

For general release

Meeting: Children, Families and Schools Sub-Committee

Date: Monday 26 January 2004

Report of: Director Children, Families and Schools

Subject: School Admission Priorities Consultation

Wards affected: All

1. Purpose of the report

1.1 To inform the Sub-Committee of the outcome of the public consultation on school admission priorities.

2. Recommendations

2.1 That in place of the existing admission priority 3 for over subscribed schools (an annually drawn priority area), the distance from home to school by a safe walking route should become the deciding geographical factor with effect from the admission year 2005/6. A safe walking route will be defined as a route which is paved and lit.

2.2 That the second admission priority, the sibling link, should in the case of infant, junior and primary schools be limited in its effect to a distance of two miles, again by safe walking route, from the school to the child's home.

2.3 That accepting changes arising from new legislation or regulations, no further changes should take place to the admissions priorities in Brighton & Hove for a period of 3 years, when a further public consultation will take place.

3. Background

3.1 Following the report of the Scrutiny Committee established to look at school admissions in the city, it was agreed that there should be a wide reaching consultation with schools and the public about the admission priorities applied when schools were over subscribed with first preferences. This consultation took place in the autumn term 2003, with a closing date of 17th December. The consultation posed a number of options for dealing with over subscription. It was intended that any changes would be introduced for admissions to schools in 2005/6. In

order to meet that time scale it will be necessary, following the Sub-Committee's decision, to have formally consulted schools on the preferred admission priority model by the end of February 2004.

- 3.2 The priorities adopted will only apply to community schools, as voluntary aided schools are responsible for their own admission priorities.
- 3.3 89% of pupils in Brighton & Hove obtain a place at their secondary school of preference. The figure is 91.5% for infant and 97.1% for junior admissions (Admissions year 2003/4). Nonetheless, those who are unsuccessful express a number of concerns about the current system, albeit some of those concerns would equally apply to other admission priorities set out below in Appendix 1. The main issue is that of uncertainty. Parents want to know in advance which school they will be allocated, and what chance of success they have with different preference permutations, **before** sending in their form. Whatever system is adopted, that certainty cannot be delivered, although it might be possible to improve the proportion of preferences met. This is set against the background that some schools are, for whatever reasons, more popular than others, and some areas of Brighton & Hove have easier access to popular schools than others. One complaint frequently received is that some parents have in effect a choice of good schools to apply for, others have little or no option other than the local school, as they would not receive priority for their preferred school.
- 3.4 Clearly we have to work within the existing school geography, although that may change over a period of time, as may the relative popularity of some schools. What we aspire to is a set of admission priorities which are objective, simple to explain and understand, and which allow for individual need as well as the geography of our city. They will not result in all parents obtaining a place at their preferred school, but they might improve the proportion who do, and be easier for parents and children to use and understand at every stage of the process.
- 3.5 With regard to the percentage of the admission population who are so dissatisfied as to go on to a formal admission appeal, the figure in 2003/4 was 3.5%, or 213 pupils from an admission cohort (primary, junior and secondary) of 6030. The percentage was similar in the previous 2 years. The most recent national appeal statistics (DfES 2001/02) are expressed in terms of appeals heard in Community Schools across all age groups of compulsory school age, not just the main admission years. Nationally 0.96% of the school population had an appeal heard in that year. In Brighton & Hove that figure was 1.18%. This is a relatively small proportion of the admission numbers. Understandably it is that small proportion of parents/carers who year on year express most unhappiness with the admission priorities. This is some indication of the fact that most parents are satisfied with the outcome of their application.

That is not, however, the same as parents being satisfied with the operation of the admissions system as it stands.

