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Signed: Mr Andrew Baxter

Schools Adjudicator:

## **ANNEX**

### **ST BEDE'S CATHOLIC PRIMARY SCHOOL, ROTHERHAM**

#### **CRITERIA FOR ADMISSION**

When the number of applications for places at the school is greater than the admission number (40), The governing body will apply the following criteria to determine which children will be admitted.

##### **Criterion 1**

###### **Children in Public Care (Looked After Children)**

##### **Criterion 2**

###### **Baptised Catholic children who live in the parishes of St Bede's and Forty Martyrs.**

A baptismal certificate will be required. Members of Churches which are in full communion with the Roman Catholic Church, living in the parishes of St Bede's or Forty Martyrs, fall into this category.

##### **Criterion 3**

###### **Baptised Catholic children who live in parishes other than St Bede's and Forty Martyrs.**

A baptismal certificate will be required. Members of Churches which are in full communion with the Roman Catholic Church fall into this category.

##### **Criterion 4**

###### **Children of parents who are following a course of instruction to be received into the Catholic faith who have been christened into another denomination or have been members of another faith.**

This must be verified by the Catholic priest.

##### **Criterion 5**

###### **Children who will have siblings attending St Bede's School at the time of their admission.**

This criterion includes a full, half- or step-brother or sister who permanently resides at the same address.



**Criterion 6**

**Children who are worshipping members of other Christian Churches (as recognised by *Churches Together in England* (see appendix).**

Evidence of membership, such as testimony of the minister that the child and at least one parent attend the church at least once a month, will be required.

**Criterion 7**

**Children who are worshipping members of other world faiths whose parents want them to be educated in a Christ-centred environment.**

Evidence of membership of the relevant faith community, such as testimony of the religious leader, will be required.

**Criterion 8**

**Children with special educational needs likely to benefit from attendance at St Bede's rather than any other school.**

Such an application must be supported by the advice of an appropriately qualified professional.

This criterion does not affect the statutory rights of a child with a Statement of Special Educational Needs which names St Bede's Catholic Primary School.

**Criterion 9**

**Other children whose parents are seeking a Christ-centred education for them.**

**Criterion 10**

**Other applicants**

**TIE-BREAKERS**

In the event that the number of children identified by any one of the above criteria is greater than the number of available places, the governors will give priority children attending the school's Foundation Unit in the term prior to admission to the school.

In the event that the above tie-breaker itself leads to the identification of more children than there are available places, priority for places will be given to children living closest to the school. The distances will be determined by the Local Authority on the basis of the shortest direct route from the applicants' homes to the main entrance of the school.

## Information Note on Admission Forum Reports

### Section 1 - Introduction and general guidelines

1. Section 85A(1A) of the School Standards and Framework Act 1998 (as inserted by section 41(3) of the Education and Inspections Act 2006) provides admission forums with an important power to produce an annual report on school admissions. Regulation 3(1A) of the Education (Admission Forums) (England) Regulations 2002<sup>1</sup> ('the Forum Regulations') prescribes what will be included in such reports.
2. This information note sets out the purpose of admission forum reports and provides guidelines on their content.

#### Purpose and scope of the forum report

3. Local authorities are required, under section 13A of the Education Act 1996, as substituted by section 1 of the Education and Inspections Act 2006, to exercise their functions, so far as possible, with a view to '*ensuring fair access to educational opportunity*'.
4. Paragraph 1.67 of the School Admissions Code extends the duty to achieve fair access to all schools:

*'Admission authorities and governing bodies **must** ensure that their admission arrangements and other school policies are fair and do not disadvantage, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs'*.

5. The admission forum report should provide an objective analysis of the degree to which local admission arrangements support fair access. It should consider arrangements for entry to reception and subsequent year groups to all mainstream maintained schools and academies in England, and should make recommendations for achieving fair access. The process is not about ensuring that a uniform set of arrangements is adopted across a local area, but rather that arrangements individually and as a whole, support fair access.
6. Although the report should review the year's admission arrangements and processes and should concern itself fundamentally with school admission issues, it should not confine itself solely to these issues, especially where broader school policies might affect parents exercising their choice.
7. The Schools Commissioner will undertake a biennial national review of fair access based on national data and forum reports submitted by admissions forums. He will be required to submit this report to Parliament; reporting for the first time in April 2009.

