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New Admissions Code not what was consulted upon

Please contact your MP about this as soon as possible!

The final version of the School Admissions Code has been laid before Parliament and will become law in February 2012. As promised, it is simpler and easier to read than the previous one. However, it is not quite what was consulted upon in one very important respect.

The Government has made much of the change introduced in the new Code which allows anyone or anybody to object to the Adjudicator about unfair admissions for all state-funded schools, ie including academies. *Comprehensive Future* welcomed this change, but the Code now before MPs differs from that consulted upon in that it restricts the objections that can be made to the Adjudicator. So although more people can object, what they can object about has been curtailed.

The consultation document with the draft code in May said (para 6.1): "In line with our plans to de-regulate the system we shall enable anyone who feels local proposals to increase PAN are unreasonable to refer an objection to the Schools Adjudicator." Also, para 3.3 in the draft Code read: "Anyone who considers that any maintained school or Academy's arrangements are unfair or unlawful, or not in compliance with the Code or relevant law relating to admissions, can make an objection to the Schools Adjudicator." But now para 3.3 in the Code has some extra sections, which mean that no objections can be made to:

- an "agreed variation", ie any variations to the requirement on academies and free schools to comply with the Code that they agree with the Secretary of State under his powers in the Code (para 4, page 3), which allow him to do this where there is "demonstrable need".
- increases in the Planned Admission Number (PAN).

These admission arrangements have to be consulted upon but consultation does not mean that objections can be made. The Code requires that the criteria used to allocate places are "clear, fair and objective". But if anyone considers that variations agreed by academies or free schools in their funding agreement with the Secretary of State allow academies to have criteria which are not clear, fair and objective (a particular catchment area for example) they will not be able to object.

The Code is subject to the negative resolution procedure. It can be "prayed against" by MPs who are concerned. If there is sufficient concern it could then go to the delegated legislation committee for consideration. MPs have 40 days from when the Code was laid on December 1st (including weekends but not the recess) to pray against it.

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

The DfE analysis of the responses to the consultation can be found at media.education.gov.uk/assets/files/pdf/d/departmental%20response%20to%20admissions%20consultation.pdf

The Code as laid before Parliament can be found at media.education.gov.uk/assets/files/pdf/d/draft%20revised%20admissions%20code.pdf

Nick Gibb's statement on laying the Code before Parliament can be found under Education in Hansard index to Ministerial Statements, www.publications.parliament.uk/pa/cm201011/cmhansrd/cm11201/wmsindx/11201-x.htm

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We are very grateful indeed to the many supporters who have donated or set up standing orders in response to our Chair's letter sent in October. Our funds are improved but still tight so please, if you can, donate or download a standing order form from the website and send it to your bank.

Evidence to the Education select committee

Rather belatedly on October 12th the select committee held an evidence session on the School Admissions Code. Witnesses were Professor Anne West from the LSE, Lee Elliot Major from the Sutton Trust, Annie Hudson, Bristol Director of Children's Services representing the Association of Directors of Children's Services, Lesley Black from the Advisory Centre for Education and Rob McDonough, headteacher, representing the Foundation, Aided Schools and Academies National Association. They welcomed the simplification of the Code but most of the five had reservations. There was agreement, except from the FASNA representative, that children of

staff or former pupils' siblings should not be allowed admission priority and that the increased number of admission authorities would make admissions more difficult for parents.

All agreed that the Code should define the role of the LA in monitoring admissions and should provide agreed definitions of siblings and parents. All also agreed that the option to give priority to pupils eligible for the pupil premium should be open to all schools, but were not sure how much difference it would make.

The full transcript is at www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/1513/11101201.htm

Chief Adjudicator makes last report

The last report of Ian Craig as the Chief Schools Adjudicator was published in October. His replacement, Elizabeth Passmore, took over shortly after that. He reported a decrease in objections to admission arrangements from 387 last year to 127 this year. Some 74% of objections to admission arrangements were from parents, 18% of objections to admission arrangements related to faith schools and 17% to academies (this is not for the whole year but since April 2011).

Again he highlighted the need for local authorities to police the system more effectively: "If LAs are truly going to focus on being the champions of children and parents, then they really must put more effort into their 'policing' role," he said.

The full report can be found at media.education.gov.uk/assets/files/pdf/osa%20annual%20report%202011.pdf

Reports from the November AGM

The Secretary reported on activity during the year, which included meeting Michael Gove's adviser, and Andy Burnham and his review team. The survey on admission forums – and the lobbying which arose from it – had been a major piece of work.

The treasurer's report highlighted the need for more fundraising. The following were elected for 2011-2012: Fiona Millar (Chair), Paul Holmes (Vice Chair), Margaret Tulloch (Secretary), Michael Sterne (Treasurer), Melissa Benn, Clyde Chitty, Janet Dobson, John Edmonds, Adrian Elliott, John Fowler, Alan Gurbutt, Richard Harris, Graeme Hitchen, Mike Ion, Saeed Malik, Lisa Nandy MP, Chris Storr, Bob Tutton.

Melissa Benn provided a brief but lively and extensive overview of the political landscape in education arising from her experience going across the country speaking about her book *School Wars*. The experience had been both depressing and uplifting. There is concern among parents about the complex, confusing and unfair current system but also support for the comprehensive ideal which needs to be built upon.

Discussion afterwards focused on what *Comprehensive Future* needs to do over the coming months, including a focus on changing Labour policy, support for local campaigns and the complications and unfairness of the current Government's policy on admissions, and to cooperate with and enlist the support of other organisations for our aims.

Melissa's speech can be found in full on www.comprehensivefuture.org.uk

Steering group

The next meeting of the steering group will be January 11th. If you would like to get in touch with a point we need to discuss please phone Margaret Tulloch on 020 8947 5758 or email info@comprehensivefuture.org.uk

MPs debate grammar schools

The MP for Dartford set up a debate on grammar schools in Westminster Hall on November 8th. Several Tory MPs came to praise the grammar schools in their constituencies but said little about selection and the harm it does. Several welcomed the Government allowing grammars to expand.

The only dissenting voice was Labour spokesperson Kevin Brennan MP, who made a strong case although

not promising any change from a future Labour government, sticking to the long-held policy on ballots.

He quoted Andreas Schleicher, the OECD statistician who says that the best school systems in the world are non-selective.

Read the debate at www.parliament.uk/business/news/2011/november/westminster-hall-debates-8-november-2011/

Choosing schools is not top priority

More than eight in 10 people think parents should send their children to the nearest state school, according to new findings from the first survey to gauge Britons' attitudes to school choice in detail.

This was in an ESRC-funded study on school choice (RES-000-22-3989), at the London School of Economics and Political Science, carried out in collaboration with the National Centre for Social Research (NatCen).

LGO report on school appeals

A Local Government Ombudsman report on admission appeals highlighted several areas for improvement. The LGO had 1,195 appeals in 2010/11, 28% of which led to a remedy for parents. The Ombudsman made several recommendations, including better information for parents before and after the appeal, making sure the case is heard on its merits and following the procedure carefully. The LGO has no jurisdiction over free schools and academy appeals.

The report can be found in the advice and guidance section of the LGO website at www.lgo.org.uk/publications/advice-and-guidance/