

**For general release**

**Committee:** Children, Families and Schools Sub-Committee

**Date:** Monday 15 March 2004

**Report of:** Director, Children, Families and Schools

**Subject:** Secondary School Admissions – Response to Petition to the City Council

**Wards affected:** All

**1. Purpose of the report**

- 1.1 To respond to the petition presented to the City Council meeting of 22<sup>nd</sup> January 2004 expressing concern about the availability of secondary school places in part of the city.

**2. Recommendations**

- 2.1 That the Sub-Committee notes the report.

**3. Background**

- 3.1 A petition was presented to the Council at the meeting held on 22<sup>nd</sup> January 2004. It was signed by 160 residents of Hartington Road, Elm Grove, Hanover and Queens Park. It expressed concern that children living in that area might not have access to places at Dorothy Stringer School. It said that the signatories did not consider Falmer or (should it remain open) COMART to be suitable alternative schools, and that they wanted access to “a decent secondary school”. They wanted the Council to “maintain access to the secondary schools of current first preference” for the area.

**4. Response**

- 4.1 Whilst the concerns of parents and carers are understandable, the basic premise of the petition is not in fact correct. The priority area as drawn in recent years has a remarkably consistent western border, although as the admissions booklet says, the priority area changes from year to year. In the last 3 years the eastern boundary has varied, although this is not as pronounced as the change to the north of the school. Members will note that this year the boundary has in fact moved further east than before. Priority area maps for the last 3 years are attached as Annexe 1.

- 4.2 The School Admissions Code of Practice sets out the framework within which all admission authorities must work. It sets out particular requirements with regard to over subscription criteria, which must be fair and objective. It also states clearly that admission authorities should not guarantee places, whether on the basis of geographical location or because pupils fulfil other admission priorities. This would be regardless of the type of over subscription criteria used, and applies to Local Education Authorities, Voluntary Aided Schools and in other areas to Foundation Schools. The reason is that depending upon the expression of parental preference and the number of children resident in an area in any given year group, the authority cannot be certain that pupils in any location will be certain of a place at a particular school. To guarantee a place could in the end contradict the proper application of admission policy.
- 4.3 Implicit in the wording of the petition is the suggestion that Falmer School is in some way unsuitable for children living in the areas named in the petition. Regardless of the schools allocated for children living in those areas, the City Council does not accept that Falmer School cannot meet the needs of any children who may attend there. It provides a full, varied and differentiated curriculum, good pastoral support and extra curricular activities. It has been out of special measures since 2000.
- 4.4 Also included in the petition is a reference to the lack of secondary school preferences in the area. Inevitably residents in some parts of the city are more likely to obtain a place at their preferred school if they live close to it than those living further away. The use of a geographical component in over subscription criteria is the norm across the country. Parents/carers in other parts of the city may have a stronger case for saying that they are disadvantaged by where they live in having the potential for successful school applications. For example, children living in Bevendean, Moulsecomb or Coldean and parts of Hangleton have not been included in the priority areas for any over subscribed school for several years. This is the result of the location of those over subscribed schools relative to those parts of the city. That is not to say that children from those or other areas always attend the most local school. Some have applied for places at schools elsewhere which are not regularly over subscribed, and have been successful in securing a place. Others are content to attend the most local school.
- 4.5 Members will be aware that the proposal has been made that rather than continue with annually changing priority areas, the third over subscription priority should be a distance measurement from home to school, using a safe walking route. If adopted this may have some effect on the pattern of school places allocation in this and other parts of the City, although distance from home to school is a major component of the existing priority area methodology.

## **5. Conclusions**

- 5.1 The City Council would prefer to be in a situation where all parents/carers are allocated a school of preference, or would be equally happy with the allocation of any City school. It understands that parents/carers have clear views about their preferred schools, and that they will be concerned that the admissions process cannot deliver certainty about school allocations for different locations in the city. It continues to work on school improvement as a priority. It is however unlikely that it will ever reach the situation where all parents/carers are all allocated their preferred school.
- 5.2 Whichever over subscription criteria are used in Brighton & Hove, it is not possible to guarantee school places at particular schools to the residents of any locality. To do so would be contrary to the School Admissions Code of Practice, and could also be construed as unfair to other residents. The Code of Practice requires fair and objective over subscription criteria.
- 5.3 The over subscription criteria used by the City Council apply across the city, and are inevitably affected by where schools are located, the changing expression of parental preference, and where applicants for school places live in any given year. They cannot be applied in such a way as to guarantee places or to favour one area above another beyond those geographical considerations.

## **6. Consultation**

- 6.1 A report was taken to Children, Families and Schools Sub-Committee on January 2004 reporting back on the public consultation which took place in November/December 2003 about school admission priorities. A further report appears elsewhere on the agenda of this meeting with the outcome of the further consultation with schools about the admission priorities and other admission arrangements, and on the response of the Brighton & Hove Admission Forum which met on 4<sup>th</sup> February 2004.

<b>Meeting/Date</b>	Children, families and Schools Sub-Committee 15 <sup>th</sup> March 2004
<b>Report of</b>	The Director, Children, Families and Schools
<b>Subject</b>	Secondary School Admissions – Response to Petition to the City Council
<b>Wards affected</b>	All

**Financial implications**

There are no direct financial implications arising from this report.

*Finance Officer consulted: Steve Williams Date: 25<sup>th</sup> February 2004*

**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 Act (1998) 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. Article 6 of the Human Rights Act provides for the Right to a Fair Hearing which requires that the views of interested and affected parties should be sought via a proper consultation process, as is described in the body of this report.

*Lawyer consulted: Sandra O'Brien Date: 03.03.04*

**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.

**Risk assessment**

There are no risk issues in terms of risk to city council resources or risk to children and their parents/carers.

<p><b>Sustainability implications</b>  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 school preferences given by parents/carers.</p>	<p><b>Equalities implications</b>  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 mindful of bad practice as described in the School Admissions Code of Practice.</p>
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**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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