

REGULATIONS RELATING TO SCHOOL ADMISSION ARRANGEMENTS

DRAFT CONSULTATION RESPONSE

Background to the consultation exercise

The document sought views on changes to the way in which the capacities of primary and secondary schools are calculated and on draft Regulations relating to the school admissions framework arising from provisions in the Education Act 2002 (the 2002 Act). Responses from this consultation have informed the Assembly Government's decision on the content of the Regulations.

Consultation exercise - July 2005

During July 2005, the Welsh Assembly Government published electronically a bilingual consultation document focusing upon the delivery of a new capacity assessment methodology and Regulations relating to the school admissions framework, following the 2002 Act. The document was distributed electronically to representatives of the following organisations:

- Local Education Authorities
- Governing Bodies of Foundation and Voluntary Aided Schools
- Church Diocesan Authorities
- 10% sample of community schools in Wales
- Estyn
- Welsh Language Board
- Children's Commissioner
- Council on Tribunals
- Secretaries of Professional Organisations in Wales

The document and response proforma were also made available online via the Assembly's Learning Wales internet site at www.learning.wales.gov.uk. The deadline for the submission of responses to the consultation was 20 October 2005.

Consultation questions – July 2005

The consultation document asked the following questions:

Q16 Do you have any comments on the draft Education (Determination of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (i))

Q17 Do you have any comments on the draft Education (Objection to Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (ii))

Q18 Do you have any comments on the draft Education (Variation of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iii))

Q19 Do you have any comments on the draft New School (Admissions) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iv))

A total of 22 replies were received in response to the consultation document as a whole – not all commented on the Regulations. A detailed breakdown of respondents is provided below:

Respondent	Total
School Governor or Governing Body	1
Headteacher or Teacher	2
School Staff	0
Teaching union	0
LEA Member of Officer	12
Diocesan Body	1
Other	6
Total	22

Action following consultation

1. The Education (Determination of Admission Arrangements) (Wales) Regulations 2006

The following issues were raised by respondents:

- The fact that admission arrangements have to be determined so far in advance restricts changes which may be made in the interval between determination and application of the arrangements;
- The concession allowing governing bodies which are admission authorities to suspend annual consultation on admission arrangements could in certain circumstances be extended to LEAs;
- It is expensive to publish a notice in the local paper if the admission authority wishes to lower any admission number.
- The consultation document does not address who will monitor and audit this process.

It is not proposed to amend the Regulations in the light of this feedback for the following reasons:

- Following receipt of the feedback, admission officers at all the LEAs were contacted about the feasibility of moving the date by which arrangements should be determined. Changes to the timetable are constrained, as sufficient time must be allowed for notification of consultees, for any objections to be made and for consideration of any objections by the Assembly prior to publication of the composite prospectus, usually early in the autumn term. Admission officers were therefore asked whether the determination date might be put back from 15 April to 1 June. There was not, however, a consensus of support for this change. The position will be reviewed in 2 years time.
- We consider that fresh consultation would be required before we could suspend the requirements on LEAs to consult annually. This option will be considered when the new admissions framework is reviewed in 2 years time.
- The proposed procedure for setting and varying admission numbers is considerably less expensive than the current system which requires publication of a statutory notice for every change to the admission number. The publication requirement in the Regulations is intended to safeguard the interests of parents where an admission number is set lower than the capacity of the school indicates. It is anticipated that this will occur only infrequently.
- The Regulations state that the LEA should notify the Assembly that appropriate consultation has taken place prior to the suspension of the consultation requirement. Further guidance on this issue will be included in a revised Code of Practice on school admissions which should be issued in 2006.

2. The Education (Objection to Admission Arrangements) (Wales) Regulations 2006

Most respondents to consultation did not raise issues in relation to the Regulations. A few judged the changes to be acceptable, with only one respondent stating that the logistics of giving parents the right to object would increase the administrative burden on admission authorities. This view is, however, misguided as the right to object only applies where an admission number is set lower than the capacity of a school suggests. This is likely to occur only infrequently. The number of cases where parents could lodge an objection is consequently limited. Moreover, parents currently have the right to object to all changes to a school's standard number, so the legislative change should the number of instances of objection. It was therefore not considered necessary to make amendments to the Regulations following consultation.

