

DEVON LOCAL ADMISSIONS FORUM

Secretary
Anne Whiteley
Director of Children and Young People's Services
County Hall
Exeter
EX2 4QG

To: The Chairman and Members of the Devon
Local Admissions Forum
(See below)

Your ref: **Date:** 13 November 2009 **Direct Line:** 01392 382299 **Fax:** 01392 382286
My ref: GR **Please ask for:** Mr Rufolo **e-mail:** gerry.rufolo@devon.gov.uk

DEVON LOCAL ADMISSIONS FORUM

Friday, 20 November 2009

A special meeting of the Devon Local Admissions Forum will be held on the above date **at 10.30 am at County Hall, Exeter** to consider the following matters.

A G E N D A

1. Apologies
2. Minutes of the meetings held on 10 July 2009 (previously circulated)
3. Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as a matter of urgency.
4. Proposed Admissions Arrangements

Report of the Secretary (CY/09/89) (Page 1)
5. Secondary Admissions: Percentage of First Preference Offers

Report of the Secretary (CY/09/91) (Page 127)
6. Representation at School Admission Appeals

Report of the Secretary (CY/09/88) (Page 133)
7. Devon in-Year Fair Access Protocol

Report of the Secretary (CY/09/92) (to follow)

8. Update on Points of Entry to Devon Primary Schools
Report of the Secretary (CY/09/90) (Page135)
9. Proposed Admission Arrangements for 2011/12: Voluntary Aided Schools
Report of the Secretary (CY/09/93) (Page 142)
10. Admission Arrangements 2010/11: In Year Variations
Report of the Secretary (CY/09/94) (Page 144)
11. Admission Arrangements 2010/11: In Year Co-ordination
Report of the Secretary (CY/09/95) (Page to follow)
12. Infant Class Size Breaches: Update
Report of the Secretary (CY/09/96) (Page 169)
13. Inclusion
Report of the Secretary (CY/09/97) (to follow)
14. Current Issues: the Whitehouse Guardianship
Report of the Secretary (CY/09/98) (to follow)
15. Strategic Planning: Area Reviews
Report of the Secretary (CY/09/101)) (Page 171)
16. Devon Choice Advice Service: Follow-up Survey
Report of the Secretary (CY/09/102) (173)
17. Dates of Future Meetings

Thursday, 18 March 2010

At 10.30 am at County Hall.

[NB: If the Forum decide that any business is required to be discussed in the absence of the press and public it will first have to adopt the following wording "*that the press and public be excluded from the meeting during consideration of this item/the remaining business, the Forum being of the opinion that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted*".]

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership

Name	Category
Cllr Channon	Local Authority Rep
Cllr Davis	Local Authority Rep
Ms Boote Stoke Gabriel Primary	Community Schools
Paul Jones Blackpool Primary	Community Schools
Mr Haigh Coombeshead College	Community Schools
Mr Paul Evans Colyton Grammar	Foundation
Penny Burnside Tipton St John Primary	Voluntary Aided Schools
Christina Mabin	Church of England Diocesan
Mr Mannix	Roman Catholic Diocesan
Mrs Corrigan	Parent Governor Rep
Mr Duttson	Local Children's Trust
Ms Fran Butler	Advisor on Early Years
Mr Ian Rogers	Local Community (DAG)
Ms Olivia Denson	Service Families
Ms D Booth	Advisor on Children in Care

Observers/Advisers

Neighbouring LEAs

Plymouth Council

Mrs D Wallace

Torbay Council

Ms J Inett

Cornwall County Council

Mrs J Turner

Dorset County Council

Mr Farmer

Somerset County Council

Mr Pollock

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PROPOSED ADMISSION ARRANGEMENTS FOR 2011-12 REPORT OF THE SECRETARY

Recommendation: Members are requested to

- 1 Note this report.
- 2 Support the proposed admission arrangements for the Devon Local Authority area for 2011-12 at Appendix A and B
- 3 Comment and suggest amendments to the arrangements by 1 March 2010
- 4 Comment on the suggested timescales for the implementation of a Protocol on Flexi-schooling, detailed at 8.3

1 Background

- 1.1 Admissions authorities are required to consult in advance of each academic year or, if there are no significant changes proposed, to consult every three years on the admission arrangements which are to apply.
- 1.2 All admissions authorities must propose arrangements for consultation, amendment as necessary and then formal determination.
- 1.3 The co-ordinated primary and secondary admissions schemes have been formulated under the provisions of the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 and the School Admissions Code of Practice 2009.
- 1.4 The co-ordinated in-year admissions scheme has been formulated under the provisions of the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 and the School Admissions Code of Practice 2009. It will be considered further at CY/09/95.

2 Considerations

- 2.1 The Local Authority believes that the interests of fairness in school admissions are best served by continuing to propose and consult on admission arrangements annually. This view is supported by neighbouring local authorities and by the Church of England and Catholic Dioceses.
- 2.2 The Local Authority will continue to host the consultations of those schools being their own admission authority which do not intend to

arrange consultation independently. This is in the interests of efficiency and of ease of access for all consultees.

- 2.3 The consultation on admission arrangements for 2011-12 will be held alongside a consultation on an in-year co-ordinated scheme for admissions from September 2010. This is in line with the requirements of the revised School Admissions Code of Practice 2009 previously notified to the Forum.
- 2.4 The consultation will end of 1 March 2010. Responses received by consultees will be available for review by the Forum at its next meeting on 18 March 2010. The views of members of the Forum will inform the recommendations for determination by Cabinet members of the Local Authority by 15 April 2010.

3 Actions

- 3.1 Arrangements have been made to publish in the Western Morning News notification of a public consultation on the admission arrangements. This will be published in the second half of December 2009.
- 3.2 Notification of the consultation will be sent to Devon schools directly and via the Devon Association of Primary Headteachers, the Devon Association of Secondary Headteachers, the Devon Association of Governors and both local Dioceses.
- 3.3 Notification of the consultation will be sent to neighbouring local authorities and admission authorities.
- 3.4 Notification of the consultation will be sent to identified community groups at the earliest opportunity following this Forum.
- 3.5 The proposed admission arrangements will be posted on the Devon County Council website in the second half of December 2009.

4 The proposed admission arrangements

- 4.1 There has been a review of the admission arrangements. This has been to make the policies and protocols clearer, more consistent and transparent for all parties.
- 4.2 A number of amendments have been introduced in the light of the operation of admission arrangements during the last year.
- 4.3 All proposed changes are highlighted within the arrangements.
- 4.4 A copy of the proposed admission arrangements is at www.devon.gov.uk/admissions.

5 Disputes between parents over preferences

- 5.1 It is anticipated that further consideration by the DCSF will resolve an on-going query regarding disputed preferences. In the meantime, an amendment has been formulated.
- 5.2 Occasionally, parents who are estranged or separated have sought to submit conflicting preferences for their child's education.
- 5.3 Existing practice in Devon and other local authorities has been to accept only one preference or set of preferences with regard to a child. Any dispute between parents has not been a matter for the Local Authority to determine. Devon has interpreted the aim of a co-ordinated scheme to provide a single offer for a child as a requirement to accept one preference (set). Advice to Somerset conflicted with this position: each parent would be entitled to submit preferences and to receive an offer.
- 5.4 Advice was sought from a county solicitor and from the Fair Access Team at the DCSF in the light of the following paragraph in the Code of Practice:
- 3.2 Co-ordination schemes are intended to simplify the admission process for parents whilst reducing the likelihood of any child being left without a school place. Co-ordination establishes a mechanism that ensures that, as far as is reasonably practicable, every parent of a child living in a local authority area who has applied to a maintained school or Academy is sent one, and only one, offer of a school place by their local authority
- 5.4 The advice from DCSF was that, while parents should be encouraged to reach agreement, it was not for a local authority to decide which preference to accept and that a place would have to be offered to both parents according to their preferences as necessary.
- 5.5 It was pointed out to the DCSF that this led to the following issues:
- Two or more places would be held for one child, potentially at the expense of another child refused at each school.
 - Arrangements would be put in place for transport which would prove to be unnecessary.
 - There would be scope for parents without a genuine separation to submit more than one set of preferences to gain advantage over others.
 - The software provided by Capita for Admissions and Transfers and for online applications could not operate with multiple offers for a child. A duplicate record set up for a child would damage the system's integrity.

