



School Admissions



A report from Overview & Scrutiny





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Reports that have been submitted to Council can be downloaded from www.birmingham.gov.uk/scrutiny.



Preface

By Cllr Jon Hunt

Chairman of the Education and Lifelong Learning Overview and Scrutiny Committee



The City Council faces major challenges in providing adequate school capacity within the next decade and needs robust procedures and monitoring to ensure every child has the best possible education.

By 2015, it is anticipated, the present secondary school system would be juggling with just 136 spare places - or one per cent of capacity - when admitting that generation of 11-year-olds. So the Building Schools for the Future programme will be essential in ensuring there are adequate places in the right parts of the city.

This has been a protracted review which ended up being conducted in parallel with the introduction of new legislation.

Whilst early reports suggested the City Council might in future have a limited role in admissions, the legislation that has emerged in some ways enhances the Council's role.

In recent years Birmingham has taken the lead in reforming admissions procedures, creating a single admissions form and handbook for all the city's schools.

The admissions staff, led by Dave Currier, who ably assisted our review process, are now keen to move on and provide an even better service to the city's parents.

Our surveys of elected members and of parents revealed a pressing need to disseminate regular and thorough information about the admissions system. Parents are being encouraged to exercise choice in their children's education. It is important they understand the realities of that choice but also that they can make truly informed decisions, helping their children to realise their aspirations so far as possible. The internet creates real opportunities here as does the city's devolved structure.

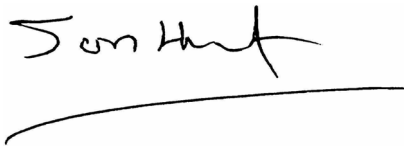
The majority of the city's children are admitted on the basis of where they live to a school close to their home. In most cases this is what the families want and when the choice of a local school is not available it can cause major distress.

We therefore want to see the principle of maximising access to local schools embedded in policy. We have examined in detail the city's admissions criteria which uses distance from school as the third criteria (after looked after children and siblings) and mostly does not use formal catchment areas. In most of the city this works efficiently and fairly but it can create anomalies, leaving some neighbourhoods unexpectedly without access to local schools. We want to see genuine problem-solving applied to these situations and note that the new code of admissions does offer a range of potential solutions.



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Can I, finally, thank all those who have assisted in a demanding and protracted review process including the members of the Review Group, Dave Currier and his team , Alison Harding from the Legal Department, Jill Short and Iram Choudry from the Scrutiny Office along with all those who gave evidence and made submissions.



Tom Hunt



1 Summary

- 1.1.1 The main reason for carrying out this review was to establish the extent to which school admission arrangements for all ages within Birmingham provide the optimum placements for children, taking into consideration the availability of school places overall.
- 1.1.2 The City Council is the admission authority for community and voluntary controlled schools (47 secondary and 237 primary schools) and individual governing bodies are admission authorities at voluntary aided and foundation schools (29 secondary and 74 primary schools) .
- 1.1.3 Year of entry (Reception and Year 7) admissions are co-ordinated between Birmingham admission authorities. For secondary transfer these are also co-ordinated with neighbouring Local Authorities that also have other admission authorities within their boundaries.
- 1.1.4 The Review Group received evidence from a wide variety sources, including staff from the City Council, Head teachers of local schools, and Chairs of school governing bodies. This evidence was further supplemented by two surveys, the first of these sought to gather the views of both Councillors as well as Members of Parliament and the second targeted a randomly selected group of parents whose children started at either a primary or secondary school in 2006.
- 1.1.5 A number of research exercises were also undertaken, one was a comparative analysis of alternative admissions criteria used by the Core Cities and other West Midland Local Authorities. Another focussed in particular on the use of catchment areas and banding as admission criteria. In addition, an in depth case study of primary and secondary school admissions in the Hall Green area of the city was carried out.
- 1.1.6 We found that the admissions process in Birmingham is a well conceived and well administered system. A presentation to the Review Group showed that 89% of children were allocated one of their preferred secondary schools at the time places were offered in March 2005. This figure had risen to 95% by September 2005. For the 2005 primary reception year, 98% of pupils were offered one of their parents' preferred schools.
- 1.1.7 In spite of this, rapid changes in population and the historical distribution of schools have caused some tensions, misunderstandings and complaints which have been raised by MPs and Councillors to this Review Group.
- 1.1.8 Part of this reflects national tensions, typified as a conflict between "parental choice" and "parental preference". The system allows for parental preference, but whilst the Review Group heard that there are sufficient school places for all pupils in Birmingham, the more popular schools are inevitably oversubscribed, thereby limiting parental choice. Admission authorities must work together to maximise choice within the constraints of the system.
- 1.1.9 The survey of Elected Members provided evidence of parents rejecting places at schools which they had included lower down in their list of preferences. So whilst technically, a parent has had their preferences satisfied, clearly they were not satisfied with the school that they were eventually



