

Changes to the Admissions Framework 2011

Department for Education Response to the Consultation on the Changes to the Admissions Regulations

Introduction

In the Schools White Paper, *The Importance of Teaching*, published in November 2010, the Government made the commitment to consult on a '*simplified and less prescriptive*' Admissions Code. The draft School Admissions Code and draft School Admission Appeals Code were published for consultation between 27 May 2011 and 19 August 2011. The response to that consultation and an updated version of both the Codes were published on 2 November 2011 and can be found on the Department for Education's website <http://www.education.gov.uk/>. In the response we proposed to run a short consultation on the underpinning regulations for these Codes.

This report summarises the findings that have resulted from a wide-ranging public consultation on the following draft regulations:

- The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.
- The School Admissions (Appeals Arrangements) (England) Regulations 2012.
- The School Admissions (Infant Class Sizes) (England) Regulations 2012.

The consultation was held between 10 November and 5 December. In total 256 responses were received to the 3 questions asked. Respondents fell into the following categories:

Parents	179
Headteachers or teachers	24
Local authorities (LAs)	18
Governors	5
Individual	5
*Other	9
National representative groups	3
Local representative groups	3
Faith organisations	4
Appeals Panels/Members/Clerks	2
Admissions Forums/Services/Clerks	3
School	1
Total:	256

* Those which fell into the 'other' category included those who did not reply to the question.

Detailed analysis

We have sought to remove all duplication and sections of the Codes that were open to (mis)interpretation, 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.

Furthermore, we have simplified and consolidated the associated regulations so that, wherever possible, the Codes are the single point of reference on matters relating to admissions and appeals, underpinned by concise and consistent regulations.

Q1. Do you agree that consolidating and condensing these regulations alongside the revised Codes makes it easier to understand the requirements for admission arrangements?

83% of respondents agreed that it made it easier to understand, 6% disagreed and 11% were not sure. Respondents welcomed the regulations being presented in a more user friendly format. The consolidation and streamlining of the regulations was seen as sensible and helpful in focusing on the key statutory requirements. The proposed Primary National Offer Day was also welcomed although some practical concerns were raised about timetabling.

Q2. Do you agree that this simplification of the appeals regulations is consistent with the draft Appeals Code and will support the ambition to reduce local burdens and costs?

79% of respondents agreed that this was consistent, 8% disagreed and 13% were not sure. Expected reductions in local burdens and savings were identified by respondents; for example, cost savings associated with advertising for lay members for appeal panels. Others stated that the combined effect of simplification of the Codes and regulations should be beneficial - particularly in relation to the appeals process - although a small minority wished to reserve judgement until they have had an opportunity to implement the changes. The importance of ensuring consistency in practice across the appeals process was stressed.

Q3. Do you agree that the Infant Class Size (ICS) Regulations in relation to Looked After Children who are now adopted, as well as twins and multiple births support the Government's aims of removing barriers to attainment for the most vulnerable children and are consistent with the proposals in the revised School Admissions Code?

90% of respondents agreed it supported these aims, 5% disagreed and 5% were not sure. Most respondents welcomed the changes but some raised practical concerns; for example, the need to balance exemptions with the potential impact of placing vulnerable children in overly large classes.

The Department's Response

The Department is extremely grateful to all those who took the time to respond to the consultation, with 256 responses of which 179 were from parents.

The Government's overall approach to simplifying the School Admissions and the School Admission Appeals Codes ("the Codes") and the associated regulations has received broad support. We are aware however that our overall objective of a less prescriptive and more permissive admissions system is a significant change and will present some challenges in the short term as admission authorities, particularly schools, reflect on and apply the greater freedoms and discretion within clear parameters that are offered by the new Regulations.

The Codes and the underpinning regulations apply to admissions to all maintained schools in England. The Admissions Regulations only apply to Academies directly in relation to the referral of objections regarding admission arrangements to the Schools Adjudicator. Otherwise, the Codes and Regulations are applied to Academies by virtue of the funding agreements between the Secretary of State and the proprietor of an Academy.

Primary National Offer Day (PNOD): The principle of a PNOD was welcomed but there was a mixed response on timing. We are introducing a PNOD to ensure clarity and consistency for all parents when applying for a primary school place. This will ensure that all parents are notified of a school place for their child on the same date. Currently, local authorities decide the date on which to notify parents of a primary place as part of their coordinated scheme, but each authority may have a different date.

In deciding on 16 April, we took into consideration a number of factors including the timetable for appeals; the closing date for primary applications; Easter holidays; the secondary national offer day process; and other dates set in legislation i.e. determination of admission arrangements. We believe the 16th of April is a good compromise and by announcing its introduction two years before its implementation this should give local authorities ample time to reorganise their current timetable and, if necessary, adopt a phased approach.