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<sup>1</sup> As amended by the Education (Admission Forums) (England) (Amendment) Regulations 2007

8. To ensure that the report includes all the necessary information, a statutory duty has been placed on the local authority, adjoining local authorities and the governing body of any school in the area, to comply with any request of a forum for the information necessary to complete the report<sup>2</sup>.
9. The forum report will be:
- a. a basis for the forum to be able to comply with its duties under section 85A of the School Standards and Framework Act 1998 and regulation 3 of the Forum Regulations to make recommendations on improving admission arrangements or as an evidential basis for any objections to the Schools Adjudicator<sup>3</sup>;
  - b. a report to the Local Authority to help it exercise its statutory duty to promote fair access and to help it identify any local issues;
  - c. a report to schools and other admission authorities to assist them in complying with their fair access duty and, more broadly, in determining lawful and fair arrangements;
  - d. a report to the Schools Commissioner to inform his biennial report to Parliament on fair access; and
  - e. a report for parents so that they are able to take into account its information about fair access when expressing preferences for a school.

#### Responsibility for drafting the report

10. The forum as a whole is responsible for researching, writing and submitting the report, and also determine who, or which organisation, should undertake this work. It is therefore crucial that, whatever is decided, all members of the forum have the opportunity to participate.

11. The forum, when setting or reviewing its constitution, should consider carefully the roles and responsibilities of members, their involvement in the development of the report, whether external personnel or resources are to be used, deadlines and any follow up action that might be necessary. This will ensure that the report is thorough but does not become overly burdensome for individual members. Those involved in developing the report will need to understand admissions legislation and the provisions within the School Admissions Code.

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<sup>2</sup> Sections 85A 1B and 1C of the School Standards and Framework Act 1998 as inserted by section 41 of the Education and Inspections Act 2006.

<sup>3</sup> The forum should object to admission arrangements which are unfair, unlawful or otherwise contravene the mandatory provisions of the School Admissions Code. It should not hesitate to utilise this power of objection if negotiation fails to rectify either unlawful or unfair admission arrangements.

12. To support the forum:
- a. working parties could be set up;
  - b. non-member experts could be utilised (under regulation 5(8) of the 2002 forum regulations);
  - c. 'community members', could be appointed under regulation 5(1)(b). These might be experts in a particular field and include, for example, parent representatives, the local Citizens Advice Bureau and experts in armed forces issues; or they could be community leaders either in the broader sense, or in the narrower sense of those representing particular ethnic or social groups, including travellers; and
  - d. local authorities and the governing bodies of maintained schools in the area of the forum **must** provide statistical and other information requested by the forum as soon as it becomes available.
13. The report will be expected to reach a set of clear, easily understood recommendations. Admission forums are also able to produce more specialised reports, which either stand-alone or feed into the main forum report.

#### Ensuring independence

14. While the local authority is likely to be the primary source for data and perhaps also officers to support the development of the report, the forum should bear in mind that its scrutiny role and so should consider carefully how the report's objectivity can be maintained. For instance, the local authority may express views on what action should be taken but the forum would be expected to consider whether to follow this advice in the context of its overarching purpose of ensuring that fair access is achieved.

15. The forum might have resources other than local authority officers it could draw on to produce a report, or neighbouring authorities might provide officers to support each other's forums, in a reciprocal arrangement. Alternatively, a member of the local authority Children's Services scrutiny team could be seconded to the forum during the researching and drafting of the report (and/or to oversee any follow-up action). This individual should have the appropriate level of independence to allow the forum to produce an effective and objective report.

16. As the forum is not a part of the local authority it is not appropriate for the report to be ratified by elected members. Equally, the forum is independent and it is not appropriate for the forum to seek the local authority's agreement before submitting an objection to school admission arrangements.