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allocated. The survey sent out to parents also reinforces this view. Some parents felt that it was important that they have access to their local school whilst other parents wanted the flexibility of being able to send their child to a school of their choice irrespective of where it was located. This was especially true in the cases where the local schools were negatively perceived by parents.

- 1.1.10 Birmingham has been at the forefront of developing systems to satisfy parental preference and we would like to commend the work that has been done in the city to enable this to happen. For example, the city has now employed a number of Choice Advisers whose job it is to advise parents on the options available to them when choosing a school for their child.
- 1.1.11 During the course of this review we also received evidence that in a small number of areas across the city, particularly the boundary areas, some anomalies do exist and as a result some parents have been unable to access a place at their local school. We therefore recommend that to overcome these anomalies, an option to explore alternative local solutions should to be made available.
- 1.1.12 Local Councillors and MPs play a key role in advising parents and so we have suggested that each Constituency Committee should be offered an annual report on the work of the Children, Young People and Families Directorate and that this should include information on school admissions in their area, school planning and the demand for school places.
- 1.1.13 Finally, the Review Group also considered that more action could be taken to:
- Promote the principle of maximising parental access to local schools within admissions policy and school place planning.
 - Provide more information to parents eg. maps indicating how the points from which distance criteria is measured and updating the school admissions website on a regular basis.
 - Improve parents perception of “unpopular” but improving schools to ultimately make them a viable and realistic option for parents.
 - Regularly inform both Constituency Committees and the relevant O&S Committees on developments relating to school admissions with the city.
 - Examine how looked after children are able to take advantage of the priority given to them within the admissions system.



2 Summary of Recommendations

	Recommendation	Responsibility	Completion Date
R1.	That city education policy promotes both within admissions policy and school place planning, the principle of seeking to maximise parental access to local schools.	Cabinet Member for Children, Young People and Families	By September 2007
R2.	That the Cabinet Member for Children, Young People and Families be requested to establish an effective process to respond to issues raised by Constituency Committees about school admissions in their area (involving schools as appropriate).	Cabinet Member for Children, Young People and Families	By September 2007
R3.	That where indicated by the process outlined in recommendation 2 above, advice and support is made available to groups of schools that wish to work together to achieve a geographical solution to admissions issues in their area taking account of the findings of this report, and in consultation with the Admissions Forum.	Cabinet Member for Children, Young People and Families	By September 2007
R4.	That greater clarity be given in the city's admissions handbook as to how distance is measured in the case of each school.	Cabinet Member for Children, Young People and Families	By September 2007
R5.	That the Local Authority make publicly available its maps indicating the distance at which the last child is admitted on distance criteria to secondary schools at the time places are offered, in the admissions handbook, recognising that this can change year on year.	Cabinet Member for Children, Young People and Families	By September 2007
R6.	That the Cabinet Member for Children, Young People and Families draws up a development plan to review and update the content and format of the existing Admissions website taking on board the findings of this review.	Cabinet Member for Children, Young People and Families	By September 2007
R7.	That the city's definition of sibling should be reviewed to take account of the legislation on civil partnerships.	Cabinet Member for Children, Young People and Families	By September 2007



