

# Changes to the Admissions Framework 2011

## Department for Education Response to the Consultation

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### Introduction

In the White Paper *'The Importance of Teaching'*, the Government announced a review of the school admissions system to make it simpler, fairer and more transparent, building on the principle of placing trust in schools and head teachers. At its core are the proposed changes to the School Admissions Code and School Admission Appeals Code.

The admissions process for maintained schools and Academies has grown unnecessarily complex and bureaucratic. The proposals substantially slim down the Codes – removing duplication, complexity and jargon while ensuring the core requirements remain clear and prominent.

This report summarises the findings that have resulted from a wide-ranging public consultation on the draft School Admissions Code and draft School Admission Appeals Code, held between 27 May and 19 August 2011. In total some 1,337 responses were received to the 14 questions asked in May. Respondents fell into the following categories:

Parents	700
Headteachers or teachers	153
Local authorities (LAs)	141
Governors	70
Individual	61
*Other	45
National representative groups	33
Local representative groups	31
Faith organisations	31
Schools	20
Appeals Panels/Members/Clerks	15
Parent/Governor	15
Admissions Forums/Services/Clerks	13
Choice Advisors/Parent Partnerships	9
Total:	1,337

\* Those which fell into the 'other' category included those who did not reply to the question, charity or voluntary sector, two MPs, and a number of Government Departments. Throughout the report, percentages relate to each specific question, not to all the respondents to the consultation. Where totals exceed 100%, this is because some respondents selected more than one option against the specific questions asked.

## 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.

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 are offered in a fair and lawful way and that school admission appeals are heard in a fair and lawful way.

### **Q1. Do you agree that the new Codes achieve these aims?**

48% of respondents agreed that the draft Codes achieved their aims, 31% disagreed and 21% were not sure. Respondents welcomed the greater transparency, rationalisation and simplification of the draft Codes, particularly the removal of those areas that stated what schools 'should' and 'should not' do. Saying that a school 'should' follow a process rather than 'must' follow a process often led to confusion and misinterpretation.

### **Q2. Do you agree with the proposals to allow all popular and successful schools to increase their Published Admission Number (PAN)?**

52% of respondents agreed with this proposal, 31% disagreed and 17% were not sure. Respondents felt this would ensure fair access for more local children and enable good schools to help more families find a place.

### **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?**

The White Paper '*The Importance of Teaching*' set out the intention that Academies and Free Schools should be able to give priority to children attracting the pupil premium, on the basis that such schools tend to be located in areas of higher deprivation.

37% of respondents agreed with this change, 39% disagreed and 24% were not sure. Opinion was fairly evenly divided on the proposal, with those who agreed believing that this could increase opportunities for children from low-income families, while others considered that all schools should be allowed to adopt this policy.

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

51% of respondents supported the proposal, 33% did not and 16% were not sure. Respondents said that it was easier and quicker for parents to contact schools directly and allowed a speedier response to applications.

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

57% of respondents supported the proposed change, 21% did not and 22% were not sure. The majority of respondents agreed with the proposed change to limit the use of random allocation, to ensure that its use is proportionate and does not cause greater uncertainty for parents applying for school places.

**Q6. Do you support proposals to add twins (and multiple births) and children of service personnel to the list of excepted pupils?**

83% of respondents supported the proposal, 7% did not and 10% were not sure.

**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?**

53% of respondents agreed with the proposal, 35% disagreed and 12% were not sure.

**Q8. Do you agree with the proposal to allow schools to give priority to applications for children of staff in their over-subscription criteria?**

43% of respondents agreed with the proposal, 45% disagreed and 12% were not sure. A number of concerns were raised about possible abuses, either by schools or parents, and the possibility that far fewer parents would be able to take advantage of this permission if the local definition was too narrow.

**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?**

73% of respondents agreed that anyone should be able to raise an objection, 20% disagreed and 7% were not sure. The strong support reflects a widely-held view, across a number of respondent groups that increased local accountability is welcomed.

**Q10. Do you agree that the deadline for objections to the Schools Adjudicator should be moved to 30 June from 31 July?**

76% of respondents agreed that the current 31 July deadline should be advanced, 11% disagreed and 13% were not sure.

### **The Schools Admission Appeals Code**

The Department's aims in revising the Appeals Code were to simplify and improve the appeals system and reduce cost and bureaucracy for schools and give them more autonomy, whilst ensuring that the appeals system remains fair and objective.

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

45% of respondents agreed with the less prescriptive requirements set out in the revised Appeals Code, 27% disagreed and 28% were not sure. Some respondents expressed concern about the removal of prescription from the revised Code, whilst others welcomed the flexibility it will allow.

