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Draft Admissions Code – still time to respond

The long-awaited Draft Admissions Code was produced at the end of May, along with the Draft School Admissions Appeal Code. Responses must arrive with the DfE (details below) by Friday 19th August. The Codes are intended to be in force by January 2012 and so will apply to admissions in September 2013. Before then all admission authorities will have to consult on their admission arrangements in line with the new Code.

The draft Code was promised during the committee stage of the Education Bill, which makes important changes to admissions. However it did not arrive until the Bill reached the Lords so MPs did not have time to debate it. The Code will be subject to the negative Parliamentary procedure, i.e. it is placed before both houses for 40 days. Unless rejected it then becomes law. It cannot be amended and would have to be rejected as a whole. So trying to argue for changes during the consultation is important. Responses to the consultation will be published.

Speaking about the delay the Schools Minister Nick Gibb emphasised that the Department was keen to get the details right. It was promised that the new Code would be simpler and fairer and more transparent 'building on the principle of placing trust back in schools and headteachers'. It is certainly simpler but it is unlikely to be fairer. We believe some changes will make it more unfair.

Main changes proposed in the draft

- Admission authorities would not have to consult about increases in their planned admission numbers, although objections could still be made to the Adjudicator.
- Unlike under the previous Code, admissions authorities would be able to give priority to children of staff and siblings of former pupils not at the school.
- Although the fair access arrangements involving the local authority remain more or less unchanged there is a change in the procedure for in-year applications because it is said 'some authorities' are facing a real challenge in doing this. Parents should apply to the school and schools are to notify the local authority of the application to enable them to keep up-to-date figures of places available.
- Admission authorities would only have to consult every seven years on their admission arrangements unless changes were proposed.
- Anyone will be able to object to the Adjudicator, not just specific categories of bodies or parents. The deadline for objections is to be brought forward to the end of June.
- The previous Code was specific about what admission authorities should consult upon when consulting on changes, for example, changes in catchment area. The draft is less specific, referring to 'admission arrangements'.
- Signing a home school agreement is specifically outlawed as a requirement for admission in the current Code – this is not referred to in the new Code.
- Twins and service children are to be admitted, even if this breaches the infant class size limit.
- The previous Code made clear reference to the duty of local authorities to promote fair access. This is still a legal requirement but is not specifically referred to in the draft.
- Local authorities would not be allowed to use random allocation as a means of deciding oversubscription across the local authority, but individual schools admissions authorities could still use it as a tie breaker.
- Choice advisers are not now mentioned but local authorities 'must provide advice and assistance to parents when they are deciding which schools to apply to'.
- Local authorities will be required to produce an annual report on admissions in their area.
- Additionally, the Department wants to know whether academies and free schools should be allowed to give priority to children eligible for free school meals.

The effect of the Education Bill on admissions

The Education Bill, if passed, makes important changes to admissions. It removes the statutory requirement for local authorities to set up admission forums and the power of the School Adjudicator to impose admissions arrangements where an admissions authority does not come up with agreed changes. Objections to the admission arrangements of academies will go directly to the Adjudicator, in the same way as those for maintained schools.

On the Bill, we will continue to lobby the Lords to keep the requirement to establish admission forums and the right of the Adjudicator to impose arrangements. The DfE has assured us that, contrary to earlier concerns expressed, the Adjudicator will continue to be allowed to look at and rule on all aspects of admissions beyond any specific complaint raised.

Please respond

We believe the Department is genuine in wishing to hear from as many people as possible. However the final decision is with Ministers. Please read the consultation and respond.

You may wish to respond to the entire draft not just the questions posed. Please also write to your MP with any concerns. Please copy us in too, email info@comprehensivefuture.org.uk

The consultation can be found on www.education.gov.uk/consultations/index.cfm?action=consultationDetails&consultationId=1744&external=no&menu=1

What we think about the Draft Code

- Unless there is effective scrutiny it is likely that, as more schools become admission authorities, covert selection and segregation will increase. Effective scrutiny becomes less likely if admission forums disappear, school adjudicators' powers are reduced and local authorities do not use the powers they have.
- The extension of the right to object to the Adjudicator is welcome but what will be important is that objectors can know about any changes schools are making.
- Selection on ability and aptitude remains and the right of parents to know whether their children have passed the test before making a preference. Surely putting your child in for an entry test is expressing a preference? Ending selection by ability and aptitude would increase fairness, reduce social segregation and make the Code even simpler!
- Allowing priority to children of staff or former pupils is unfair.
- Admission authorities should be required to consult if proposing an increase in PAN, as this is an admissions change.
- It is essential that the local authority is able to retain the responsibility for ensuring that no child is without a school place; changes to in-year admissions could result in even more problems.
- There should be a more specific requirement on what is to be included in consultation on changes in admissions.
- The DfE should produce standard definitions of parents, siblings and distance to school as recommended by the School Adjudicator.
- Schools should not be setting banding tests requiring parents to bring their children to the school. Banding on those applying to a school should not be allowed, only banding across a local authority where all children take the test in the primary schools.
- There should be more specific requirements about what should be in the LA annual report and the deadline for the report should not be the same as the deadline for objections to the Adjudicator as objectors may wish to use the report as evidence.
- The deadline for the publication of the area prospectus by the LA should not be the same as that for schools to inform the LA of their admission arrangements.
- Looked-after children should be the first priority for all schools (including faith schools), regardless of whether they are of the faith.
- The Code should encourage admission authorities to hand over the management of admissions to the local authority, as current regulations allow.

New book tells the story of school wars

A new book *School Wars*, by Melissa Benn, a member of the steering group of *Comprehensive Future*, tells the story of the struggle for Britain's education system. It takes a forensic look at the inequalities of our current system, the damaging impact of spending cuts, the rise of 'free schools' and the growth of the private sector in education and the relentless application of market principles – a fundamental shift from the ideal of quality education as a public

good to education as a market-controlled commodity.

Melissa ends by outlining some key principles for restoring strong educational values within a fair, non-selective, public education system.

During the autumn, Melissa will be discussing the arguments of *School Wars* at a series of meetings, debates and festivals around the country. Please check her website melissabenn.com for further details.

AGM date and call for nominations

The AGM will be held at the House of Commons in committee room 6 on 15th November at 6.30 pm.

This year we have decided that we need more time for members to discuss the way forward for the campaign so have not organised a programme of speakers. So please come along. You will need to allow time to get through security.

Elections will be held at the AGM. Please send any nominations for the steering group, including chair, vice chair, secretary and treasurer, along with a short personal statement (no more than 75 words) and any resolutions to Margaret Tulloch at *Comprehensive Future* to arrive by the 25th October.

We need your donations to support our work!

There is more than ever a need to campaign for fair admissions and we rely entirely on donations.

Please send us a cheque payable to *Comprehensive Future* or download a banker's order form from the website and make a regular donation.