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	Recommendation	Responsibility	Completion Date
R8.	That the current targeted support provided by the Directorate Communications Team to "unpopular" schools, which are demonstrating significant improvements, is reviewed and strengthened.	Cabinet Member for Children, Young People and Families	By September 2007
R9.	That an annual report is provided to each Constituency Committee on the work of the Children, Young Peoples and Families Directorate. This would include information on school admissions in their area, school place planning and demand for school places.	Cabinet Member for Children, Young People and Families	By September 2007
R10.	That an annual report be submitted to the relevant Children's Services Overview and Scrutiny Committee on school place planning, demand for school places, and progress of the Building Schools for the Future programme.	Cabinet Member for Children, Young People and Families	By September 2007
R11.	That the relevant Children's Services Overview and Scrutiny Committee examine how looked after children are able to take advantage of the priority given to them within the admissions system, taking into account the emerging Birmingham Academies programme.	Education and Lifelong Learning Overview and Scrutiny Committee	By September 2007
R12.	That progress towards achievement of these recommendations is reported to the Education and Lifelong Learning Overview and Scrutiny Committee in September 2007. The Committee will schedule subsequent progress reports thereafter, until all recommendation are implemented.	Cabinet Member for Children, Young People and Families	By September 2007



3 The Review Process

3.1 Reasons for the Review

3.1.1 The main reason for undertaking the review was to explore the extent to which school admission arrangements for all ages provide optimum placements for Birmingham children taking into consideration the availability of school places.

3.2 Terms of Reference for the Review

3.2.1 The objectives of the Scrutiny Review of School Admissions were to:

- “Understand the City Council’s policies on secondary transfer and in-year admissions, including the independent position of other admission authorities both within and bordering the city.
- Understand the role of independent appeal panels and the Schools Admissions Forum.
- Examine the extent to which parental preference is satisfied at year of entry.
- Identify the extent to which children are unable to obtain a place at their “local” school.
- Examine the difficulties of children obtaining school places “in-year” i.e. outside the year of entry, including the role of sharing panels in distributing difficult to place children more evenly.
- Examine the potential impact of new legislation relating to the expansion of popular schools.
- Examine the extent to which parents understand the secondary transfer process.”

3.3 Membership of the Review Group

3.3.1 The membership of the Review Group was Councillor Jon Hunt (Chair), Councillor Kim Brom, Councillor Peter Howard, Councillor Susanna McCorry (until May 2006), Sonia Campbell (Parent Governor) Father Edwin Cownley (Roman Catholic Arch Diocese Representative), Mary Edwards (Church of England Diocese Representative), Clive Owen (Admissions Forum Representative), Councillor Gill Beddows and Councillor Abdul Aziz (from May 2006)

3.4 Review Methodology

3.4.1 Over the period of the review, the group received verbal and written evidence from;

- A range of staff from the Children, Young People and Families Directorate, including staff from the Admissions and Appeals team, the School Effectiveness division and Planning Information section.
- Staff from Democratic Services and Legal Services.



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- Head Teachers and/or Chairs of Governing Bodies and representatives from one primary and one secondary school in each of the North, Central and South areas of the city.
- 3.4.2 In addition two surveys were undertaken, one to seek feedback from all Councillors and MPs on any issues they might have identified with the School Admissions process and another of parents with children who had been through the admissions process in Birmingham during 2006 to access primary or secondary school places.
- 3.4.3 Finally a number of research exercises were undertaken. One exercise provided a comparative analysis of admission criteria operating in both the West Midlands and Core Cities Local Authorities. Other exercises included in depth exploration of the experience of authorities across the country using catchment areas or banding as admissions criteria and an in depth case study of primary and secondary admissions in the Hall Green area.



4 The School Admissions System

4.1 Introduction

- 4.1.1 Despite there being a well conceived and well administered system in Birmingham, the admissions system is surrounded by confusion on the part of parents and Councillors.
- 4.1.2 There is a significant gap between public perceptions and legal rights and procedures, for example, even experienced Councillors will refer to schools having "catchment areas" when in fact only a handful do so.
- 4.1.3 From a legal perspective it is important to recognise that children are not admitted purely by reference to geographical areas. Rather, when a school has more applications than places available certain criteria are applied in order of priority; these criteria are known as 'oversubscription criteria' and sometimes referred to as 'admissions criteria'.
- 4.1.4 In all cases, the first priority is given to looked after children in accordance with government guidance and recent legislation.
- 4.1.5 In the Birmingham published admissions arrangements, and many others, the second priority is given to siblings of existing pupils. The Local Authority has a clear definition of "siblings" (see further paragraph 5.12 below) whilst the national code of practice on school admissions leaves it to admission authorities to create their own definition.
- 4.1.6 An admission authority is not obliged to include the sibling criteria in its oversubscription criteria and in some circumstances, for instance where feeder schools are operated, the priority given to siblings may lead to anomalies in terms of the geographical location of those pupils admitted to the school by virtue of the sibling rule.
- 4.1.7 In Birmingham the Local Authority's published admissions arrangements state that third priority will be given to children who live closest to the school by straight-line measurement. For many pupils, geographical proximity to the school of their parent's preference will be the deciding factor in determining whether they are admitted or not.
- 4.1.8 The Review Group heard about the many influencing factors in the admissions system including the legislative framework, the duty to provide sufficient places, the role of the Admissions Forum, the appeals system, issues specific to local areas, the relatively high number of grammar schools and other factors identified within this report.