4. Consultation Process

- 4.1 Responses were sought through a consultation leaflet (copy attached) which was distributed to all schools, including special schools and nursery schools, who were asked to inform parents/carers of the consultation, and make the form available to them. Schools were also asked for their own responses to the consultation. The consultation was publicised through a press release, in City News, and was highlighted on the City council's web site, where the consultation leaflet was also available. The admissions team also held 3 exhibitions, 2 at Hove Town Hall and one at Brighton Town Hall, where staff were available to answer questions, and models of different geographical admission priorities were on show. Copies were also made available through public libraries and at Brighton and Hove Town Halls and at King's House, Grand Avenue.

5. Consultation Outcome

- 5.1 A total of 185 responses were received. This represents less than 1% of the school population in Brighton & Hove. It is difficult to judge whether this is because parents/carers are generally satisfied with the current system, or whether the message about the consultation did not get through. There was some indication in comments received with the replies that respondents recognised that no system could deliver for all parents. There were some clearly heartfelt comments about the system from those who had not obtained their preferred school through the current system. The most notable issue was the breadth of opinion expressed. There was no clear view in favour of any system, and the comments received reflected this, with strong arguments for and against change. Many did say that the main principle should be local schools for local children, although this was qualified by some who were unhappy with their local schools. From that group there was some comment about open access to "good" schools, parent/carers working and childcare arrangements, and access to specialist secondary schools. None of the responses received were from school governing bodies.
- 5.2 Some respondents commented upon the fact that church aided schools had an effect on the admission pattern for community schools. Because they apply religious based admission priorities, places were often not available to local children of no religious affiliation or one different to the school. This is the case in some parts of the city, although some voluntary aided schools are able to offer places to all applicants because they are not full. The right of voluntary aided schools to give priority on the basis of religious affiliation is protected in law and set out in the School Admissions Code of Practice. Their presence and effect would

have to be taken into account had any system of fixed admission priority areas been proposed.

- 5.3 An analysis of the responses is attached as Appendix 2. In summary, of the 185 responses 5 could not be entered as they could not be regarded as clearly answering the questions. Of the remaining 180, 72 were in favour of retaining the current system, whilst 108 were in favour of change, although of these 6 did not answer the remainder of the questionnaire about change options. Of the 108 in favour of change, 62 favoured a geographical priority based on distance from home to school, 40 favoured a fixed geographical priority area, whilst 6 gave neither as a preferred geographical priority. This does not supply a clear cut view on the nature of the geographical priority system to be used. With regard to the sibling link there was no strong view in favour of changing the sibling link or restricting it to primary school admission. Similarly there was no strong view that special priority for medical and other special reasons should be removed. Neither was there a clear view that parental work or childcare arrangements should be taken into account when giving priority for places.
- 5.4 It was interesting to note that of those parents wanting to change the system, most wanted changes in both the primary and secondary admission arrangements. There was a stronger view for change in the secondary arrangements. This probably reflects the location of secondary school places in certain areas of the city, whereas primary places are generally more accessible throughout the city.
- 5.5 The questionnaire responses will be available for Members to look at the other views and comments made by respondents in the open question 8. Those taking the opportunity to comment reflected a wide range of views, some commenting further on very specific issues such as the benefits or disbenefits of the sibling link priority or the effect of parental working arrangements on school attendance. Others commented on issues as disparate as the perceived unfairness of secondary school locations in the city to lower income groups (wealthier families could move closer to highly regarded schools), to the problems of accessing some schools by public transport.

6. Conclusions

- 6.1 The balance of the responses, and the low number of responses received, does not indicate a clear will for a major change to the admissions system in any one direction. There remains, however, a strong concern about the objectivity (or otherwise) of the current priority area system, which is drawn to take into account the ease of access to alternative schools for children not included in the area. Every year a number of parents/carers contend, with some justification, that the area could have been drawn a different way. This might be taking into

account bus routes, walking routes and the difficulty of the journey with regard to hills and road crossings. The Admissions Team tries to take these factors into account, but cannot have a complete knowledge of all such issues. There will also be occasions where their view differs from parents/carers on the relative importance of such factors. The School Admissions Code of Practice says that over subscription criteria should be objective, clear and fair. It is therefore proposed that rather than draw a subjectively based priority area, based on the views and experience of the admissions team, in future the third priority (after special medical reasons and siblings) will be based simply on the distance from home to school measured by safe walking route. Although a higher number (71) preferred the existing priorities than wanted priority base on distance (62), the change reflects the guidance in the Code of Practice, and is clear, objective and fair.