- The uncertainty involved in multiple offers would be disruptive for the child and also for the schools involved.

5.6 The points raised were accepted by DCSF and a further response has been promised. This may lead to a revision of the proposed scheme which may revert to previous, long-standing practice. The LA, in common with other authorities sought to meet the preference solely of the parent with a residence order, the majority of day to day care and control or, as a last resort, receipt of Child Benefit

6 Points of Entry to Reception

6.1 Following the publication of recommendation 14 of the Rose Review of the Primary Curriculum on 30 April 2009, the DCSF announced on 19 October 2009 that it intended to revise the Code of Practice in February 2010 to require all admission authorities to offer admission to reception for all children in the September following the fourth birthday. There would be a consultation on the matter until 16 November 2009. This was not expected to change the thrust of the decision and therefore a universal offer for the September after a child reached four would come into operation from September 2011.

6.2 As has been discussed previously by this Forum, there was insufficient support for a similar change of county policy at the informal discussion on points of entry in 2008.

6.3 Consequently and, as there remains an element of doubt over the terms of the implementation of the Rose Review recommendation, alternative proposals are included within the admission arrangements.

6.4 A further report on this subject follows at CY/09/90 Update on Points of Entry to Devon Primary Schools.

7 Fair Access Protocol

7.1 A requirement of the 2009 revised Code of Practice was for a significant review and strengthening of measures to quickly admit to school those children vulnerable to being unable to access appropriate education in-year. A number of categories of vulnerability were identified within Appendix 3 of the Code of Practice.

7.2 The Fair Access Protocol is intended to operate as a safety net for those children without a school place under normal admission arrangements.

7.3 The proposed Fair Access Protocol seeks to recognise three kinds of in-year admission – standard where there are no complicating issues and a place can be offered; fair access where a place cannot readily be offered; reintegration where a child is considered by a panel of headteachers or school representatives following or to avoid a permanent exclusion.

7.4 A further report on this subject follows at CY/09/92 Devon In-Year Fair Access Protocol.

8 Flexi-Schooling Protocol

8.1 Following expressions of concern from schools that the Local Authority did not provide guidance on how to respond to parental requests for flexi-schooling arrangements, a protocol has been formulated in discussion with data officers and those responsible for elective home education.

8.2 This was discussed by members of the Forum in July 2009 when CY/09/57 Flexi-schooling: Guidance to Schools and Parents was presented. The attached Protocol has been amended in the light of further discussion and advice within the Local Authority. This has confirmed the role of schools to determine whether they are satisfied with the operation of the home-schooling element of an agreement to flexi-school.

8.3 Forum members' views are welcomed on whether the Protocol should be implemented as part of admission arrangements September 2011 or at the earliest opportunity during the 2009-10 academic year.

8.4 The proposed Flexi-schooling Protocol is attached at Appendix B.

9 Redundant Protocols

9.1 As a Fair Access Protocol has been formulated which seeks to replace the arrangements for managed Moves and Reintegration following permanent exclusion, it is proposed that previous protocols be removed from the admission arrangements.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries: Andrew Brent 01392 381214

**SECONDARY ADMISSIONS: PERCENTAGE OF FIRST PREFERENCE OFFERS
REPORT OF THE SECRETARY**

Recommendation: that Members

- 1 Note this report.
- 2 Note the letter received from the DCSF at Appendix E and the request for a response from Devon.
- 3 Consider the implications of testing before preference in Devon.
- 4 Consider the implications if adopted in neighbouring authorities.

1 Background

- 1.1 the School Admissions Code of Practice requires that:

2.98 Grammar schools and other schools, or their admission authorities, which are permitted to use selection by ability or aptitude, **should** ensure that parents are informed of the outcome of entry tests before they make their applications for other schools.

- 1.2 The Head of Admissions at the DCSF has written to a number of local authorities, including Devon, where grammar schools do not test before preference.
- 1.3 There appears to be a will at the DCSF to encourage local authorities to test before parents express preferences for secondary transfer. It is felt that the experience of Kent and Bexley authorities show this improves the percentage of first preferences which are successful.

2 Considerations

- 2.1 There is one selective school within the Local Authority area: Colyton Grammar School. Colyton does not test before preference and has no current plans to do so.
- 2.2 The following concerns arise over testing before preference:
- children are tested either very close to the beginning of the autumn term of Year 6 or during the summer term of their Year 5. Testing at this stage would put at a disadvantage younger children and boys who typically mature later.
 - Testing in early September leaves little time to mark tests and introduce any review of results before parents are advised of the test

outcomes. Parents would then have to decide on preferences in the light of this information before the closing date at the end of October.

- The LA would have to advise parents of the earlier date for testing and this would either increase costs significantly or move the notification of the secondary transfer application process away from the opening date for applications.
- Enabling parents to have information regarding suitability for a selective school and then three preferences would effectively give a small number of parents a fourth preference.
- Parents may feel that they have been misled if the outcome of a test is to say they have passed but then do not receive an offer because too many others have achieved a pass score.
- Parents may feel that they have been misled if they interpret the outcome of a test as meaning that they should not apply. If others who would be higher in their scores then do not apply for any reason, the school could end up with an unexpectedly low number of applications.
- More parents might test early as no preference would be taken up by the test. This could introduce higher costs.
- Where a child preferring more than one selective school, would currently sit the test of the most preferred school, testing before preference would lose this means to decide on the test location.

- 2.2 The positive identified by the DCSF is that fewer parents would use a preference for a selective school if they were aware that the child had not demonstrated suitability for a selective school. Preferences would be better informed regarding how realistic they were; fewer 'wasted' preferences. Those who applied after testing would be more likely to be successful. This in turn would raise the percentage of first preference offers.

3 Other Local Authorities

- 3.1 Of our geographical neighbours, Dorset, Plymouth and Torbay currently test after preference.
- 3.2 Somerset does not have selective schools. Torbay have indicated that they intend to move to testing before preference Plymouth have no current plans to do so.
- 3.3 A large number of Devon residents currently express preferences for the 4 Torbay selective or partially selective schools. In order not to disadvantage them, Devon residents would have to be advised of any change in arrangements for Torbay. Devon would incur additional expense.

4 Devon Options and Response to the DCSF

- 4.1 Forum's views are welcomed and will inform the LA's response.
- 4.2 The eight disadvantages identified at 2.1 and that Colyton do not propose to alter their arrangements with this regard suggest a

response to the DCSF that Devon does not intend to test before preference.

4.3 The Code of Practice may be amended to require testing before preference – a **must** rather than a **should**. However, unless or until this happens, Devon would be compliant with the Code of Practice by not testing before preference at Colyton.

4.4 It would be in the interests of clarity and consistency for parents were all local authorities to test before or test after preference. There is no universal approach across the south-west.

5 Conclusion

5.1 The views of Colyton Grammar school are of particular importance.

5.2 Members are requested to comment on whether Devon should test before preference. If they feel that this should not happen, members are requested to consider representations to Torbay on the subject of schools there testing before preference.

5.3 The views of the Forum will inform a response to DCSF by the LA.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

**SCHOOL ADMISSION APPEALS: ATTENDANCE OF CYPS STAFF
REPORT OF THE SECRETARY**

Recommendation: that Members

- (i) note this report.

1 Background

- 1.1 On 27 March 2009 members of the Forum considered a Report of the Secretary on the Schools Admission Code of Practice and the expected impact on the Local Authority. CY/09/24.
- 1.2 On 10 July 2009 members of the Forum considered a further report of the Secretary on attendance of Local Authority staff at school admission appeals. CY/09/61.
- 1.3 Members resolved at 5: that there be clarification regarding employees of the local education authority attending school admission appeals.