**Q12. Do you agree that the proposed appeals timetable will give more certainty to parents and reduce the number of appeals overall?**

**Q13. Do you agree that the proposed new timetable for lodging and hearing appeals will reduce costs and bureaucracy for admission authorities?**

40% of respondents to Q12 agreed the proposed timetable will give more certainty and reduce appeals, 21% disagreed and 39% were not sure. 39% of respondents to Q13 agreed the proposed timetable would reduce costs and bureaucracy, 22% disagreed and 39% were not sure. A small number of respondents felt the extension to 30 days would not necessarily translate into fewer appeals and some pointed out that it would make it difficult for all appeals to be heard within the required timescales. There is evidence that parents are not sufficiently clear on the infant class size appeals and the options available to the school or the local authority.

**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?**

48% of respondents to this question agreed the new process would be more effective, 14% disagreed and 38% were not sure.

## The Department's Response

The Department is extremely grateful to all those who took the time to respond to the consultation, with 1,337 responses of which 700 were from parents. Departmental officials have also held a number of meetings with specific groups, as well as experts on admissions and appeals.

The Government's overall approach to simplifying the School Admissions and Appeals Codes has received broad support. As a consequence we have not withdrawn any of the proposed policy changes, but we have made a number of drafting changes to the Codes to reflect many of the comments made. On the issue of giving priority to pupils attracting the pupil premium, whilst there was a mixed reaction to this policy, it remains our intention that only Academies and Free Schools will be permitted to give priority in their admission arrangements to children in receipt of pupil premium.

Published Admission Number (PAN): There was a mixed response to the proposed change to enable increases in PAN to be made without the need for consultation. Some respondents worried about the effect of allowing good schools to expand, potentially at the expense of other weaker schools locally. We believe it is important to increase the number of good school places available for parents, particularly in areas of deprivation or which historically have suffered from a shortage of good schools.

There are a number of areas where we are persuaded that small but important changes to the Codes are needed. These are:

- We continue to believe that admission authorities should be able to give some priority to the children of staff (teaching and non teaching), but we do accept the argument that there should be further specification to ensure some consistency across admission authorities. We have, therefore, included a requirement in the Code that any admission authority wishing to adopt this approach must be seeking to fill a specific skill shortage or offer the prioritisation only to staff who have been employed by the school for more than two years. We believe that this will ensure fairness and transparency.
- Too many parents find the Infant Class Size appeals process frustrating, in part due to a lack of information on the nature and limitations of such an appeal. We have kept the requirement on local authorities to provide the Schools Adjudicator annually with the number and percentage of lodged and upheld parental appeals, but now also require this information to be published locally. In addition we have placed a requirement on admission authorities to ensure parents are provided with clear information about the limited circumstances in which Infant Class Size appeals can be upheld.
- In order to improve local accountability, the Government has amended the Education Bill during the Report Stage in the House of Lords, to allow "anyone" to object to admission arrangements and to refer them to the Schools Adjudicator. As this widens the scope of objections, we will also ask the Schools Adjudicator to deal with vexatious and repeat objections swiftly.

All objectors must also be required to give their names and addresses.

- We have made a number of significant drafting changes to the Appeals Code to clarify the policy intent. We have changed the original proposal to give parents 30 days to appeal to 20 days, to ensure a more appropriate balance between a parent's rights to appeal and the need for such appeals to be administered in a timely fashion.

There were two key areas about which the Department did not ask any specific questions, but which were raised during the consultation. The two areas are:

- Any child that is looked after by the state is required to be prioritised in all admissions arrangements at any publicly funded school. That prioritisation is removed if the child is adopted into a stable and loving family relationship, yet he or she may still have social and emotional problems as a consequence of their difficult early childhood. We have amended the Code, therefore, to ensure that any looked after child who leaves care through adoption, a residence order, or special guardianship order, will continue to be given the same priority even though they are no longer looked after by the state.
- The co-ordination of admissions arrangements is made administratively simpler when there is a single date each year when offers of school places are made. For secondary school admissions this date is 1 March. We intend to introduce a similar approach for admissions to primary schools with the introduction in the Code of a Primary National Offer Day on or about 16 April. This will apply from 2014 onwards.

### **Next steps**

The Codes will be published on the Departmental website on Wednesday 2 November to allow schools and local authorities to take account of the proposed changes. A further short consultation on draft regulations will follow shortly, proposing consequential changes to regulations to bring them into line with the Codes and the other changes to legislation proposed in the Education Bill. The Codes and regulations will be laid before Parliament in December and January, to come into force in February 2012 for pupil admissions in September 2013.

