

FREQUENTLY ASKED QUESTIONS

SCHOOL ADMISSIONS

1. When did the revised Code come into force?

The Code came into force on 15 July 2009. In broad terms, for the day to day administration of admissions the Code must be applied immediately. For enabling young people to express a preference and be entitled to appeal, it applies to arrangements for admissions to school sixth forms from 2010/11 onwards. Looked after children must be the top oversubscription criterion for admission to schools from 2010/11 onwards. In order to comply with this requirement, Regulation 7 of the Education (Admission of Looked After Children) (Wales) Regulations 2009, permits admission authorities that have already determined their admission arrangements in respect of the school year 2010/11 to vary them without reference to the Welsh Ministers. Where changes introduced by the Code would depend on consultation, determination and publication of admission arrangements these would be expected to be included in published arrangements for the year 2011/12 onwards.

2. Is there a need to include two addresses when completing the application form?

The new Code contains a model form at Annex E. The form states that "This is a model application form and should be amended to reflect the needs of the admission authority". Some admission authorities ask for more than one relevant address already so the form would suit their purposes. However, if you do not want the second address you can just remove it. If you want parents to fill in the address where the child spends the majority of the week you can tailor the form to say this. You also need to make it clear in your admission arrangements that this is the way you will prioritise applications.

3. Should a child be refused admission to a school where the admission number for that particular age group has not yet reached the recognised maximum admission number?

In a normal year of entry (e.g. Reception or Year 7), a child **must not** be refused admission to a school where the number of pupils on roll in that year group remains below the admission number indicated by the method set out in the Welsh Assembly Government's capacity guidance 'Measuring the Capacity of Schools in Wales'.

When considering applications to years other than the normal year of entry admission authorities **should** admit to the school's admission number and will rarely be able to prove prejudice as a ground for refusing an additional pupil while numbers remain below the admission number.

Standard numbers or published admission numbers (PANs) calculated under previous capacity calculation methods e.g. More Open Enrolment (MOE) have had no bearing on admission arrangements since 2009/10 and should therefore not be used by admission authorities when allocating places.

4. When might it be reasonable to admit above the indicated admission number?

Paragraph 2.8 of the Code states:-

"When determining the number of pupils to be admitted to a relevant age group, admission authorities **must** have regard to the 'indicated admission number' for that relevant year group. The indicated admission number is the number calculated in accordance with the capacity assessment method set out in the guidance document 'Measuring the Capacity of Schools in Wales'."

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While the admission number reflects the school's ability to accommodate pupils it **should not** routinely be exceeded. However, on occasions it may be reasonable for the admission authority to consider exercising discretion to admit more pupils than the admission number indicates. Such instances might include:

- where there are a significant number of surplus places in the year groups above (and possibly below) the year group for which an application has been made, so that the pupil can be accommodated without prejudicing future intakes if the increased uptake of places continues;
- if there is a temporary shortage of a particular type of provision in an area, for example Welsh medium education, while additional provision is being established;

It would not be appropriate to exceed the admission number of a school as described above where there are places available at a suitable alternative school which is within a reasonable travelling distance of a child's home.

A key role for admissions forums is to consider the means by which admissions processes might be improved and how actual admissions related to the admission numbers published. Admissions forums may put protocols in place to ensure that all applications are dealt with fairly and consistently and could include this matter in such protocols. The individual admission authority could then seek advice of the local admission forum when considering exceeding an admission number.

5. Do waiting lists need to be maintained?

Following the allocation of places during the normal admissions round, admission authorities **must** maintain waiting lists for oversubscribed schools, with children remaining on the list until the 31 August in the school year in which they apply. In other cases admission authorities **should** consider maintaining waiting lists for a set period.

6. Is the reference on Page 13 to School information regulations correct?

Page 13, footnote 7 refers to "The Education (School Information) (Wales) Regulations 2002". However, this should read "The Education (School Information) (Wales) Regulations 1999". These are undergoing review for revision and developments will be reported in due course.

7. Is there a need to publish a separate admission number for the sixth form?

Admission authorities are not required to publish separate admission numbers for their sixth forms. However, if an admission authority wishes to adopt specific arrangements for admission to a school's sixth form, to enable their effective application they also need to publish a separate sixth form admission number calculated using the 'Measuring the Capacity of Schools in Wales' guidance. If this is not done, the relevant admission number would be that which applies to Year 7 and is likely to be too high.

8. Is it possible to delegate responsibility for sixth form admissions?

Local authorities are able to delegate **all** of their admission functions to a governing body of a maintained school. However, they cannot delegate part of the function of the admission authority. Delegating only the admission function in relation to sixth form admissions would not, in our view, be delegating all of the admission functions.

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9. Is the reference to section 42 of the Education and Inspections Act 2006, on page 36, correct?

Paragraph 3.36 refers to section 88(1A) of the School Standards and Framework Act 1998 as inserted by section 42 of the Education and Inspections Act 2006 (the 2006 Act). The correct reference to the 2006 Act should be to section 43.

10. Who has responsibility for inviting Service personnel to the Admission Forum?

There is currently an inconsistency in the Code at Paragraph 3.62 and Annex B.10. The position relating to service personnel is that they **must** be invited to the local admissions forums by the local authority where there are significant numbers of service personnel in the area. As the document has been laid before the National Assembly for Wales it is not now possible to make amendments.

11. If a head teacher, or other representative of the school tells a parent that their child has been allocated a school place, under what circumstances should that offer be honoured?

If an official representative of a school (that a parent could reasonably assume to be a person with authority to make an offer) tells a parent that their child has or will be allocated a school place, the Code indicates that "the admission authority **should** normally honour the offer". It is important to note that this offer should not prejudice the admission of other children who would otherwise have been offered a place if the informal offer had not been made. The making of unofficial offers could result in a breach of the class size regulations (in the case of infant classes), and this is a matter that the school would have to address, and it is therefore important to avoid such situations arising.

SCHOOL ADMISSION APPEALS

12. When did the revised Code come into force?

The Code came into force on 15 July 2009. It applies to those appeals that are lodged on or after that date, except appeals by young people for admission to post 16 provision. The Code applies to young people for admissions to post 16 provision for the 2010/11 school year.

13. What counts as a 'school day'?

School day is defined in section 579 of the Education Act 1996 as follows: "'school day', in relation to a school, means any day on which at that school there is a school session". A school session can be a morning session or an afternoon session, so a school day is any day when the school meets for all or part of the day.

14. Whose responsibility is it to write and sign the appeal decision letter?

Although the panel has a duty to communicate its decision and the grounds on which it was made, in writing to the appellants and the admission authority in every case, it is up to the admission authority to determine who writes the decision letter. However, the Code does clearly state that the decision letter **must** be signed by the clerk to the panel (not someone from the admission authority) and sent by the clerk.

15. Can a headteacher make written representation for their school on behalf of a parent?

While it **should not** be necessary for a headteacher to act as a witness at an appeal, there is nothing in the Code to prevent a head teacher (or anyone else) from writing a letter of support on behalf of the parents who are appealing for a place at their school.

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16. What is the practical consequence if an appeal is not heard within the specified time scale?

When it is stated that appeals must be heard within specific timescales admission authorities are required to meet those timescales. If they do not, the case could be referred to the Welsh Ministers who could, after investigation, direct the admission authority under section 496/497 of the Education Act 1996. If the appeal is heard, the panel's decision would still be valid despite the delay.