2 Considerations

- 2.1 Devon, as in other Local Authorities, no longer has a local education authority. Its functions had been taken on by a Children and Young People's Services Directorate. Many employees within CYPS performed a role within social care and had no responsibility for or influence over education matters.
- 2.2 Advice from the DCSF was the intention was not to preclude all employees of CYPS from attending at a school admissions appeal. It was confirmed verbally that the intention was to avoid attendance where there could be a conflict of interest. In that sense, the restriction would apply to employees with an education role within the Local Authority, particularly with reference to or influence over school admission issues.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries: Andrew Brent 01392 381214

DEVON IN YEAR FAIR ACCESS PROTOCOL REPORT OF THE SECRETARY

Recommendation: that Members

- 1 note this report.
- 2 review the draft Protocol attached within Appendix F.
- 3 comment on retention of a 3% over-PAN threshold for secondary schools
- 4 comment on an implementation date for the Protocol as at 4.4

1 Background

- 1.1 A revised School Admissions Code of Practice came into force on 10 February 2009. The Admissions Team, part of Schools Access Services, is responsible for managing school admissions within the terms of the Code.
- 1.2 The Code requires each local authority to operate a Fair Access Protocol to assist children with in-year admissions. There is no requirement to extend a Fair Access Protocol to the normal round of admissions.
- 1.3 All maintained schools in a local authority area must participate in the local Fair Access Protocol.
- 1.4 Appendix 3 of the Code states that: protocols must include, as a minimum, children of compulsory school age in the following categories:
 - Children attending PRUs who need to be reintegrated back into mainstream education;
 - Children who have been out of education for longer than one school term;
 - Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;
 - Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place;
 - Children of refugees and asylum seekers;
 - Homeless children;
 - Children with unsupportive family backgrounds, where a place has not been sought;
 - Children known to the police or other agencies;
 - Children without a school place and with a history of serious attendance problems;

- Traveller children;
- Children who are carers;
- Children with special educational needs (but without a statement);
- Children with disabilities or medical conditions;
- Children returning from the criminal justice system; and
- Children of UK service personnel and other Crown Servants.

1.5 Devon has operated an Out of Normal Rounds Policy which allows for admission to the designated secondary school for a child new to an area, where that school has not exceeded its planned admission number by 3%. Alternative places may be provided where the nearest or next nearest non-designated schools are under their own 3% over-planned admission number figure. Where no place can be offered at either alternative, a place would be provided at the designated school.

1.6 This issue was presented to Forum in July 2009 at CY/09/59 Fair Access Protocol.

2 Considerations

2.1 The Fair Access Protocol requirements under the revised Code recognise that a number of children with varying personal circumstances face difficulties in accessing appropriate education. The role of the local authority is to operate admission arrangements which ensure fairness and equality of opportunity for all children. This may require children being admitted to schools which have already reached their planned admission number. The Code is clear that a school may not cite being at the PAN as reason to refuse admission.

2.2 The Code recognises that a greater proportion of children seeking a school place in-year face additional challenges; many present challenging behaviour.

2.3 The Code also recognises that schools with vacancies may be a ready destination for children without an appropriate school place. The local authority is to ensure that the allocation of such children should be equitable with no one school being required to take a disproportionate number of challenging children. Although this clearly suggests that it is therefore permissible for parental preference to be refused even where there is a vacancy, guidance from DCSF is that parental preference remains paramount.

2.4 The requirements of the Code do not assist a local authority to formulate a clear, objective Protocol. They oblige the local authority – working with information from schools - to consider the circumstances of the individual child, in terms of what is best for them, whether they are ready for mainstream schooling and, if so, which mainstream school will be best able to meet their needs.

2.5 Several of the criteria at paragraph 1.4 above raise concerns over interpretation. How should 'serious attendance problems' be interpreted, for instance? These concerns remain unresolved by DCSF.

The response in some local authorities is an attempt to limit the categories. DCSF advice has been to respect the intention of ministers.

- 2.6 A Protocol has been formulated which seeks to recognise three types or levels of admission:

Standard – those admissions where there is no identified vulnerability as a place can be offered;

Fair Access – those where the child has been identified as being vulnerable and a place cannot readily be offered;

Reintegration – where a child has been permanently excluded from school or is the subject of a managed move from one establishment to another.

- 2.7 Standard admissions would be considered by Admissions Officers.
Fair access admissions would be referred to a Senior Admissions Officer.
Reintegration admissions would be considered by the pupil placement panels.

- 2.8 In the interests of allocating places quickly, the Admissions Manager would propose placements for Reintegration children which would be offered unless the placement panel identifies a more suitable alternative.

3 The 3% over-PAN threshold for secondary schools

- 3.1 As detailed at paragraph 1.5, Devon currently recognises 3% over-PAN as the point at which children will be refused a place at the designated school where a child without a local school place moves into the area.

- 3.2 At consultation with Executive members of the Devon Association of Secondary Headteachers, some members expressed reservations regarding the continuing value of this threshold:

1. It was considered that the threshold did not serve a purpose and that the terms of the Code of Practice categories of vulnerable children meant that 'any number of children' would be placed above PAN.
2. Others felt that dispensing with the threshold would enable a defence of numbers at PAN – through refusing all admissions over-PAN.
3. Schools which were at or above-PAN were being protected from challenging children by this threshold.
4. Pressure from new groups of vulnerable children would render the threshold meaningless.

- 3.3 The Local Authority recognises the concerns expressed by DASH Executive and is appreciative of the attention paid to the question. It values the opinion and input of DASH as a significant stakeholder. However, the Local Authority remains of the belief that the Fair Access Protocol would benefit from the retention of the 3% threshold.

1. The purpose of the Protocol is to enable admission for children vulnerable to not being able to access appropriate education. Children with a local school place cannot be viewed as being vulnerable in this manner. The Local Authority interpretation is therefore that, for example, a child who is a registered carer with a preference for another local school is NOT vulnerable in this sense and would therefore not be placed above-PAN under the Protocol.
2. Opinion that admissions could be refused at PAN is incorrect. The Code is explicit in saying that being at PAN cannot be cited as a reason to refuse a Fair Access admission.
3. Schools which are being protected by a 3% threshold have already taken a number of vulnerable children. It is possible that a child may have been admitted above-PAN by an Appeal decision. This would suggest that the Appeal Panel had itself considered the child to be vulnerable.
4. The 3% over-PAN threshold has been in place since January 2004 and was introduced at the suggestion of DASH. Since then, it has proved to be a useful if imperfect tool to manage over-PAN demand. It is a figure which is understood by Appeal Panels, schools and the Local Authority. It is a clear and transparent tool which can be explained and generally understood by parents. While it would be anticipated that some admissions over the 3% threshold would be required on occasion, in general schools could be protected by its retention.

3.5 The Local Authority is aware that a number of secondary headteachers who would prefer to retain this threshold.

3.6 The views of the DASH representative would be welcomed.

4 The Introduction of the Fair Access Protocol

4.1 A revised Protocol taking into account the categories of vulnerable children listed at 1.4 is a requirement of all local authorities. Members of the South West Admissions Group have consistently reported difficulties in formulating and implementing a new Protocol.

4.2 The Protocol is seen by the DCSF as a safety net for vulnerable children not placed under normal admissions procedures. As such, it is outside the normal in-year admissions scheme. Nevertheless, in the interests of simplicity and as its operation is a necessary consequence of a failure to place a child under normal admissions procedures, the Devon protocol is proposed to follow on from the main part of the new In-Year Co-ordinated Admissions Scheme.