#### Agreeing and finalising the report

17. It is essential that the report should represent the views of the majority

of the forum. The forum should therefore seek to achieve consensus when agreeing the report. If this is not possible, the report should be agreed by a majority of forum members attending the relevant meeting (i.e. members of the forum as whole and not just core members).

18. 'Agreeing the Forum Report' should be an agenda item of a forum meeting and all forum members should be given the opportunity to attend the meeting and vote, if necessary on the final report.

### Timing and dissemination of the report

19. The data for the forum report should be provided by the local authority (and any other organisation or body from which the forum has requested information) by the Autumn. Ideally, to give the forum sufficient time to develop the report, most of the data should be provided in September although some census data may not be available until October.

20. The forum then has until the end of December to consider this information and submit the report to the local authority, its schools and the Schools Commissioner at the Department for Children Schools and Families (DCSF). This is to allow time for the Commissioner's Office to analyse all the reports for his biennial report to Parliament on fair access. The report should clearly set out recommendations and any follow up action.

21. The forum might also consider whether to copy the report to neighbouring local authorities and forums. The report should be easily accessible (including by parents), for example, by being posted on the local authority's website.

### Taking forward recommendations

22. Recommendations can be to the local authority, schools in general or individual schools. Admission authorities are under a duty to have regard to the forum's recommendations and the forum should monitor whether recommendations are implemented and consider what action to take (for instance, objection) if they are not implemented.

23. If in doubt about the lawfulness of admission arrangements, the forum should take legal advice. If a school which is consulting on potentially unlawful or unfair arrangements does not take the forum's advice into account and ultimately determines unfair or unlawful arrangements the forum would be expected to use its right of objection.

## Section 2 – Content of the report

24. Regulation 3(1A) of the Forum Regulations sets out what, as a minimum, forum reports will include.

25. The final report should include a clear overall summary and recommendations and cover all the issues set out at paragraph 27 below. The report should also include a clear set of recommendations backed up by evidence. So that recipients are able to understand how these findings and recommendations have been reached the report should append the data used to reach its findings.

26. The forum should make its recommendations based on its judgement of the evidence and data it has considered. Where data or evidence is not in line with expectations it is possible that the forum may not always be able to reach firm conclusions as to the reason for any ‘anomaly’. However, where this is the case, the forum should commission further research, reports or action to identify whether a problem exists and how to resolve that problem. This should be reflected in the forum’s recommendations within the report.

27. The regulations prescribe that the report will cover the issues set out at ‘a’-‘h’ below. The text boxes contain examples of the type of questions and issues that the forum should be covering. None of the examples are exhaustive and some may not be appropriate for every forum. They are therefore included as a guide.

(a) The numbers and percentage of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> preferences met (for the area’s children) and factors affecting preferences.

- Data should be broken down by school, school type (e.g. by category and faith) and if relevant (e.g. particularly in large shire areas) geographic area.
- Are there any schools which are substantially oversubscribed? Because parents can express multiple preferences first preference or appeal data might best indicate schools which are heavily oversubscribed (The forum will need to define ‘substantially oversubscribed’ in relation to local factors).
- Why are other schools undersubscribed? The forum could consider examination results in comparison with other schools or the effect of catchments etc. Do they have – in the local context - poor behavioural standards? Value added data and GCSE scores could be a useful indicator of whether there are perceived quality issues. Where preferences are lower than might be expected could condition of buildings be a factor?
- Are there parents resident in any geographical areas who are consistently failing to obtain a preferred school?
- At the same time, are some schools constantly undersubscribed because of the high concentration of schools in an area? Would a review of catchment/priority areas resolve this?
- Are grammar schools drawing in large numbers of applicants? How do their FSM and other deprivation indicators compare with the area in which they are located and other schools in the area? Is there a knock-on

negative impact on the social structure/academic quality of secondary schools (e.g. is the intake skewed more towards one ethnic group than might be expected given the school's location or is FSM in the school higher than in the area)?