Infant Class Size (ICS): By extending the list of ICS exceptions this will ensure that a greater number of children, who are most susceptible to disadvantage by the admissions system, are protected. The legislation prohibiting class sizes from rising above 30 children per teacher will remain. We have simply allowed for a limited number of additions to the excepted pupil categories.

A small number of respondents asked why the ICS exception regarding previously looked after children (children who leave care via adoption) only applies from 2013/14 and subsequent years, while the other new ICS exceptions (i.e. service children and twins/multiple births) will apply with immediate effect. The reason for this is a technicality. It is because under the revised Code previously looked after children will not be given priority in admission arrangements when a school is oversubscribed until arrangements for the 2013 intake take effect. Therefore the ICS exception is being extended to include those looked after children who leave care via adoption from the September 2013 intake onwards. The new exceptions for service children and twins/multiple births will not form part of a school's oversubscription criteria and therefore may take effect with the revised Regulations.

There are a number of areas where small and largely technical changes have been made to ensure greater clarity and alignment with the Codes. Those of note are:

Reg. 12 - the requirement to consult with other governing bodies for Voluntary Controlled and Community schools in the area is removed.

Reg.15 – changes to clarify the circumstances in which a consultation is not required.

Reg. 18 - we have clarified that the local authority publication duty only extends to schools in their area.

Previous Reg. 21 covered the notification of variation of admission arrangements. This requirement is in primary legislation in the same terms as the requirement to notify after determining admission arrangements. We decided it was appropriate for both these duties to be covered solely in the School Admissions Code.

Previous Reg. 22 covered restrictions the alteration of admission arrangements following establishment or expansion. We have removed this regulation as it is no longer considered necessary. Part 2 of the Education and Inspections Act 2006 prescribed that admission arrangements for new schools or those that had been settled through proposals agreed under that Act could be protected from change for three years following their establishment or expansion. Our reforms of the schools market and the reduction of central prescription now make this regulation redundant.

Reg. 22 - we have clarified the circumstances in which the two year prohibition on referring an objection about the same or similar issue applies.

Reg. 23 – we have removed the provision that any objection received after 30 June must be considered properly referred if it was not reasonably practicable for it to be received earlier. This point is covered adequately by the Code.

Reg. 28 - local authorities now have to inform the Secretary of State whether they have secured a qualifying scheme or not by 15th April. This now allows the Secretary of State to impose a scheme with certainty that one has not been adopted by 15 April (under reg. 29).

Next steps

The Regulations will be laid before Parliament in January 2012, to come into force in February 2012 for pupil admissions in September 2013. The School Admissions and the School Admission Appeals Codes were laid before Parliament on 1 December 2011 and are expected to come into force to the same timescale. The Codes and the Regulations are available on the Departmental website to allow schools to take account of the proposed changes.

Responses to the Consultation - Statistics

1 Do you agree that consolidating and condensing these regulations alongside the revised Codes makes it easier to understand the requirements for admission arrangements?

There were 241 responses to this question.

	Parent	Headteacher or teacher	Local Authority	Governor	National Representative Group	Local Representative Group	Faith Organisation	School	Appeal Panel/ Member/ Clerk	Admissions Forum/ Service/Clerk	Individual	Other	Total	
Agree	160	9	9	2	2	2	3	1	1	0	5	6	200	83%
Disagree	0	7	4	0	0	0	1	0	0	2	0	1	15	6%
Not sure	7	6	5	2	1	1	0	0	1	1	0	0	26	11%

2 Do you agree that this simplification of the appeals regulations is consistent with the draft Appeals Code and will support the ambition to reduce local burdens and costs?

There were 238 responses to this question.

	Parent	Headteacher or teacher	Local Authority	Governor	National Representative Group	Local Representative Group	Faith Organisation	School	Appeal Panel/ Member/ Clerk	Admissions Forum/ Service/Clerk	Individual	Other	Total	
Agree	159	6	7	3	1	1	1	1	0	0	5	3	187	79%
Disagree	1	11	4	0	0	0	1	0	0	0	0	2	19	8%
Not sure	7	5	6	1	1	2	2	0	2	2	0	4	32	13%

3 Do you agree that the Infant Class Size Regulations in relation to Looked After Children who are now adopted, as well as twins and multiple births support the Government's aims of removing barriers to attainment for the most vulnerable children and are consistent with the proposals in the revised School Admissions Code?

There were 242 responses to this question.

	Parent	Headteacher or teacher	Local Authority	Governor	National Representative Group	Local Representative Group	Faith Organisation	School	Appeal Panel/ Member/ Clerk	Admissions Forum/ Service/Clerk	Individual	Other	Total	
Agree	167	15	12	3	2	2	3	1	1	1	4	6	217	90%
Disagree	3	6	2	0	0	0	0	0	0	0	0	0	11	5%
Not sure	2	1	2	1	1	1	1	0	1	1	1	2	14	5%