4.3 The In-Year Co-ordinated Admissions Scheme will operate for admissions from September 2010. The Fair Access Protocol should come into operation at the earliest opportunity. While the requirements of the Code of Practice are in the public domain and while the desire of some headteachers to terminate the 3% over-PAN threshold, there is potential for misunderstanding. Conversely, for data recording and monitoring purposes, it would be beneficial to operate a new scheme from the beginning of an academic year. A view is sought from members as to a recommendation to Cabinet members for an implementation date. The needs and best interests of the children of Devon are, as always, paramount.

4.4 The options for implementation are:

Spring term 2010
Summer term 2010
Autumn term 2010

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

UPDATE ON POINTS OF ENTRY TO DEVON PRIMARY SCHOOLS REPORT OF THE SECRETARY

Recommendation: that Members

- 1 Note this report
- 2 Note the effect on Devon policy should the DCSF require admission authorities to make a universal Reception offer for September.

1 Background

- 1.1 Points of entry to the Reception classes of Devon primary and infant schools were last discussed by members of the Forum in July 2009. This followed the publication of the Rose Review of the Primary Curriculum in April 2009.
- 1.2 The Rose Review was published on 30 April 2009. It recommended:

Recommendation 14

- (i) The preferred pattern of entry to reception classes should be the September immediately following a child's fourth birthday. However, this should be subject to well-informed discussion with parents, taking into account their views of a child's maturity and readiness to enter reception class. Arrangements should be such as to make entry to reception class an exciting and enjoyable experience for all children, with opportunities for flexible arrangements such as a period of part-time attendance if judged appropriate.
 - (ii) The DCSF should provide information to parents and local authorities about the optimum conditions, flexibilities and benefits to children of entering reception class in the September immediately after their fourth birthday.
- 1.3 The intended timeline for the Rose Review was:

8 December 2008	Interim advice to the Secretary of State on how the primary curriculum should change is published
31 March 2009	Final advice to the Secretary of State
May – July 2009	Formal consultation, subject to ministerial approval, on the new primary programmes of study
September 2009	Secretary of State signs off on the new programmes of study
September 2011	Having been provided with support during the previous year, schools begin to teach the new primary curriculum

- 1.4 On 19 October, DCSF announced that there would be a short consultation until 16 November 2009 on the implementation of this recommendation. This had a single question with an invitation for comments:

“Do you agree with the proposal that the School Admissions Code should be amended to **require** all admission authorities to enable all children to start school in the September following their fourth birthday where their parents choose this?

Yes

No

- Not sure”

- 1.5 Following discussion with Devon Early Years and Finance service, the following points were identified and were included in comments to the single-question consultation by the DCSF:

Devon’s response of “Not sure” was to indicate the difference in opinion across the County.

“The parents, early years settings and schools in Devon delivered a mixed response in the autumn of 2008 to a question whether they wished for a change of policy from two offer points to a single offer point. There was strong feeling on both sides. Devon welcomes clarity and comprehensive guidance on this issue so that a change to policy in the county is better understood by all parties. To that end, there are a number of points for consideration: Will there be additional funding for fulltime places in PVI settings? Schools are funded on children attending on January census. Under the single funding formula Teacher to child ratio is 1:30 in a Reception class 2:26 for maintained nursery and 2:16 for PVI early years provision. What happens to school funding if a child starts at Easter? No funding is a disincentive for schools. Must be fulltime on register to get funding, how does this relate to a parent wanting a short period of part-time attendance over the census date? If a child is offered a place for September but defers until Easter can Local Authority decide to pay the school? If so, this would lead to double funding. Until 2006-07 there were termly adjustments up and down as numbers differed from the census. What is full-time and what is part-time provision? How many hours and on which days? Is it the intention for fulltime preschool provision to be an equivalent to provision in school, i.e. transport and free school meals? Will there be any additional funding to provide transport at mid day for parents who wish to have part-time education? There is a minimum requirement in Reception class for 1:30 ratio – we have concerns about small rural schools with mixed phase classes. Will there be additional capital funding for rest/nappy changing facilities etc.? Parent’s right or do they request? – need clarification as the wording on the 19 October guidance appears contradictory. How and by whom are the “best interests of the child” determined? Any additional funding

to meet the costs if extra panel/multiagency meetings are required? EYFS is delivered in a range of settings – how can parents choose between what should essentially be the same? Why has the provision of full time places for 4 year olds in PVI settings only just been announced. Local Authorities have been working on a single funding formula that enables an equitable approach to funding three and four year old children in all sectors for several months now, the formula is based on the take up of 15 hours of provision - not full time places.”

2.0 DCSF Action

2.1 The intention of DCSF as at 19 October is to revise the School Admissions Code of Practice in February 2010. This will require all admission authorities to offer a universal offer point in the September following a child’s fourth birthday, with effect from September 2011.

3.0 Options for Devon

3.1 The latest advice from the DCSF indicates that a universal offer point in the September after a child reaches the age of four will be **required** by local authorities with the continued option for parents to defer admission within the Reception year. This position seems clearer than was the case before the 19 October statement.

3.2 It is not anticipated that there will be any option for Devon and the voluntary aided schools in Devon but to implement a universal offer for the September following a child’s fourth birthday from September 2011.

3.3 It is therefore necessary to prepare for this by proposing admission arrangements for Devon community and voluntary controlled primary and infant schools which would comply. The report CY/09/89 on Proposed Admission Arrangements 2011-12 refers to this proposal.

3.4 Voluntary aided schools have been made aware of these developments and that they should consider whether to propose a universal offer point in the expectation of a requirement under the Code of Practice – where a single offer is not already in place.

3.5 If the outcome of the DCSF consultation or other government action is to alter this intention, the Local Authority will reconsider in the light of any advice and guidance from the DCSF.

4 Deferring admission

4.1 Forum has discussed previously a need to inform and advise parents and schools regarding the parental right to defer admission until a child reaches statutory school age. A gap in understanding and credibility here was identified by the 2008 informal discussion on points of entry in Devon. Further information on this point is available at www.devon.gov.uk/speconsultation. Many parents said that they knew there was a right but that pressure from other parents and from headteachers would prevent them from deferring admission in the Reception year until the term after the child’s fifth birthday.

- 4.2 In July 2009, members of the Forum supported the Local Authority proposal to create a flyer to publicise a parent's right to defer. This would be sent at the end of October to schools, early years settings and to the parents of children expected to apply for a reception place for the 2010-11 academic year.
- 4.3 A flyer was produced and sent out. Following concern that it may be seen to promote deferred admission rather than to simply inform, the design of the flyer has been amended for future mailings. Where it had been headed by "Not Ready For Admission?", it now is headed by "When Should My Child Start School?" This change has been prompted by and has been accepted by the Devon Association of Primary Headteachers.
- 4.4 Copies of the flyer are attached at Appendix C and Appendix D.

5 Conclusion

- 5.1 The Rose Review will have a direct influence on Devon policy.
- 5.2 The effect on early years settings and specific arrangements for Reception classes will be the subject of further consideration. Full guidance from the DCSF is to follow and this will inform Devon's approach and guidance to settings and schools.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

**PROPOSED ADMISSION ARRANGEMENTS FOR 2011/12: VOLUNTARY
AIDED SCHOOLS
REPORT OF THE SECRETARY**

Recommendation: that Members

- 1 note this report.
- 2 support the LA in continuing with annual consultation.

1 Background

- 1.1 Under the 2009 School Admissions Code of Practice, all admission authorities are required to formulate admission arrangements and consult on their proposals. This must be done no less than once every three years and must be done if significant changes are proposed.
- 1.2 The Local Authority invites other admission authorities within the Devon area to include their consultations with that of Devon itself.

2 Timing of Consultation

- 2.1 All admission authorities in Devon, including the Local Authority have consulted annually until 2009. The Local Authority intends to retain an annual consultation from 2010 and recommends that schools which are their own admission authority also do so.
- 2.2 No Devon schools which are their own admission authority have so far advised that they intend to consult less frequently.