4.2 Legislative Framework

Section 86 of the School Standards and Framework Act – Parental Preferences

- 4.2.1 The Local Authority has a duty to make arrangements enabling parents in the area of the authority to express a preference as to the school at which he wishes education to be provided for his child and to give reasons for his preferences.
- 4.2.2 Admission authorities have a duty to comply with a parental preference with the following exceptions:-
- If compliance with the preference would prejudice the provision of efficient education or the efficient use of resources.
 - In relation to secondary education, if admission is based on selection by reference to ability or aptitude and admission is not compatible with those arrangements.
 - In relation to primary education, if admission is not compatible with the legislation on infant class sizes.
 - If a child has been excluded from two or more schools within the last 2 years.

Admission Authorities – Section 88 of the School Standards and Framework Act 1998

- 4.2.3 For community and voluntary controlled schools this means the local authority (unless the local authority has delegated responsibility to the governing body).
- 4.2.4 For foundation or voluntary aided schools the admission authority is the governing body.

Admission Arrangements – Section 89 of the School Standards and Framework Act 1998

- 4.2.5 Admission authorities have a duty to determine the admission arrangements before each school year after consultation.
- 4.2.6 Admission arrangements must include a determination of the number of pupils in each relevant age group that it is intending to admit to the school in that year.
- 4.2.7 Admission authorities are now required to co-ordinate their admission arrangements so that one application form is completed by parents and all parents are made an offer of a school place on the same day.

Appeal Arrangements – Section 94 of the School Standards and Framework Act 1998

- 4.2.8 Admission authorities are under a duty to make arrangements enabling the parent of a child to appeal against any decision made by or on behalf of the authority as to the school at which education is to be provided for the child.



4.2.9 Children in nursery education and those with statements of special educational needs are not within this admissions regime.

The Code of Practice on School Admissions and the Code of Practice on School Admissions Appeals

4.2.10 The Secretary of State has issued two Codes of Practice, both of which all admission authorities and Admission Appeal Panels must have regard to.

4.2.11 The Codes of Practice describe in detail how the legislative provisions should be interpreted. These codes are currently under review by the Department for Education and Skills and revised codes are the subject of consultation.

Admission Criteria

4.2.12 Oversubscription criteria must be clear and unambiguous. Admission arrangements must set out the criteria that will be applied and in what order they will be applied.

4.2.13 Admission authorities have discretion, which must be exercised reasonably, to determine their own over-subscription criteria.

4.2.14 There is no requirement for a local authority to have the same admission criteria for all of its schools.

Appropriate and Acceptable Oversubscription Criteria

4.2.15 This list provides examples of commonly used and acceptable oversubscription criteria, which all admission authorities are encouraged to use as appropriate.

- **Looked after children:** looked after children must be given top priority in oversubscription criteria, but faith schools may give priority to looked after children of the faith and grammar schools to looked after children who meet the selection criteria.
- **Catchment area:** should be carefully defined and explained in the composite prospectus, with maps where appropriate. Catchment areas should not be set after applications have been received because that does not allow parents to assess their chances of obtaining a place.
- **Siblings:** admission authorities should consider the effects of the sibling criterion particularly where a disproportionate number of children attending the school do not live in the local area or where there is an element of selection in the admission arrangements. Admission authorities may decide to give a lower priority to those siblings living outside the catchment area. Priority should not be given to siblings of pupils who will not be attending the school at the time of admission.
- **Social or medical reasons:** these should be clearly explained with easily understandable explanations of the evidence required to support an application under this criterion, such as a letter from a professional practitioner, for example a doctor or social worker, and how this will be assessed. It should be made clear that the supporting evidence should set out the particular



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reasons why the school in question is the most suitable school and the difficulties that would be caused if the child had to travel to another school.