- Is there any information which shows that parents are finding the application process complex? Can the admission form be made simpler? Are parents applying online?
- Is the choice advice service being used and, if data is available, is it having a positive effect on target parents obtaining a chosen school?
- If lower preferences are offered (4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> etc, the report should also include the numbers and percentages of these preferences met and the factors affecting them.

(b) The number of appeals made within the area. This should include the number of successful and unsuccessful appeals, for local authorities and own admission authority schools, broken down school by school. It should also analyse the outcomes of appeals, broken down school by school.

- How do the number of appeals and successful appeals compare against previous years and the national average (refer to DCSF Statistical First Release or SFR)?
- Is it either higher or lower than might be expected taking into account the local context?
- If appeals are being upheld where admission authorities wouldn't expect them to be, does this indicate a need for better training of presenting officers?
- Does it indicate a need for training for panel members to comply with their statutory duties?
- Is the percentage of those appealing higher/lower from those entitled to FSM or from different ethnic groups in relation to the percentage of that ethnic group in the area? What conclusions can be drawn from this?
- The forum should consider the independence of panel members and clerking arrangements and consider what can be done to ensure independence.

(c) Information on the ethnic and social mix of pupils attending schools and factors that might affect this.

- How do FSM and other deprivation indicators compare between types of school in the area? How do ethnicity indicators compare between schools? Is this due to selection or other aspects of admission arrangements?
- Does the social/ethnic mix of pupils in a school reflect the area in which it is located? (data on 'social mix' can be determined by IDACI data or FSM).
- If not what factors are affecting this?
- Are ethnic minorities failing to apply for local schools or are they applying and failing to obtain a place?
- What should be done to ensure better access for under represented

groups?

- Are the admission arrangements potentially discriminatory?
- Structural segregation issues should be noted (are there local communities divided on ethnic/national or religious grounds?).

(d) How well admission arrangements serve the interests of looked after children.

- Do all admission arrangements give top priority to looked after children (if not, the forum should and the local authority **must** convince the admission authority to change the arrangements or otherwise object)?
- Are looked after children gaining access to the most appropriate schools?
- Is the local authority using its statutory powers of direction to ensure that looked after children arriving in year are admitted to the most appropriate school for them?

(e) How well admission arrangements serve the interests of disabled children and children with SEN.

- Do local admission arrangements give priority to children on social or medical grounds (i.e. which take account of disability)?
- Would fair access be increased if admission authorities did adopt such arrangements?
- Are there factors which dissuade some disabled children and children with special needs who do not have statements. from applying for locally popular schools? What could be done about this?
- Do schools all have effective accessibility plans (that is a plan to increase accessibility to the premises and the curriculum)?
- Does the local authority and all schools have disability equality plans and are they effectively implemented and reviewed
- Are there any schools which do not provide for children with special needs either with or without a statement? Why is this?

(f) How well the local admission forum protocol (i.e. the local fair access protocol) has worked and how many children have been admitted to each school under the protocol.

- Are there any schools refusing to take children? Every school is now under a duty to participate (paragraph 3.15 of the School Admissions Code) and so recommendations should focus on the fact that the local authority should take enforcement action where there is non compliance.
- Are there any schools taking a high proportion of children with challenging behaviour? Are other schools admitting a very low proportion of such children?
- What is the local authority doing to address any problems?



- Does the protocol include all relevant children (i.e. primary and secondary, including those moving into the area, in year) and not just 'challenging' pupils?
- Are all children quickly found a place under the protocol? If local arrangements are such that some children are spending longer than before (before the protocol came into being) to get a school place, then the way the protocol works should be reviewed.
- Does the protocol work cohesively with the provision of alternative education and support phased reintegration to mainstream schools where this is necessary?

(g) The degree to which schools and the local authority are meeting their infant class size duties.