## Responses to the Consultation - Statistics

1 Do you agree that the new Codes achieve these aims?																
There were 1144 responses to this question.																
	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	348	23	7	35	7	7	82	9	7	10	0	0	5	6	546	48%
Disagree	110	73	4	15	12	13	35	15	4	10	5	5	7	47	355	31%
Not sure	94	41	4	15	13	9	27	7	5	13	6	4	1	4	243	21%

2 Do you agree with the proposals to allow all popular and successful schools to increase their Published Admission Number?																
There were 1045 responses to this question.																
	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	349	24	8	33	10	5	78	5	7	11	3	0	1	11	545	52%
Disagree	65	84	4	19	10	18	54	21	6	10	6	3	7	14	321	31%
Not sure	88	27	2	13	6	3	14	4	1	5	2	6	4	4	179	17

**3 Do you agree that Academies and Free Schools should be able to give priority to children attracting the Pupil Premium in their admission arrangements?**

There were 984 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total
Agree	175	36	4	30	12	5	58	9	6	10	3	3	4	8	363 37%
Disagree	123	74	5	27	10	16	63	18	7	9	6	3	5	22	388 39%
Not sure	150	25	4	7	3	5	18	3	1	4	2	3	4	4	233 24%

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

There were 979 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total
Yes	255	21	7	49	5	4	95	19	14	12	4	1	1	12	499 51%
No	87	103	5	13	10	19	39	3	1	7	7	8	8	14	324 33%
Not Sure	102	13	0	3	9	3	9	8	0	4	0	0	2	3	156 16%

**5 Do you support the proposed change to the use of random allocation?**

There were 934 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total
Yes	202	95	9	39	13	18	79	26	9	10	7	5	8	8	528 57%
No	108	16	2	7	6	3	26	3	4	4	2	2	1	17	201 22%
Not Sure	117	21	2	14	2	2	29	0	1	4	2	2	3	6	205 22%

6 Do you support proposals to add twins (and multiple births) and children of service personnel to the list of exempted pupils?

There were 1149 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Yes	544	117	11	44	18	16	105	20	9	31	8	6	9	17	955	83%
No	33	4	0	6	0	1	23	4	2	0	2	0	2	7	84	7%
Not sure	33	15	1	12	4	8	13	6	1	2	1	3	2	9	110	10%

7 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?

There were 998 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	236	66	8	47	9	11	91	7	12	15	6	0	6	12	526	53%
Disagree	150	54	4	15	8	12	46	21	3	4	2	8	6	17	350	35%
Not sure	80	13	2	2	6	2	7	1	0	1	3	1	1	3	122	12%

8 Do you agree with the proposal to allow schools to give priority to applications for children of staff in their over-subscription criteria?

There were 1041 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	258	8	9	32	9	5	97	2	9	7	3	1	1	9	450	43%
Disagree	177	109	4	23	13	18	38	24	5	14	7	7	10	16	465	45%
Not sure	65	19	1	8	2	3	12	5	1	1	1	1	2	5	126	12%

9 Do you agree that anyone should be able to raise an objection about the admission arrangements they consider unfair or unlawful, of any school?

There were 1110 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	444	107	10	32	16	18	82	6	7	20	7	9	8	43	809	73%
Disagree	95	18	2	22	3	4	46	22	5	2	2	0	1	4	226	20%
Not sure	17	11	2	9	4	4	16	3	2	2	1	0	3	1	75	7%

10 Do you agree that the deadline for objections to the Schools Adjudicator should be moved to 30 June from 31 July?

There were 955 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	327	119	9	50	14	20	103	17	11	14	8	8	10	15	725	76%
Disagree	49	7	0	7	0	2	25	5	1	0	2	0	2	7	107	11%
Not sure	76	8	3	5	6	1	11	6	2	1	0	1	0	3	123	13%

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

There were 887 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	185	34	4	43	3	5	85	4	8	9	1	0	3	12	396	45%
Disagree	57	73	4	9	11	11	25	11	3	6	8	8	6	9	241	27%
Not sure	134	28	5	9	11	5	26	13	4	4	3	1	3	4	250	28%

**12 Do you agree that the proposed appeals timetable will give more certainty to parents and reduce the number of appeals overall?**

There were 896 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	196	18	8	27	6	3	71	4	7	8	1	2	2	9	362	40%
Disagree	21	76	0	11	3	11	18	12	5	3	5	5	8	6	184	21%
Not sure	171	42	4	24	13	9	46	14	3	7	4	2	2	9	350	39%

**13 Do you agree that the proposed new timetable for lodging and hearing appeals will reduce costs and bureaucracy for admission authorities?**

There were 865 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services/Clerks	Individual	Total	
Agree	179	14	8	25	5	3	70	4	7	7	0	1	4	7	334	39%
Disagree	17	85	0	11	3	14	16	11	6	4	6	5	8	7	193	22%
Not sure	178	34	4	25	11	4	48	13	1	5	5	3	0	7	338	39%

**14 Do you agree that the new three stage process will provide a more effective process for appeals panels to consider multiple and individual appeals?**

There were 853 responses to this question.

	Parent	Local Authority	Parent Governor	Governor	National Representative Group	Local Representative Group	Headteacher/teacher	Faith Organisation	School	Other (please specify)	Appeals Panels/Members/Clerks	Choice Advisors/Parent Partnerships	Admissions Forums/Services /Clerks	Individual	Total	
Agree	180	60	8	31	9	9	68	13	6	9	1	3	4	9	410	48%
Disagree	13	43	0	8	2	8	12	14	3	1	6	3	4	3	120	14%
Not sure	174	28	4	21	9	4	52	2	4	6	5	3	3	8	323	38%

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