3 Model Policy

- 3.1 The Local Authority has worked closely with the Church of England Diocese in formulating a model policy for voluntary aided primary schools.
- 3.2 A model policy is seen as improving consistency and transparency for parents. It is provided to schools as a resource which they can use or not as they wish; it remains voluntary and is open to editing to better meet the needs of an individual school.
- 3.3 Forum has previously supported the proposed model policy. At the July 2009 meeting, a suggestion was made to incorporate information regarding children from families of UK service personnel and other Crown servants. This was agreed and will form an update to policies which are taken up by schools.

- 3.4 The Church of England Diocese has been able to respond to school requests for flexibility in the model policy as arrangements for individual schools have been incorporated in it.
- 3.5 It is anticipated that a number of Church of England schools will take advantage of the model policy for 2011-12.

4 Determination

- 4.1 All voluntary aided schools are requested to respond to comments made by consultees and take account of them in their determination by 15 April 2010. Determined arrangements for 2011-12 may be incorporated with the Devon arrangements which must be published by 1 May 2010.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

ADMISSION ARRANGEMENTS 2010/11: IN YEAR VARIATIONS REPORT OF THE SECRETARY

Recommendation: that Members

- 1 note this report.

1 Background

- 1.1 Once admission arrangements have been determined by an admission authority, the authority cannot change or vary those arrangements except where this is necessary in order to make the arrangements comply with the School Admissions Code of Practice.
- 1.2 Otherwise, where the admission authority wishes to change the arrangements, it must do so by seeking an In-Year Variation by the Office of the Schools Adjudicator.

2 2010-11

- 2.1 Following determination of the admission arrangements by Devon in April 2009, it was necessary to seek three In-Year variations:
 1. To amend the wording within notes to the over-subscription criteria for admission to Devon schools for children with multiple birth siblings. Attached at Appendix G.
 2. To amend the Planned Admission Number for Bishops Tawton primary School from 15 to 20. Attached at Appendix H.
 3. To incorporate the designated area of Sparkwell All Saints Church of England Primary School into that for Cornwood Church of England Primary School on the closure of Sparkwell. Attached at Appendix I.

3 Multiple Birth Siblings

- 3.1 Following the primary admissions process for 2010, a primary school with a Planned Admission Number of 30 was faced with the 30th and 31st children on its priority ranking list being twins living in the designated area for the school. Another school with a PAN of 60 had a similar position with the 60th and 61st children.
- 3.2 The determined arrangements in Devon allowed for children to be accommodated in the preferred school where this did not contravene Infant Class Size Legislation. A decision was open to be taken to offer places as preferred by the families and either make arrangements for no class to contain more than 30 Key Stage 1 children or to provide

funding for the school to take measures to comply with ICSL by employing another teacher for the class of 31 Key Stage 1 children.

- 3.3 It was felt to be in the interests of consistency and transparency to confirm a commitment in Devon to supporting the wish by parents to place all of their twins, triplets and quads in their designated school where at least one could be offered within PAN. If this required additional Key Stage 1 funding then this would be made available.
- 3.4 The change of wording for which an In-Year Variation was sought strengthened and clarified the intended position in Devon.

4 Bishops Tawton Primary School Planned Admission Number

- 4.1 As part of the exercise to PANs for Devon community and voluntary controlled schools for the 2010-11 academic year, the capacity, expected demand for places and organisation of Bishops Tawton was considered.
- 4.2 While a PAN of 20 had been in operation, this was felt to be unnecessarily high. The Indicated Admission Number was 15 and the number of known in area children for 2010 was 8. In recent years, the school has tended to draw from neighbouring areas.
- 4.3 A proposal was put to the school that the PAN be lowered for 2010 to 15, in line with the IAN and being sufficient to meet in-area demand.
- 4.4 No formal response was received from the headteacher or governing body. Consequently, taking this to be an indication of agreement, the proposal of 15 was determined by Executive members in April 2009.
- 4.5 Shortly afterwards, the new headteacher of the school contacted the Local Authority and advised that she had been unaware of the proposal and so had the governing body. Notification of the proposal had been sent to both the governing body and the former headteacher. It remains the responsibility of the governing body to respond. However, it appeared that the former headteacher had not alerted the governing body to the implications of the proposal to lower the PAN and did not herself respond.
- 4.6 Once the new headteacher had made representations that the school did indeed wish to retain a PAN of 20 for organisation purposes and in order to meet parental preference to the former extent, the Local Authority was satisfied that this was a reasonable request. As required, an In-Year variation was sought to confirm a PAN of 20.

5 Sparkwell All Saints Designated Area on Closure

- 5.1 the governing body of this voluntary aided school held discussions and there was a consultation regarding its future. A decline in numbers of children on roll contributed to a decision by the school's governing body during the summer of 2009 not to reopen the school in

September 2009. This decision was approved by Cabinet members of the Local Authority.

- 5.2 The decision to close had not been taken before the process of proposal, consultation and determination of the admission arrangements was carried out up to the 15 April 2009. Consequently, separate designated areas for Sparkwell All Saints and for Cornwood were determined.
- 5.3 Local consultation contributed to an agreement that the designated area of Sparkwell be merged with that for Cornwood and that the combined areas would thereafter be the designated area for Cornwood. It was felt that Cornwood could accommodate the children on roll previously at Sparkwell if that was the preference of each parent.
- 5.4 Both schools were contributory primary schools for Ivybridge Community College which meant there were no issues regarding priority within oversubscription criteria for the College.
- 5.5 Entitlement to education transport was agreed for Sparkwell children for Cornwood where normal transport eligibility criteria were met.
- 5.6 A request for an In-Year Variation was required and was submitted.

6 Developments

- 6.1 The Office of the Schools Adjudicator contacted the Local Authority on 6 November 2009 to seek further information. This was provided and an early decision is anticipated.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

ADMISSION ARRANGEMENTS 2010-11: IN-YEAR CO-ORDINATION REPORT OF THE SECRETARY

Recommendation: that Members

- 1 note this report.
- 2 support the proposed scheme for in-year admissions co-ordination at Appendices I, J and K
- 3 comment and suggest amendments to the scheme by 1 March 2010

1 Background

- 1.1 A revised School Admissions Code of Practice came into force on 10 February 2009. The Admissions Team, part of Schools Access Services, is responsible for managing school admissions within the terms of the Code.
- 1.2 The Code requires each local authority to formulate a scheme for co-ordinating in-year applications in the academic year 2010-11 by 1 January 2010 (paragraphs 3.4 and 3.5 of the Code).
- 1.3 This scheme has been formulated under the provisions of the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2008 and the School Admissions Code of Practice 2009.
- 1.4 Whereas schemes for co-ordinating applications for admission at the normal round are consulted on and determined almost 18 months in advance, the late introduction of the requirement for in-year co-ordination prompted the DCSF to allow this consultation to be undertaken and a scheme determined in the academic year immediately preceding admission from September 2010.
- 1.5 This consultation would be alongside the consultation for normal round admissions for 2011-12 and for in-year admissions for 2011-12.

2 Drivers for a Co-ordinated Scheme

- 2.1 The intention of government is that from September 2010 there will be uniform arrangements for parents seeking to apply to schools at any time and in any location. Parents will have a more straightforward task – to apply to the local authority in which they live.
- 2.2 A co-ordinated scheme will mean that every parent will be able to express up to three preferences and receive one offer of a place. The government has expressed the concerns of parents that the outcomes have been influenced by their own circumstances and the attitude of

school staff rather than by factors which are relevant to school admissions under the Code of Practice.

2.3 A co-ordinated scheme will require every outcome letter – offer or refusal) will be sent by the LA on behalf of the school's admission authority. This will ensure that every request for a school place receives the following consistent information:

- a. the offer of a school place with a start date
- b. information regarding transport entitlement

OR

- c. The reasons for refusal
- d. The offer of an alternative school place (which may be confirmation of the child's current setting)
- e. Information regarding a waiting list
- f. Information regarding the right of appeal

2.4 A co-ordinated scheme will also assist in tracking children as they move from one setting to another.

3 Considerations

3.1 The DCSF acknowledges that the co-ordinated scheme will necessarily introduce a delay in some admissions. Many admissions have historically taken place within a day of a parent visiting, for instance, a village primary school and asking for a place.

