

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 checked="" 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)		

Tower Hamlets Local Authority with advice from its School Admissions Forum, representative of all the key stakeholders in the school admissions process.

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:

There are far too many ambiguities within the current wording of the proposed Codes. Therefore implementing admission arrangements as well as monitoring compliance will prove difficult and time consuming. This will adversely impact on local authorities, schools and parents. The previous versions of the codes had sought to improve fairness and transparency in the process by introducing greater prescription. The admission and appeals processes were significantly improved as a consequence and this is evidenced in Schools Adjudicator's annual reports of recent years.

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:

1. Under the current arrangements local authorities are expected to approve a school's request for expansion unless the request has a significant detrimental effect on other local school(s). This enables the local authority (LA) to fulfil its strategic planning role. It also ensures that under-subscribed schools do not face significant and sudden reductions in pupil numbers, which has been proven to impact on standards as well as on resources. An LA's ability to strategically plan sufficient provision as well improve standards, would be adversely affected if a significant number of schools in its area were to decide to exercise this new power.
2. It is acknowledged that increasing the PAN at a popular school will further improve parental preference success rates. However, it could mean that the admission numbers at other schools in the area will significantly decrease as a consequence, given that almost 94% of the children admitted to schools in Tower Hamlets live within the borough.
3. Past experience has also proved that the most popular and over-subscribed schools are often unable to consider increasing their PAN within their existing accommodation. In fact, when schools were given opportunity to gain access to capital funds and expand under the 'popular and successful schools' initiative, no schools in Tower Hamlets were able to put forward proposals.

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:

Neither the consultation document nor the draft code gives proper explanations for this proposal. This makes it difficult to provide a measured response. Whilst it is acknowledged that some children on the FSM index have difficulty in gaining a place at oversubscribed schools there is no indication of why prioritising this vulnerable group should only be available to academies and free schools. What is the sound rationale for the proposal and why should it not be an option to maintained schools as well? Particularly, in an economically deprived area such as Tower Hamlets where there are few academy schools.

There is also the concern that if adopted by a heavily oversubscribed school, which gives priority to 'local' children on proximity grounds, those admitted from furthest away could be clearly identified as FSM children.

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

Yes

No

Not Sure

Comments:

Removing the statutory duty on the local authority to co-ordinate in-year admissions so soon after it was first introduced is likely to have a number of adverse implications:

- The proposal for schools to administer in-year admission applications and notify the local authority of each decision will place a greater administrative burden on them.
- The local authority will be required to record all these decisions and this is likely to generate a similar workload to that caused by the current central co-ordination of in-year admissions.
- If schools do not provide full information about admission decisions children may disappear from the system and this creates the potential to undermine all the work that has been achieved to minimise children missing education. This will have an adverse effect on an LA's ability to safeguard the most vulnerable children and families.
- LAs had identified numerous examples where pupils had not been correctly prioritised for available places and/or they had not been advised of their right of appeal prior to in-year co-ordination starting. There is therefore a real concern that not all families will be treated in line with the statutory duties placed on all admission authorities if the proposed change is introduced.

Tower Hamlets has amongst the highest proportion of in-year admissions in London, mainly due to its high level of pupil mobility. It has therefore been working closely with its schools to develop a centralised in-year admission process that is equitable and transparent, whilst reducing the amount of administration for both schools and the LA. The process also seeks to ensure that the admission of children with the most challenging educational needs is dealt with quickly and sympathetically and that these children are equally shared across all the schools in its area, including those that are their own admission authority.

These proposals will not necessarily improve efficiency, but they will most certainly lead to inequality of opportunity.

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

Yes

No

Not Sure

Comments:

Again the wording in both the draft code and consultation documents is unclear, which makes it difficult to respond. If random allocation cannot be used by LAs as the 'the principal oversubscription criterion', does this mean that it can be used as a 'tie break' criterion as intended by Tower Hamlets LA when it changes its tie break criterion from 'distance' to 'random allocation' for 2013/14 school year? If this is not the case and the intention is to simply debar LAs from using random allocation in any form then, again, this raises issues of 'equity' and fair access between schools, particularly given that other admission authorities will still be allowed to use random allocation. The code must therefore make clear what is actually meant by the term 'principal oversubscription criterion'.

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:

Extending the class size exceptions to include twins, multiple births and service families will help to ensure that these families can access a local school. However, there will need to be clear explanation in the code on what will be the 'upper limit' for schools in these circumstances.

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:

Replacing the current requirement for an admission authority to consult from three years to seven years is too long a timeframe. It would be difficult to keep track of when admission authorities had last consulted and when any change to their admissions arrangements were made. The current timeframe of three years is more than sufficient and will help to ensure that schools maintain fair and equitable admission arrangements.

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:

This proposal discriminates against local children gaining access to local schools. To prioritise staff children that would not normally qualify under the sibling, distance or even faith criterion, will result in the displacement of children that would otherwise have been offered places. Allowing schools to define 'staff' would return to a system of unfair admissions and would be open to 'misapplication'.

Tower Hamlets also disagrees with the proposal to include **priority being given to siblings of former pupils**. Tower Hamlets has historically had a very high ratio of 'sibling' families and this has led to the introduction of a 'first born' criterion, to ensure that the needs of families with only one child are not overlooked. The 'sibling' rule already puts pressure on the LA's ability to provide local places for local children, particularly when siblings still get priority having moved some distance from the school. To extend the sibling rule to former pupils is considered irresponsible.

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:

The current wording of the code needs to make clear the specific grounds on which objections can be made. Otherwise admission authorities will be faced with a number of erroneous objections, which will only serve to delay the setting of admission arrangements within the necessary timescales.

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:

None.

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

Agree

Disagree

Not sure

Comments:

There are advantages to removing the requirement to advertise for appeal panel members in a specific way to a specific timeframe, which may prove helpful in respect of looking at alternative methods of recruitment. Similarly, repeating the same level of detailed training for clerks and panel members every two years has proven to be burdensome and repetitive on LAs. However, 'less prescriptive' is not necessarily better when we consider that the increased complexity for appeals and the scope of decisions will, consequently, require more training.

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:

There is no evidence to suggest that extending the timeframe for parents to make an appeal will reduce the number of appeals overall.

Tower Hamlets' experience is that parents want their appeal to be heard as soon as possible and the additional delays resulting from the extended time frame will cause anxiety and uncertainty for schools and parents.

It will, of course, allow parents the opportunity to provide more information at the point at which they submit their appeal.

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:

The new timetable will not reduce costs and administrative time for appeals processes in any substantial way. In fact is likely to have the opposite effect, if the proposal for a deadline of 30 working days to lodge an appeal is maintained.

The timescales proposed leave only a five week window to hold appeals during term time. This would lead to a range of practical difficulties; such as longer sessions and a considerable impact on the resources of school and LA staff, the volunteer panel members and the efficient running of an appeals service. This will certainly not reduce costs or bureaucracy.

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:

Tower Hamlets agrees with the setting out of the three stage process in the light with a recent 'Haringey ruling'. It would also be helpful if the split between considering individual and multiple appeals was maintained all the way through the Appeals Code.

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:
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Castle View House
Runcorn
Cheshire
WA7 2GJ

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