- **Attendance at named feeder schools:** this allows local continuity where there are good curriculum and geographical links between phases in the local area.
- **Distance from next nearest school:** where priority could be given to pupils who would have a disproportionately long journey to another school if denied admission.
- **Ease of access by public transport:** where priority could be given to pupils who could reach this school by public transport, but not another.
- **Religious affiliation:** and/or links to local parish (in the case of a designated faith school), although this should not judge levels of devotion.
- **Selection in grammar schools:** and partial selection allowed by the School Standards and Framework Act 1998.
- **Distance:** the method used for calculating distance between home and school should be clearly explained and easily understandable. Commonly used methods include safe walking routes, straight line measurement and GIS systems. Published admission arrangements should explain the precise points at the school and the child's home between which distance will be measured.
- **Random allocation:** this may be used after criteria such as looked after children and siblings to decide between applicants, in place of distance.

Tie-Breaker Clauses

4.2.16 All admission arrangements need to have a tie-break clause, in case they have too many applicants in one category.

4.3 Admission Arrangements in Birmingham

4.3.1 The City Council is the admission authority for community and voluntary controlled schools (47 secondary and 237 primary schools) and individual governing bodies are admission authorities at voluntary aided and foundation schools (29 secondary and 74 primary schools) .

4.3.2 Year of entry (Reception and Year 7) admissions are co-ordinated between Birmingham admission authorities. For secondary transfer these are also co-ordinated with neighbouring Local Authorities that themselves have other admission authorities within their boundaries.

4.3.3 Birmingham's admission arrangements give priority to Children with Statements of Special Educational Needs that name a specific school.

4.3.4 When there are more applications than places, admission criteria used at community schools give priority to:



- Looked After Children (in public care).
- Children with a brother or sister on roll at the school (who will still be in attendance when the sibling starts).
- Children who live closest to the school by straight-line measurement.

4.3.5 At voluntary controlled schools priority is also given on denominational grounds.

4.3.6 In addition three schools in Birmingham (Hall Green Infant School, Hall Green Junior School and Chilcote Primary School) give priority to those living within a defined catchment area.

4.3.7 At voluntary aided and foundation schools priority is given to those who best meet the governing body's individual admission criteria (which can be based on religion, selection by tests, feeder schools or other criteria allowed by the statutory School Admissions Code of Practice).

4.4 How the Process Works

- Parents of children living in Birmingham who are applying for either a reception place or secondary school transfer receive the relevant information booklet and preference form at the appropriate time of the year. (September for reception places and July for secondary transfer).
- Parents have a right to apply for a place at individual schools but there is no guarantee that preferences can always be met.
- For reception year places parents are asked to indicate up to three preferences of school on the application form and for secondary school transfer up to six named preferences are requested. (Reception place applications must be for schools located in Birmingham whereas for secondary schools they may include preferences for schools in surrounding Local Authority areas).
- If any of the named schools selected by parents receive more applications than there are places available, the application is assessed against the school's published admission criteria.
- A place is offered at the school which has been ranked highest in the list of preferences if the child meets the admission criteria.
- All children are made **one** offer of a place on a set date. (In 2007 this will be 19 March 2007 for reception places and 1 March 2007 for secondary transfer places).
- A presentation to the Review Group showed that 89% of children were allocated one of their preferred secondary schools at the time places were offered in March 2005. This figure had risen to 95% by September 2005. For the 2005 primary reception year, 98% of pupils were offered one of their parents' preferred schools.
- The Review Group was also informed of the detailed processes for checking the accuracy of forms and the proof required to verify a change of home address and prove residency.



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Fraudulent applications were not considered a large problem but last year two school places believed to have been obtained fraudulently were withdrawn.

4.5 Schools Admissions Forum

4.5.1 It is a statutory requirement that all Local Authorities have a schools admissions forum comprising City Council representatives, community, voluntary aided and foundation school representatives, Church of England and Roman Catholic representatives, parent governors and local community representatives as well as Academies and City Technology representatives.

4.5.2 It is the role of the forum to consider:

- Existing and proposed admission arrangements (including co-ordinated arrangements).
- Whether these serve the interests of local parents and children.
- How admission processes might be improved.
- Monitor how admissions relate to published admission numbers.
- The comprehensiveness and accessibility of guidance for parents.