3.2 The LA and schools may share a commitment to enabling a child new to an area to be admitted as quickly as possible. However, this will not be possible under a co-ordinated scheme. Even where a school is its own admission authority, the governing body will not know whether a place is to be offered to a parent for the following reasons:

- the parent may visit School C and say that a place is required but he or she may likewise visit School A and B. The parent will be required to express preferences for A, B and C in order. School C may have a place but if either of the higher preferences can provide a place, School C will not be offered. This is the equal ranking system which has been in operation at the normal round of admissions for some years in Devon.
- Another parent may have applied for the place at the same time as the parent who is visiting the school. This may be an online application from elsewhere in the country or abroad or it may be a postal application which has been forwarded on from the home local authority to Devon. If the other application has a higher priority under the school's oversubscription criteria, it is that child who would be offered a place in competition with the child of the parent visiting the school.
- The parent may indicate he or she does want a place at the school but not actually confirm with a written (or online) request. The

school may then hold a place at the expense of a subsequent request.

- 3.3 The co-ordinated scheme will ensure that an application will be valid if made in writing or online to the home local authority. Places will be offered according to equal preference ranking by the home local authority.
- 3.4 The LA will seek to resolve all applications within 20 school days. The timetable proposed is:
- Within 5 school days, the LA will inform schools which are their own admission authority of a preference. Where a school is in another local authority area, the LA will inform that LA of the preference within 5 school days.
 - Within a further 5 days, the other admission authority will be expected to advise the LA whether a place could be offered
 - Schools which are their own admission authority in another local authority area may take an additional 5 days to advise whether a place could be offered via the other local authority.
 - Within a 20 school days the LA will inform the schools concerned whether a place is required and will write (or email) to the parent with the offer of a school place.
- 3.5 The above timescale may be exceeded where a child cannot be offered a place at a local school and has to be considered under the Fair Access Protocol (report to Forum CY/09/92). The over-arching aim will be to allocate school places for vulnerable children at the earliest opportunity.
- 3.6 All applications received by the LA on a given day will be considered together.
- 3.7 A co-ordinated scheme for admissions will be a significant change for many schools, particularly at primary-phase. A balance must be struck between resolving applications with minimum delay and treating all applications consistently and transparently.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

BREACHES OF INFANT CLASS SIZE LEGISLATION REPORT OF THE SECRETARY

Recommendation: that Members

- 1 note this report.
- 2 support the local authority in seeking to minimise the number of breaches of infant class size legislation.

1 Background

- 1.1 The Forum Annual Report 2008 recommended that the Forum should receive information on oversize infant classes after the census date (page 14).
- 1.2 Section 1 of the SSFA 1998 limits the size of an infant class (i.e. a class in which the majority of children will reach the age of 5, 6, and 7 during the school year) to 30 pupils per school teacher.
- 1.3 The Education (Infant Class Sizes) (England) Regulations 1998 permit children to be admitted as exceptions to the infant class size limit. These are set out in paragraph 2.63 of the Code of Practice:
- 1.4 A report was presented to Forum in July 2009 (CY/09/63) which detailed those Devon schools which had breached Infant Class Size Legislation.

2 Breaches reported July 2009

- 2.1 2017 Alphington Primary School
2032 St Thomas Primary School
2048 Honiton Primary School
2205 Pilton Infant School 31 pupils
2253 Woolacombe Primary School
2440 Shaldon Primary School
2442 Starcross Primary School
3112 Kingskerswell Primary School
3777 Clyst Heath Primary School

3 Breaches as at November 2009/January 2010

- 3.1 Confirmation on the position at Pilton Infant School has been requested. Of the other schools known to be in breach in July 2009, all confirm they are now compliant with ICSL.
- 3.2 2090 The Topsham School (January) 31 pupils
results from twins being the 30th and 31st children on the ranking.

3016 Payhembury CE Primary School (January) 31 pupils
resulting from a Year 2 child being placed in Year 1.
2721 Two Moors Primary School (January) 65 pupils
the school has offered places outside of the primary admissions co-
ordinated scheme without the approval of the admission authority.
2000 Axminster Primary School 32 pupils
the school has offered places outside of the primary admissions co-
ordinated scheme without the approval of the admission authority. The
school states that it will be compliant by January.

4 Conclusion

4.1 Closer involvement by the School Admissions Team has contributed to a reduction in the number of instances of breaches due to admissions in error or where permitted exceptions are not identified.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

**INCLUSION
REPORT OF THE SECRETARY**

Recommendation: that Members

- 1 note this report.
- 2 monitor how well the In-Year Admissions Protocol is working - data relating to admissions made using the policy in the early part of 2009-10 are at Appendices L and M.

1 Monitoring how well the “In Year” Admissions Protocol is working

- 1.1 The School Admissions Code of Practice sets out that Admission Forums have a key role in ensuring a fair admissions system. Part of their role is to advise LAs and admission authorities on matters relating to school admissions. Admission Forums must monitor the admission of children who arrive in the authority’s area outside a normal admission round and promote arrangements for fair distribution among local schools, taking account of any preference expressed.
- 1.2 Devon’s in-year policy identifies school places ‘out of normal round’ for any child who requires one.
- 1.3 A new Fair Access Protocol has been formulated as required under the revised Code (02/2009). A report presented to Forum at CY/09/92).
- 1.4 Until the introduction of the terms of the revised Fair Access Protocol, the existing out of normal rounds policy remains in operation and data does not yet acknowledge challenging or hard to place children who may be identified under the future Protocol.
- 1.5 Data attached at Appendix L shows the admissions made using the policy so far this academic year across Devon secondary schools, including the number of permanently excluded pupils admitted to each school and the number of Children in Care placed using the policy.
- 1.6 Appendix M shows the time taken to allocate a school place for children who are in care.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

Andrew Brent

01392 381214

CURRENT ISSUES: THE WHITEHOUSE GUARDIANSHIP REPORT OF THE SECRETARY

Recommendation: that Members

- 1 note the legal and policy positions set out in this paper
- 2 note that evidence is available that parents have been charged for the provision of state school education by this organisation
- 3 support the approach of the authority with regard to new applications for children placed with host families
- 4 comment on any further response from the Local Authority or Forum

1 LEGAL POSITION

- 1.1 Schools must not charge for the provision of state education.
- 1.2 The School Admissions Code of Practice 2009 (Code) is clear that schools must not ask for financial contributions as part of the admissions process.
- 1.3 There is a right for citizens of the EEA to access state education in this country. Advice from the DCSF is that a parent with a child in this country seeking education should be provided with education regardless of their immigration status. This is covered by section 1.58 of the Code.
- 1.4 The following restriction applies at section 1.63 of the Code:

Where a child from a non-EEA country is allowed entry to the country for the purpose of being educated at a fee-paying establishment, he or she may not subsequently transfer to a state maintained school.

2 THE WHITE HOUSE GUARDIANSHIP (WHG)

- 2.1 WHG is a Bournemouth-based commercial company which places students from outside the United Kingdom with host families for the purposes of experiencing life and education in England. Admission is sought to both state and private schools. This report is not concerned with placements at private schools.
- 2.2 WHG claims to place 1000 children in this country, the majority citizens of the European Economic Area (EEA) – the constituent countries of the European Union, together with Norway, Iceland and Liechtenstein. Some other children are from outside the EEA, mainly Hong Kong, Taiwan and Macau. Most children placed with host families are of Year 10 and Year 11 age, with a few post-16 and younger, secondary-phase pupils. They pay schools £60 per child per week during their time on roll in the summer term.
- 2.3 WHG charges its client families for accommodation. Their website advertises that there is a financial commitment to the school: "If a student is expelled

from the State School Programme or withdraws for any reason, no refund can be considered, due to our financial commitments to the school. Insurance should be instituted to cover this possibility where appropriate.” Mr Hume, the principal of the company, confirmed that this would involve holding money back from refunds to client families as this would be paid to the school.

