

Consultation on the Changes to the Admissions Framework

Consultation Response Form

The closing date for this consultation is: 19 August 2011
Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education website www.education.gov.uk/consultations

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

Organisation (if applicable)

Address:

Contact Details

If your enquiry is related to the content of the consultation, you can contact the PCU telephone help line on: 0370 000 2288.

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Consultation Unit by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288.

Please tick the box below that best describes you as a respondent.

| | | |
|---|--|---|
| <input type="checkbox"/> Parent | <input type="checkbox"/> Local Authority | <input type="checkbox"/> Parent Governor |
| <input type="checkbox"/> Governor | <input type="checkbox"/> National Representative Group | <input type="checkbox"/> Local Representative Group |
| <input type="checkbox"/> Headteacher/teacher | <input type="checkbox"/> Faith Organisation | <input type="checkbox"/> School |
| <input type="checkbox"/> Other (please specify) | | |

| |
|-----------------|
| Please Specify: |
|-----------------|

We have sought to remove all duplication and sections of the Codes that were open to misinterpretation, so it is clearer what admission authorities must and must not do within the new Codes as well as making them easier to read and understand.

One of the aims of reviewing the Codes was to reduce the burdens and bureaucracy that schools face by removing unnecessary prescription and elements that drove cost into the process.

The revised Codes should ensure that all school places can continue to be offered in a fair and lawful way, and that school admission appeals can be administered in a more effective way and at lower cost.

Q1) Do you agree that the new Codes achieve these aims?

Agree

Disagree

Not sure

Comments:

Q2) Do you agree with the proposals to allow all popular and successful schools to increase their Published Admission Number?

Agree

Disagree

Not sure

Comments:

No. Schools can already increase their PAN in consultation with the local Authority and in-line with Net Capacity and the local authority's assessment of the demand for places in the area served by the school. A clear and objective set of measurable criteria need to be provided for what constitutes "popular and successful".

Allowing schools to increase their PAN without this dialogue sets up the following possibilities:

- Governing body increases the PAN well above the Net Capacity of the building, then operates in overcrowded conditions detrimental to education. School will then demand capital investment from the local authority or other central government funding source without any opportunity for forward or strategic planning. Capital investment will either be unavailable, with pupils continuing to be educated in an undersize school for a considerable period, or will be redirected from planned projects, causing disadvantage to all other pupils. This circumstance has already arisen in a Wirral primary school.
- Even if the increase in PAN is within the Net Capacity band, the Authority retains an obligation to plan pupil places across the area, an ability which will be reduced by single-handed decisions by individual governing bodies.
- Increasing a school's PAN with no reference to the strategic planning of pupil places by the Authority risks degrading the long-standing support networks and excellent relationships between Wirral schools, as without the backing of the Authority for an increase in PAN, there is a likely perception of "poaching" pupils from other schools, with ensuing resentment.

Schools should also not be able to set a PAN below Net Capacity, then use the appeals process to "select" pupils up to the Net Capacity indicated PAN.

Q3) Do you agree that Academies and Free Schools should be able to give priority to children attracting the Pupil Premium in their admission arrangements?

Agree

Disagree

Not sure

Comments:

In the interests of fairness and equality, if deprivation is to be used as an over-subscription criteria, it should be accessible for use by ALL school admission authorities, not just be Academies and free schools.

Q4) Do you support the proposal to remove the requirement for local authorities to co-ordinate in year applications?

Yes

No

Not Sure

Comments:

It is Wirral's position that the benefits of operating co-ordinated in year admissions **within the borough** outweigh the costs, although significant.

Ensuring Fair Access and Managed Moves

Prior to co-ordinated in year admissions being introduced, a minority of schools approached directly by parents for places were found to be refusing to admit pupils with prior behavioural or other issues, even when there was space in the year group, in contravention of the Fair Access Protocol. The Authority would find out about these failures to comply with Fair Access when the parent made a complaint to the Authority, nevertheless, schools continued to attempt to avoid admitting such pupils. Co-ordinated in-year admissions protocols enable the Authority to ensure that no parent is subject to unfair treatment by schools, and also where necessary to identify pupils who would benefit from the authority's Managed Move scheme for pupils at risk of permanent exclusion, which has a proven track record of maximising the success of fresh starts for pupils in this category and reducing the number of permanent exclusions.

Child Protection

Local Authority staff always check applications from parents/carers of children in public care with the child's social worker to establish whether the transfer has been approved as suitable. In many instances the transfer has not been discussed with the child's social worker and would have been potentially detrimental if allowed to proceed. Schools cannot be expected to carry out this level of due diligence.

Previously when parents approached schools directly for an in-year place for their child and were rejected by the school due to lack of space in the year group, there was no mechanism for ensuring that parents were directed to another school, risking parents keeping their child out of school for extended periods or indeed indefinitely, with all the ensuing child protection issues. Under the co-ordinated in year scheme, the Authority is immediately aware that a place has not been allocated, can advise parents on spaces at alternative schools, consider the Managed Move service if relevant, and make a referral to Education Social Workers within a short time period.