3. The Education (Variation of Admission Arrangements) (Wales) Regulations 2006

The majority of respondents did not comment about these Regulations. Those who expressed an opinion supported the making of the Regulations, as they judged their introduction would result in a simpler, more flexible process. It was therefore not necessary to make amendments to the Regulations as a result of the consultation.

4. The New School (Admissions) (Wales) Regulations 2006

Two respondents expressed concern about the extension of the consultation requirements, while another welcomed the opportunity for interested parties to provide input. In view of the limited response it was not judged appropriate to amend the Regulations, since it is not anticipated that the requirements will prove burdensome, particularly since the consultation may be conducted electronically. The additional requirement is for the admission authority for a new voluntary aided or foundation school to consult all the community and voluntary controlled schools in the 'relevant area' before determining the initial admission arrangements. To

facilitate this process the Assembly has contacted all LEAs and requested that they review their relevant area(s) before the consultation requirements change, to ensure that the consultation areas for the voluntary aided and foundation schools are appropriate. The review should ensure that the extended consultation is more appropriate, while the administrative burden is kept to a minimum.

RESPONSE TO INDIVIDUAL QUESTIONS

Q16 Do you have any comments on the draft Education (Determination of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (i))

Respondent	Total		Executive summary	Total
Local education authority	8		Agree	3
School			Neither agree or disagree	7
School Governor	1		Disagree	
Headteacher or Teacher			Total	10
Parent				
Diocesan Body				
Other	1			
Total	10			

Individual comments

If the LEA has to consult on admission arrangements two years in advance it will restrict any changes that are wished to be made in the interim period e.g. such as those that have become apparent this year following appeals processes.

We feel that the concession allowing governing bodies which are admission authorities to suspend annual consultation on admission arrangements in certain circumstances could also be extended to Local Authorities.

The facility for schools to suspend the annual consultation is good as it will reduce bureaucracy. Our concern, however, is that the document does not address the issue of who will monitor and audit this process. How will neighbouring schools know this has been done after a three year period?

Q17 Do you have any comments on the draft Education (Objection to Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (ii))

Respondent	Total		Executive summary	Total
Local education authority	5		Agree	3
School			Neither agree or disagree	2
School Governor			Disagree	1
Headteacher or Teacher			Total	6
Parent				
Diocesan Body				
Other	1			
Total	6			

Individual comments

It is unclear as to when parents will be able to object to an admission number. Will this be at the time the change is proposed? There could be problems if objections can be lodged at any time.

The logistics of giving parents the right to object will increase the administrative burden on schools and authorities – to set up a system for informing parents and the means to express objections and the collation of responses will undoubtedly increase the administrative burden.

Q18 Do you have any comments on the draft Education (Variation of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iii))

Respondent	Total		Executive summary	Total
Local education authority	5		Agree	5
School			Neither agree or disagree	
School Governor			Disagree	
Headteacher or Teacher			Total	
Parent				
Diocesan Body				
Other				

Total	5			
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Individual comments

The LEA agrees that the new system is far simpler and better.

The Regulations will ensure that the administrative burden on admission authorities is kept to a minimum following the introduction of admission numbers and changes to the process for determining admission arrangements.

Q19 Do you have any comments on the draft New School (Admissions) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iv))

Respondent	Total		Executive summary	Total
Local education authority	4		Agree	2
School	1		Neither agree or disagree	2
School Governor			Disagree	1
Headteacher or Teacher			Total	5
Parent				
Diocesan Body				
Other				
Total	5			

Individual comments

These Regulations are fine.

The value of the additional duty to consult is questioned. For any new community schools the admission arrangements would reflect those of the other community schools from the same sector (primary/ secondary). Only the admission number is likely to be peculiar to the new school.

These Regulations largely reflect current procedures. However, the extended duty to consult will provide interested parties with a valuable opportunity to provide input on the initial admission arrangements for a school before they are determined.