Admissions Forum Annual Report

RECOMMENDATION

1   To note the contents of the report and for the Forum to decide whether to produce an Annual Report.

SUPPORTING INFORMATION

2.1   The new Code of Practice on School Admissions came into force on 27 February 2007 and states that from September 2008 all Forums have a power to produce an annual report. The production of this report is discretionary.

2.2   The matters that reports could cover include:
a) a breakdown of preferences met by ranking (1st, 2nd, 3rd preference etc), and the main factors affecting whether preferences were met;
b) the number of admission appeals made for schools in the area;
c) the ethnic and social mix of pupils attending schools in the area, and factors which affect this;
d) the extent to which existing and proposed admission arrangements serve the interests of vulnerable children;
e) how well In-Year Fair Access Protocols are working and the number of children admitted to each school under the protocol;
f) whether primary schools are complying with infant class size legislation;
g) details of other matters that affect how fairly admission arrangements serve the interests of local children and parents;
h) any recommendation or recommendations that the forum wishes to make in order to improve parental choice and access to education in the local authority's area.

2.3   For the purposes of the preparation of a report, an Admission Forum may request any of the following bodies to provide the forum with any information held by them which falls within a prescribed description and is specified by the forum in its request—
(a) the local education authority which established the forum;
(b) any local education authority in England for an area which adjoins the area of the authority mentioned in paragraph (a);
(c) the governing body of any maintained school in the area for which the forum is established.
All of the bodies must comply with the Admission Forum's request for information.

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Background papers: None
List of appendices: Appendix 1 – Implications

IMPLICATIONS

Financial   2

1.   Extra costs may be incurred due to additional staff time needed to compile the report.

Legal

2.   As the production of a report is at the Admission Forum's discretion, there are no legal implications.

Personnel

3.   Additional staff time required.

Equalities impact

4.   All admission authorities' admission criteria are scrutinised to ensure that they comply with equality legislation.

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[1] ('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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[1] 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[2].

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[3];

   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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2 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.
3 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 over-arching 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.

10.   The final report should include a clear overall summary and recommendations and cover <u>all</u> 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.

11.   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.

12.   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 1st, 2nd and 3rd 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 (4th, 5th, 6th 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

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

14. *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.

15. *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 11 (a)-(h).

16. *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.

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

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

19. *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.