Inter-Authority in-year co-ordination

In relation to the perception of delays in admitting pupils in year, it should be noted that different authorities operate their in-year admissions to very different timelines at present, which can cause delays for inter-authority transfers, and as such the inter-authority in-year system would benefit from rationalisation to a uniform single set of guidelines on timescales, or for the mandatory element to be removed.

Q5) Do you support the proposed change to the use of random allocation?

Yes

No

Not Sure

Comments:

Wirral has never used random allocation as a method of allocating places across all schools, and consequently this change has no effect on admissions in this area. The principle of limiting random allocation to individual schools oversubscription criteria appears sound, although why the local authority as an admission authority should be treated any differently to individual schools as admission authorities is not clear, and may cause parental confusion.

Q6) Do you support proposals to add twins (and multiple births) and children of service personnel to the list of excepted pupils?

Yes

No

Not sure

Comments:

Wirral Local Authority has always operated an informal protocol of admitting twins and multiple births as excepted pupils, this would formalise the existing arrangements. Service personnel moves are not a particular issue for Wirral – those of medical professionals are in fact more so. We have no objection to the item being included on the excepted pupil list.

Q7) Do you agree with the proposal that admission authorities who are making no change to their arrangements year on year should only be required to consult once every seven years, rather than once every three years?

Agree

Disagree

Not sure

Comments:

With the increasing number of schools becoming their own admission authority, the importance of consulting on admission arrangements increases.

Wirral has no objection to this item in principle, other than to state that an increase in PAN should be considered as a “change to admission arrangements” just as a decrease in PAN would be.

Q8) Do you agree with the proposal to allow schools to give priority to applications for children of staff in their over-subscription criteria?

Agree

Disagree

Not sure

Comments:

Wirral strongly disagrees with this reversion to the pre-2007 Code. If the purpose of the admission code is to ensure that places are allocated in a fair way, that the composition of schools reflects their local area and that pupils are not disadvantaged by unfair oversubscription criteria, then giving preference to the children of staff, who may very well live some distance from the school, over children living closer to the school, should not be encouraged.

It is also open to abuse by parents attempting to circumvent the admissions system. Anecdotal accounts on on-line forums following the publication of this draft code indicate that some parents are prepared to take support posts (cleaning, catering etc.) at their preferred school or schools in order to qualify for preferential treatment for their child on admission.

Q9) Do you agree that anyone should be able to raise an objection about the admission arrangements they consider unfair or unlawful, of any school?

Agree

Disagree

Not sure

Comments:

No objection to this change.

Q10) Do you agree that the deadline for objections to the Schools Adjudicator should be moved to 30 June from 31 July?

Agree

Disagree

Not sure

Comments:

No objection to this change.

Q11) Do you agree with the less prescriptive requirements around the operation, governance and training of appeals panels?

Agree

Disagree

Not sure

Comments:

Wirral Authority does not agree with the removal of the requirement to provide training for appeal panel members every two years, nor with the removal of the requirement to change appeal members every three years. How can any admission authority “ensure that panel members retain their independence”, if not by regular training, and by ensuring that particular panel members do not become overly closely associated with a particular school?

Regarding holding appeals in school premises it should be noted that Appeals panels are, and must be perceived to be by parents, independent of the school. If school buildings are to be used to maintain this independence the code may reflect the holding of appeals in the premises of another school other than that subject of the appeals in question.

Q12) Do you agree that the proposed appeals timetable will give more certainty to parents and reduce the number of appeals overall?

Agree

Disagree

Not sure

Comments:

Wirral does not agree with increasing the timescale for submitting an appeal from a 10 day minimum to a 30 day minimum. This will significantly extend the appeals process, which could result in appeals not being heard before the end of Summer term, significantly increasing, not decreasing, parental uncertainty.

Q13 Do you agree that the proposed new timetable for lodging and hearing appeals will reduce costs and bureaucracy for admission authorities?

Agree

Disagree

Not sure

Comments:

Withdrawal of appeal panel members – No objection to this, although there is no obvious cost saving to this item.

Parental evidence – Wirral agrees that parents should be subject to time limits for the production of evidence, but believes that in reality panels will be forced to consider late evidence, as to do otherwise could leave either the panel or the admission authority open to referral to the Ombudsman, which has a significant administrative burden.

Three year rule – Removal of this rule leaves admission authorities open to accusations of lack of impartiality of appeals panel members. (See Q11).

Training – Removal of the requirement to train appeals panel members regularly beyond their initial training course is not acceptable, regardless of any potential cost saving (see Q11.)

Venues – This is acceptable only if the Code specifies that school appeals can be heard only at a different school to that subject to the appeals. The

Authority provides a clerking service to a number of admission authority schools under a Service Level Agreement. Travelling to multiple appeal venues would increase the costs (both financial and environmental) of operating this service (see Q11)

Q14 Do you agree that the new three stage process will provide a more effective process for appeals panels to consider multiple and individual appeals?

Agree

Disagree

Not sure

Comments:

Wirral has no objection to this item.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 438060 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 19 August 2011

Send by post to:
Consultation Unit
Area 1C
Castle View House
Runcorn
Cheshire
WA7 2GJ

Send by e-mail to: admissions.consultation@education.gsi.gov.uk