- 2.4 The School Admissions Team has been approached by a Ms Daley, a representative of the White House Guardianship, seeking advice regarding the admission of up to 30 children in and to the east of Exeter for the beginning of the September 2009 term. A suggestion was made by her that up to 80 children could be placed by her company locally. The authority would be obliged to provide any necessary transport or additional support. The Admissions Team has been contacted in previous years, but there was no awareness of client families being charged for the provision of state education.

3 POSITION IN DEVON AND NEIGHBOURING AUTHORITIES

- 3.1 WHG contacted St Luke's School in February 2009 to seek places for 5-17 children for between three weeks and one year. The school was advised it would receive payment if the children were admitted. In March 2009 Clyst Vale Community college was approached by WHG in a similar fashion. They were told that other local schools had been approached and had agreed to co-operate.
- 3.2 Ms Daley has confirmed that a number of children placed by them in Torbay have been admitted to south Devon schools, principally: Coombeshead College, Teignmouth Community College, Dartmouth College and King Edward VI Community College.
- 3.3 Torbay has identified that one of their schools has had dealings with WHG over a number of years, solely with post-16 students. Another school specifically mentioned by Mr Hume as within their programme has denied being contacted. The majority of secondary schools in Torbay are their own admissions authorities and requests for admission need not come to the attention of their Local Authority.
- 3.4 Other neighbouring Authorities we have spoken with have expressed concern, and do not propose to co-operate with WHG or any similar company. One authority advises that it refuses to discuss admissions with WHG and does not have any children placed by the company in its schools.
- 3.5 The WHG website claims that a number of local authorities provide state education in different circumstances. It states that Devon and Norfolk provide education in all of their advertised categories including placements for 1 or 2 terms. Norfolk Admissions had no knowledge of this arrangement.

4.0 POLICY POSITION

- 4.1 **Devon should respond to all requests for school admissions equitably and in accordance with the Code and any locally agreed policies.**
- 4.2 The view of the Policy Unit is that it would not be appropriate to differentiate between a request for admission from a child placed in Devon through a company such as WHG and any other request for admission. The Code does not give an admission authority the right or duty to consider a request differently as a result of a commercial company's placement with a host

family. If the child is eligible for a place, he or she cannot be rendered ineligible in this manner. It should be noted that holding to this interpretation could be costly for the authority.

4.3 In respect of requests for admission where nationality is unconfirmed:

- (i) the applicant must identify the nationality of the child. Wherever necessary, this should be by a School Admission officer viewing the child's passport or other identity document.
 - for UK or EEA citizens with a right of entry to the country, this may be a copy in an email, letter or fax.
 - for non UK and EEA citizens, and where it is necessary to ascertain that there is no visa restriction, this must be the original document, once the child has been allowed entry to the country.
- (ii) the applicant must be the parent, or other person nominated by the parent and to whom he or she has granted authority to do so. A declaration by the parent to confirm this will be required. Parental responsibility will not be recognised where it is proposed that this has been conferred on a commercial organisation. It must be conferred on whichever person will be living with and caring for the child day-to-day.
- (iii) all children residing with a host family (or other person who is not a close relative) will be referred by the School Admissions Team to the social care private fostering team.
- (iv) the birth family will be contacted by the Admissions Team to confirm the arrangement and to ensure that the birth family is aware of the child's temporary address and that there is no payment due for an application, allocation or provision of state education 5-16.

4.4 The authority's School Admissions Team, and any school operating as its own admission authority, should not make an offer of a school place which could be used to influence a decision to allow entry to the UK.

4.5 The requirement to operate an in-year co-ordinated admissions scheme will mean that all requests for previously non-resident children will be identified by the Admissions Team for admissions from September 2010.

5.0 OTHER CONSIDERATIONS

5.1 Devon could be embarrassed if seen to collaborate with a commercial organisation charging its clients for the provision of state education, and passing some or all of the monies to state schools in the county. This may be the perception if information were shared between School Admissions and WHG for place planning purposes. On the other hand, not sharing advance information could put pressure on in-year admission arrangements.

6 DIFFERENCE OF OPINION BETWEEN SCHOOLS

6.1 Clyst Vale Community College has expressed strong concerns about the activities of WHG, both morally and regarding the effect on organisation, resources and exam grades at the College due to relatively short term placements in GCSE classes. In response to contact from the Principal on

behalf of DASH, the DCSF has expressed concern over the practices of companies such as WHG.

- 6.2 At a meeting of the south Reintegration Panel, there was an opposing view expressed by the Headteacher of Teignmouth Community College. There and at Dartmouth Community College, the efforts of other WHG students had raised attainment levels. It should be noted that many of the students are relatively well-educated and motivated. Where they are on roll for longer periods, they would tend to be of higher than average ability and attainment.
- 6.3 WHG does not seek to place younger children, especially those of primary age as they are not seen to be independent of their home family. Nor is the authority concerned with post-16 students.
- 6.4 Leaving aside the moral arguments regarding the payment for state education at statutory ages, the impact of significant numbers of new students in an area will be most keenly felt in areas with few empty places or where schools are operating above PAN.

7 SUMMARY

- 6.1 The authority retains a duty to consider all requests for school admissions in compliance with the Code and its own determined policies.
- 6.2 It is illegal for a state school to receive payment for the provision of education to statutory-aged children.
- 6.3 WHG is a commercial organisation which advertises among its terms (at www.whg.eu.com), and has confirmed to this authority, that it has a financial relationship with state schools.
- 6.4 It would be inappropriate for this authority to collaborate or co-operate for place planning purposes with an organisation it believes to be acting illegally.
- 6.5 Sticking to these principles will mean that a private company exploits the European nationals regulations for commercial gain which cannot be passed on to the schools or the authority; and the latter will probably have additional liabilities.
- 6.6 WHG is one example of a profit-making guardianship operating in this country. The concerns expressed regarding its activities would apply equally to any similar company.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

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01392 381214

STRATEGIC PLANNING: AREA REVIEWS

Recommendation: Members are requested to note the process of Area Reviews currently being undertaken by CYPs Strategic Planning Team

1 Background

- 1.1 The Primary Capital Programme initiative (PCP) was first announced by the Department in 2005. The programme commits to radically refurbishing or rebuilding up to half of the primary school estate nationally by 2022/23. The aim is to create primary schools that are equipped for 21st century teaching and learning and are at the heart of their communities, with Children's Services in reach of every family.
- 1.2 The PCP requires local authorities to take a long-term strategic approach to capital investment and to transform teaching and learning in primary schools, with the Children's Plan at its heart. It challenges local authorities to be more ambitious in considering new models of leadership and organisation, including more collaborative working through federations and trust schools, as well as amalgamations and rationalisation in order to maximise quality of provision.
- 1.3 In order to enter the programme, local authorities were required to submit a Strategy for Change for the DCSF's approval. On 11 November 2008 the Department confirmed that Devon's was one of only 41 (out of 150) LA's nationally to receive unconditional approval. Within Devon's Strategy for Change, the Local Authority has committed to undertake countywide Area Reviews (with a separate programme of reviews of special schools for primary aged pupils). The Review process recognises the need to undertake wide consultation with a range of stakeholders, including those agencies that contribute to wider children's services.
- 1.4 School Organisation Forum (SOF) and the Strategic Planning Group, in partnership with the Church of England and the Roman Catholic Diocesan Boards of Education, set up a Task & Finish Group to recommend criteria for ranking Local Learning Communities into a priority order of review and latterly on how to implement and commission the visioning and Area Review process.
- 1.5 The area review process requires each LLC to agree a Vision based on Devon's strategy for change to an agreed template facilitated by DAPH.
- 1.6 The review process takes into account the aspirations of the LLC, is based on LA terms of reference including a protocol, clear expectations, details of key principles, coordination, status/confidentiality and recording of outcomes. Subsequent recommendations will be presented to the Executive Director for CYPs before seeking SOF endorsement and subsequently Cabinet approval, leading to future capital investment priorities.