- 6.2 It is also proposed that whilst the sibling priority should be retained, in the case of primary schools its effect is limited to a distance of two miles. This arises from the widely expressed view that local children should receive priority for school places. It will mean that where families move from an area, they will be encouraged to consider seeking places at local schools close to their new home. Where parents are unable to obtain local places on moving because that school is full, the existing sibling link could be allowed beyond the two-mile limit. This should have 3 distinct results. The first is to encourage local school attendance, the second is to free up places for local children, and the third is to protect parents of primary age children from having to take them to two different schools. The sibling criterion will continue to operate in secondary schools without a distance limit. Given that secondary age pupils often have to travel distances greater than 3 miles to school, and the unequal geographical distribution of secondary schools across the city, it is not proposed that the sibling distance limit should be applied to them.
- 6.3 Whilst the level of response to the consultation was disappointing it would be unsettling to introduce further consultation at this stage, and unreasonable to delay the limited proposed changes beyond 2005 so that further consultation could take place. It is therefore proposed that the admission priorities as amended by the proposals in this report should operate for a period of 3 years (until 2008/9) at which point another consultation process would take place. If there were any major changes to the law in that period which would require changes in practice or further consultation on admissions arrangements they would of course take precedence.

COMMITTEE REPORT APPENDIX

Meeting/Date	Children, Families and Schools Sub-Committee 26 January 2004
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Financial implications

The recommendations of the report would require the purchase of computer software necessary to calculate the walking distance from home to school. As this would require the software to be developed, the initial estimate of costs is £2,000, although this figure will probably need to be revised in the future. This cost is to be met from a Central Administration budget, held by Elizabeth Wylie, Assistant Director, Strategic Planning and Services to Schools.

Finance Officer consulted: Andrew Simpson /Date:12/01/04

Legal implications

The LEA must conform to the new requirements on school admissions contained in the Education Act 2002 and subsequent Regulations and Codes of Practice. It must also be mindful of the need to co-ordinate school admission arrangements with all schools in the LEA and with neighbouring LEAs, which will become a legal requirement from 2005/6. As to human rights implications, the Council, when exercising its education functions, must take into account that no person shall be denied the right to education. The Council must also respect the right of parents/carers to ensure such education and teaching as are in conformity with their own religious and philosophical convictions, but only so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable expenditure.

Lawyer consulted: Natasha Watson./Date: 12/01/04

<p>Corporate/Citywide implications All schools in the city should be operating on the basis of admission limits and admission priorities which have been the subject of broad consultation. The effective co-ordination of admissions arrangements should lead to a single offer of a school place for each child seeking a place in a maintained school in the city.</p>	<p>Risk assessment There are no risk issues in terms of risk to city council resources or risk to children and their parents/carers.</p>
<p>Sustainability implications School admission arrangements are intended so far as it is possible to provide pupils with local places where they have asked for them. This is subject to limitations in school capacity, and the priority order for</p>	<p>Equalities implications Planning and provision for school admissions procedures and school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council must be</p>

school preferences given by parents/carers.	mindful of bad practice as described in the School Admissions Code of Practice.
Implications for the prevention of crime and disorder There are no implications for the prevention of crime and disorder.	

Background papers None.
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Appendix 1

The components of the admission priorities

There are at present 3 components of the admission priorities which go to make up the whole package. The order and method by which they are applied can also be varied to change outcomes. They are:

1. Special reasons for admission to a school.
2. The sibling connection.
3. The geographical component.

The following sections set out how these components operate or could operate. Any issues attaching to them are listed and where appropriate the pros and cons of that system are given. They are intended as examples of the main admission priority types that might be applied in Brighton & Hove.