- Where do the oversize classes exist?
- What are the reasons for these?
- Are they lawful exemptions under infant class size legislation?
- Is the local authority exercising its statutory duty to consider whether the 'no other school in the area' exemption is being correctly applied before allowing schools to admit pupils under this exemption?
- Is there a suitable plan in place to ensure that schools with large classes subsequently revert to classes of 30 or fewer?
- Do admission authorities understand their class size duties?
- How effective is the local authority at managing compliance (by all primary/infant schools) of the infant class size duty?
- Are appeal panels aware of the very limited discretion they have to uphold infant class size appeals?
- If a significant proportion of infant class size appeals are being upheld, why is this? Does it indicate a need for better training of appeal panel members or presenting officers?

(h) The report should consider any other information relevant to whether admission arrangements are fair and promote parental choice and fair access.

- Are any admission arrangements non compliant with mandatory provisions of the Admissions Code, unlawful or unfair? The forum should recommend the school changes its arrangements and object if it does not.
- Does the forum have the results of any parental satisfaction surveys? What do these indicate about the fairness or admission arrangements and other policies which affect fair access?
- Catchment areas: do they avoid long journeys to school and work in favour of fair access or do they segregate populations based on ethnicity or deprivation factors?
- Distance criteria: – do they favour particular social/ethnic groups?
- Does the way some schools market themselves have the potential to dissuade deprived parents from applying?
- Do local admission arrangements take account of the needs of special groups of children, such as forces children, children who are carers, traveller children, children with additional needs, and EAL children?

- Do expensive foreign trips and extra-curricular activities (i.e. without support for those not being able to afford it) dissuade some from applying?
- Are uniform policies unreasonably expensive in relation to local, regional or national averages and do they dissuade some from applying?
- Transport policy: can low income families access preferred schools?
- How clear and accessible is information to parents (including the composite prospectus and online information)?
- How comprehensive and effective is advice and guidance for parents published online and in the composite prospectus?
- Does this information enable parents to understand the level of demand for places at schools?
- How clear is the online application service?
- How clear is information online on school admission arrangements?
- How many parents apply for schools online?
- What are the barriers to increasing online take up?
- What is the evidence that choice advisers are supporting the most disadvantaged and disengaged parents?
- The report should also consider decisions of the Ombudsman, Courts, Schools Adjudicator or directions by the Secretary of State in relation to the area's schools, in considering the extent to which fair access has been achieved locally.

(i) The report should also consider including a best practice case study or two or recent developments in practice.

- These can be used as examples for admission authorities to help them draw on best practice in developing admission arrangements, or for other forums in conducting business (if the forum wishes to share its practice with neighbouring forums). They should be set out as follows:
  - Background – what was the situation? What needed to be done?
  - Approach – what happened?
  - Outcome – what was the final result? What improved? How did it improve fair access?

### Section 3 – Format of the report

28. To ensure a consistent approach and for the sake of clarity, it is recommended that forum reports follow the following format.

29. **Summary and key recommendations** - The key findings of the report and the most important issues to be taken forward. The key recommendations should be clearly listed at the front of the report, along with who is expected to do take any actions forward and by when.

30. **Key issues** - The report should consider the key issues highlighted in the *summary and key recommendations*. How this is set out is a matter for each forum - for example it could report by geographic area, phase of education or theme as set out at paragraph 27 (a)-(h).

31. **Recommendations** - Individual recommendations on specific issues (barriers to fair access, charging policy, appeals, infant class size, etc) or on specific schools, schools by phase or schools by area.

32. **Evidence** - A note of the data and other evidence the forum has used to reach its conclusions.

33. **Background** - The main substance of the issue: interpretation of data and evidence.

34. **Data** – The hard statistical data used to inform the report. This might include the following to compare intakes with local area social data:

- a. Free school meals;
- b. IDACI data (Income Deprivation Affecting Children Index);
- c. January, May and September pupil counts (collected termly);
- d. Ethnicity;
- e. EAL;
- f. SEN;
- g. Traveller status;
- h. Looked After Children;
- i. Prior Attainment; and
- j. Comparative data on the cost of uniforms.