2 Programme of Reviews

2.1 Okehampton

The first Area Review of Okehampton was undertaken on 30 September and was well attended by all schools within the Local Learning Community, Elected Members, Diocese and DCC officers and was chaired by Daryl Chapman (Chair of Okehampton LLC) and facilitated by Steve Clarke, Trival (consultancy service which focuses on improving the delivery of public services).

Following wide debate, the Local Learning Community agreed to pursue the following:

1. Federation of all schools within the LLC
2. Collaboration of geographical clusters working on teaching and learning as well as services
3. Hub – with federation across the Community College and 2 primary schools
4. Service Company not for profit.

A further meeting of the LLC is due to be held on 23 November to progress the above.

2.2 Exeter

2.3 The Area Review for the 3 Exeter Local Learning Communities – Beacon, West Exe and Central and Chestnut, will take place on 16 November.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries:

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CHOICE ADVISER SERVICE: MONITORING FEEDBACK SURVEY

Recommendation 1: Members are requested to note results of the qualitative survey.

Recommendation 2: Members are requested to endorse the proposals for future surveys

1. Background

- 1.1 The Devon Local Admission Forum (LAF) on the 27th March agreed that they would commission a random follow up survey to provide monitoring feedback for quality assurance on behalf of the Devon Choice Adviser service. (minute 92b).
- 1.2 Julie Bannon, Business Change Consultant was commissioned to undertake the qualitative survey on behalf of the forum from the 20th July to 7th August 2009.
- 1.3 The findings of the survey to be reported to the LAF in November 2009

2. Results of the survey

- 2.1 The number of parents agreeing to participate in the survey was 24 however only 33% of parents actually completed the questionnaire (8). This is a very disappointing number however in hindsight the period surveyed was during the holiday period and therefore hampered access to parents.
- 2.2 Only 1 person out of 5 who stated they would like to be contacted by email responded. All other parents were contacted by telephone. Many messages were left on answer phones but unfortunately very few responded. Follow up calls were also made again with little success. A few parents did state they no longer wished to take part.
- 2.3 Annexe A outlines the results of the questionnaire.

3. Proposals for the future.

- 3.1 It is recommended that all parents using the service be encouraged to give feedback at any time of the year through the CYPS customer service team. A standard format could be developed to provide consistency of feedback. An analysis of compliments and complaints will be undertaken and summarised on an annual

basis. This analysis will then form part of the Choice Advisory service annual report to the Local Admissions forum.

ANNE WHITELEY

ELECTORAL DIVISION: ALL

Local Government Act 1972

List of Background papers

Contact for Enquiries: Lisa Boon 01392 383841

ACCESS TO CHOICE ADVISER

1. Can you briefly say how you have found the process of applying for a school place for your child?

On the whole most parents found the process straight forward and had no problem. Most of the information was found in the booklet or on the website. Two people found the process very traumatic but found the Choice Advisers very helpful.

2. How did you come into contact with a Choice Adviser?

- Website?
- Admissions information?
- First Steps or Next Step Booklet?
- Admissions Team?
- My Devon?
- A friend?
- School
- Agency?

The majority of parents used the website and /or Next steps/First steps booklets or obtained information from their primary school. Only one parent had direct contact with the admissions team.

3. Was it easy for you to make contact with a Choice Adviser?

Contact with the Choice adviser was made initially either by email or telephone. Parents stated that if they left a message the choice adviser responded very quickly. Usually within 24 hours. All parents were extremely pleased with the response time.

4. Briefly, what were your final preferences and why did you choose these schools?

The majority of parents were able to put two or three school preferences based on information obtained from various sources.

IN AREAS WITH SELECTIVE SCHOOLS:

5. Can I just check, did your child take an 11+ exam and/or an entrance exam for any selective school(s)?

All parents surveyed indicated that this was not applicable.

If yes to question 5:

6. Briefly, what was this process like for you and your child?

CONTACT WITH THE CHOICE ADVISER

7. When did you receive the advice? How quickly did the Choice Adviser contact you if you didn't speak to them directly? (prompt)

- before application date;
- between application & allocation;
- after allocation

Three parents made contact before the application, four parents between application and allocation and one parent after allocation.

8. Did you have more contact with a Choice Adviser? If yes, how and where? (prompt)

- Speak on the telephone?
- Face to face
- Group one to one
- Open evening
- At your home
- Community Centre
- Primary or Secondary School

Where further contact was made this was mainly by telephone/email. However two parents did receive home visits.

8(a) Did you have contact with the Choice Adviser more than once?

All those surveyed had contact more than once.

8(b) If so how was contact made?

Telephone, email, home visits.

9. Can you tell us a little more about the sorts of things you were given advice about?

The following were the areas raised by the parents concerned:

- How the admissions system works in your area [e.g. number of schools that can be applied for, different procedures for different schools, in year admissions]
- Equal preference system or order of preferences
- Whether schools were over/under-subscribed in previous years
- Special needs, disability policy/provision (if appropriate)
- Home-school distance; travel information; cost of travel
- Appeals process, support available post allocation and whether successful (if appropriate)
- Completing the application form (including online applications)

10. Did you receive any other support or help? (e.g. from friends/family, primary school teachers, others)

The majority of parents stated they did not need further advice however two parents took advice from SENCO's, friends, Head teachers and The Parent Partnership.

EXPERIENCE AND VIEWS OF THE CHOICE ADVISER

11. What help did you want from the Choice Adviser and the advice/help they could give you, before your meeting/call?

The following were areas raised by parents:

- “In reality there is only one choice” Wanted advice regarding not putting the local school and the consequences of putting a non local school as first choice”.
- Appeal statistics
- Processes for appeal
- Likely chances of getting into a particular school
- Transport issues

12. What was the outcome of your talk with the Choice Adviser?

Parents felt they had received the information they were looking for and were able to make a better decision as a result:

- changed choices/order of preferences especially in relation to local school versus “out of area” school
- “helped you make an informed choice”

13. Do you think that the Choice Advice was given at the right time?

All parents responded favourably to this question. All stated when they needed the information the Choice Adviser was available.

14. What are your views on the quality of the advice that you received from the CA? [Prompt: well-informed; professional; reassuring; follow-up offered?]

- “I was very impressed with the quality of the service”
- “fantastic”
- “well informed”
- “high standard, professional and reassuring”
- Very helpful, grateful they are there”

15. How do you think the advice and information given by the Choice Adviser could be improved in the future? Please give specific details.

“I was extremely satisfied, nothing to improve”

A number of parents commented that the service could be better advertised especially identifying the full scope of the remit. One comment suggested consistency of terminology on website and leaflets. Also a link to Ofsted reports from website would be really helpful.

16. Devon’s Choice Advisers are Independent Consultants – were you aware of this? If so, how important was it for you?

All parents except one were aware the service was independent. All agreed it is important to maintain this independence.

OUTCOME OF SCHOOL APPLICATION

17. Which school has your child been allocated?

All parents were allocated their preferred option in the end.

18. Do you think that the help you got from the Choice Adviser made a difference?

Many parents thought that the Choice Adviser did make a difference and helped them make informed decisions for themselves.

19. If you were going through the process again, would you seek the services of a Choice Adviser?
Would you recommend the service to friends or those you think need extra advice and support?

- “Yes if I were in any doubt again and yes I would certainly recommend to anyone seeking advice”
- “ yes would definitely recommend to friends and family”
- “Yes so helpful”
- “yes definitely I would also refer friends and family to the ‘parent partnership’ as well”

20. Any other comments you would like to make about the Choice Advice service or the admissions system in general?

Very many favourable comments were made:

- “Very effective thank you”
- “Excellent service”
- “Melanie was fantastic”
- “Choice Adviser came back to me very quickly”