1. Special reasons

At present special reasons constitute the first admission priority, and those who are accorded special status are given places before the other categories are considered. This could be changed, but this category includes the most needy and vulnerable pupils, including those who are looked after by the council, those with special medical reasons, and those with strong social reasons for attending a particular school. The School Admissions Code of Practice specifies that Admission Authorities and Admission Forums should be mindful of vulnerable pupils in setting and operating admission priorities. It specifies that priority should be given to looked after children in every case, a view upheld by the Schools Adjudicator. Numbers of pupils admitted through this category are low, and sometimes none in an admission cohort are admitted to a school as having special reasons. It would be unusual (with regard to the national picture for community schools) not to apply such a priority, and there has been no groundswell of opinion to remove it, either from parents or schools. There are, however, some issues to consider in how it is applied. These issues are:

- a) The more special places, the less places that are available for pupils allocated places by the distance criterion.
- b) There is no list of special reasons which are acceptable. The purpose of keeping the acceptable reasons open is that many sets of family, medical and social reasons are unique. A list would fetter discretion to admit, and could lead to hardship. By the same token, it could be argued that decisions to award special priority are less than objective, as admissions staff make the decisions. It is, however, the case that those seeking special status are

asked to provide evidence from a third party such a doctor, social worker or other professional working with the family.

- c) Parents have to supply supporting evidence with the preference form. Sometimes this is not forthcoming, and special reasons are claimed later, usually at appeal.
 - d) Special priority can be given to under-achieving groups such as looked after children through this priority.
2. Sibling connection

The sibling connection is currently the second admission priority. A sibling is defined as a child living in the same household, and the connection applies when there will be a sibling attending the school when the applicant would be admitted. It does not apply when the sibling is attending a sixth form or a nursery place in the school.

Issues

- The sibling priority might be regarded as more important for those children who cannot travel independently (primary age) where delivering children to different schools would cause logistical problems.
- One option would be to limit the sibling connection by distance from home to school, for example, it would not apply to those living more than a mile or two miles away from the school.
- If the sibling link were ended, there would have to be a period of transition, as places might have been accepted on the basis that a sibling could follow to the same school.
- The Scrutiny Panel recommended that if the sibling limit ended, in some cases there might be special reasons for allowing it in some cases. This could be considered under the current priority 1, and require supporting information as to why siblings need to attend the same school.
- Where parents have moved, they sometimes keep a child at the school because no places are available in the area of their new home.

Pros

- The link saves logistical problems for families in the home to school journey.
- It allows siblings to be educated together.
- It maintains established family/school links.

Cons

- Families obtain a place, then move, but retain priority for admission for siblings, preventing local children getting a place.
- Those without siblings, or with siblings widely separated by age, claim that they are disadvantaged in obtaining a local school place.

3. The geographical component

This tends to be the most contentious part of the admission priorities in Brighton & Hove. The most frequently heard complaint is that parents want

certainty – certainty about which school’s priority area they will be in. It has to be said from the outset that certainty is not possible from year to year. Whichever model is adopted, the numbers of pupils applying for a finite number of places will vary from year to year, and no guarantees can be given as to who will get a place, even where pre-determined priority areas are published. The School Admissions Code of Practice specifically warns against admission authorities giving such guarantees. The best that can be hoped for is a more transparent system, which can be seen as objective in its application. It is likely that whatever system is adopted, a similar number of parents will remain dissatisfied with their school place allocation.

It must be borne in mind that parental preference remains an important factor. Case law from the High Court clearly states that those who give a preference for a school must be considered above those who do not, regardless of where they live. Those living very close to a school cannot expect to be given a place unless it figures in their preferences even if they live in the priority area, however that is determined.

Fixed catchment area

Pros

- Some idea for parents about which school is regarded as the school for their community.
- Priority given for those living within the area over those living outside it (if given as a preference).

Cons

- Parents may be even more disappointed if they live in the area but are refused a place because of the level of over subscription.
- Needs another means of deciding who will get the places if over subscribed within the catchment area, OR if oversubscribed beyond the catchment area.
- In an urban area where community boundaries are unclear, it would be difficult to determine the area boundary in a logical manner.
- Unable to respond easily to demographic change or to allow for ease of access to alternative schools.
- In fixing priority areas for community schools it would be difficult to factor in the effect of voluntary aided schools, which tend to draw pupils from a wider area based on religious affiliation.

Variable geographical area

Current system. Area varies from year to year based upon number and location of applicants, taking into account access to alternate schools. It is determined after the closing date for applications, based on the applications received for each school.

Pros

- LEA can react to a variety of demographic factors, access and transport needs arising from its decisions.
- Visited only once – fixed or other pre-plotted catchment areas will require a further geographical decision whether over subscribed inside or beyond the catchment area.

Cons

- Areas from previous years not a reliable guide to future priority areas.
- Can be regarded as less than objective, in that LEA decides shape of area on a variety of factors.

Distance from school

Where the geographical allocation is decided by the distance from home to school. This could be “as the crow flies” or by distance on a safe walking route. The latter is seen as more objective and fair in the School Admissions Code of Practice.

Pros

- Completely objective – after special reasons and (if retained) sibling places allocated, the remaining places are allocated purely by distance from home to school.
- Easy to explain to parents.

Cons

- Could lead to some longer journeys to alternative schools for those excluded from area, as ease of access to alternatives not taken into account.
- Would require additional software if calculated by safe walking difference.

Feeder school system (Secondary admissions only)

Pupils allocated spaces on the basis of the primary school they attend.

Pros

- Maintain friendship groups on transfer.
- Some assurance for parents of likely place.

Cons

- Artificial boost in demand for schools with popular secondary school link.
- Distance from home to school not taken into account.
- “Closed shop” for secondary admission based on availability of primary places.
- Unfair on movers into the area.
- Parents still allowed in law to express preferences for any school.
- Cannot guarantee places for all in the feeder schools .

4. Other factors

Employment and childcare

This is mostly an issue in primary schools. Parents often cite the location of a school as important for their employment and/or their childcare. Until now the LEA has not taken these issues into account, as they could distort the allocation of places to local children, especially where childcare or employment is not close to their home address.

Pros

- The school place allocated may have a profound affect on childcare, or even on the parental ability to continue working.
- As a priority this is consistent with the aims of extended schools in providing “wrap around” childcare.

Cons

- Distortion of allocation patterns – local residents displaced.
- Those in who do not use childcare or who do not work may consider themselves disadvantaged.

Appendix 2

Admission Policy Questionnaire

Question 1 – The admission priorities should stay as they are.

Yes 72 No 108

NB – questions 2 to 7 only to be completed by those answering no to the first question. Of those answering no 6 failed to complete the remainder of the questionnaire.

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
2a Primary school admission priorities should stay the same.	19	21	16	30	16
2b Secondary school admission priorities should stay the same.	8	12	19	34	29
3 Pupils with special medical or other exceptional reasons should have priority for admission.	33	37	11	16	5
4 Pupils with an					

older brother or sister (sibling) at the school should have priority for admission.	59	20	8	9	6
5 Priority for brothers and sisters should only apply in primary schools.	10	13	10	27	42
6 Should the childcare and/or employment arrangements of parents and carers be considered as an exceptional reason for admission, even if it affects the chances of a place for others that live closer to the school?	10	13	15	26	38

7 Please pick your preferred priority from the following 2 options.

A There should be fixed priority areas for each school, so those living in that area have priority for a place. (Please note that if adopted this option cannot guarantee a place for those in the area.)

40

B Priority should be given on the distance of a child's address from the school rather than by fixed priority areas.

62