4.5.3 The Admissions Forum is now also responsible for promoting agreement on how potentially vulnerable children are provided for in the admission arrangements.

4.5.4 The Forum must discuss and agree a protocol for "Hard to Place" children who need to access a place outside the normal admissions round.

4.5.5 The Forum should seek consensus amongst the whole membership and the City Council should publish its advice in the parents' guidance booklet.

4.6 Duty to Provide Sufficient School Places

4.6.1 The Education Act 1996 placed a duty on all local authorities to ensure that sufficient education is available to meet the needs of the population of the area and a duty to ensure that it exercises its functions with a view to promoting high standards. What this means in practice is that the City Council must work out the number of school places needed across the city and establish with each school the number of places/ capacity each has available.

4.7 Appeal Arrangements

4.7.1 Parents have the right to appeal against any decision made by an admission authority.

4.7.2 For community and voluntary controlled schools, the City Council as the schools admission authority makes arrangements for appeals to be considered by **independent panels**.



- 4.7.3 The decisions of these panels are final and binding and cannot be reviewed by officers or members of the City Council.
- 4.7.4 The governing bodies of voluntary aided and foundation schools are required to make similar arrangements for independent panels to consider their appeals.
- 4.7.5 Appeals panels cannot hear complaints or objections on wider aspects of local admissions policies or practice. Nor do they have a role in wider consultations through the Local Admissions Forums.
- 4.7.6 There are four ways in which a parent/guardian can appeal against a decision by an admissions panel:
- Complaint to the Secretary of State
 - Complaint to Local Government Ombudsman
 - Appeal in the High court for a judicial review of the decision
 - Complaint to the Council of Tribunals
- 4.7.7 An appeals decision can only be overturned by the Courts, where parents/guardians or the admissions authority are successful in applying for a Judicial Review of that decision.
- 4.7.8 In Birmingham the panels comprise three members. All panels must consist of at least one education expert and one lay member. The City Council regularly advertises for people to serve on appeal panels and as at October 2005 it had 26 lay members and 20 education experts that had received training and were available to serve on panels.



5 Findings

5.1 Admissions Criteria

5.1.1 In the course of this review we have studied, frequently in some detail, the different criteria for admission that can be used. Some advantages and disadvantages of these are set out as follows:

- **Looked after children** Advantages – top priority given to most vulnerable group of children.
- **Siblings** Advantages – once one child from a family obtains a place then brothers and sisters usually get a place. Disadvantages - the definition of sibling may vary between different admission authorities. Fewer places are available to local families if those already with a place move away from an over subscribed school, or if demographics make it easier to obtain a place on distance in an earlier year group but harder in later years. Single sex schools only give priority to same sex siblings, even if separate boys and girls schools are close by.
- **Distance** Advantages – measuring distance is objective and usually easily verified. Disadvantages - the distance at which each school will fill vary from year to year. Straight line and walking distances produce different measurements. Straight line measurements take no account of physical barriers. Can allow those with sufficient financial resources to buy homes close to popular schools. In a small minority of cases it can be difficult to verify where a child actually lives.
- **Catchment areas** Advantages – usually easily verified. Parents living in catchments have security in knowing their child will have priority in obtaining a place in the catchment school. Disadvantages – Historical or natural boundaries to form catchments rarely exist in Birmingham. Any newly defined area could be challenged as arbitrary or irrational. Some secondary schools are close to one another and share similar areas from which they accept children. Single sex and faith schools do not fit easily into catchment systems. Catchments would need to vary in size to take account of the different sizes of the existing secondary schools. Allows those with sufficient financial resources to buy homes in the catchments of popular schools. In a small minority of cases it can be difficult to verify where a child actually lives. Parents are likely to focus on obtaining a primary place that secures a secondary school in the future.
- **Feeder Schools** Advantages – parents with a child at a feeder primary school have security in knowing that they have priority in obtaining a place at the feeder secondary school. Disadvantages - relies on equal amount of places being available to both the primaries and secondary schools. Some primaries would need to feed more than one secondary. Would be difficult to operate in places such as Birmingham where there is an imbalance of single sex schools. Single sex and faith schools do not fit easily into feeder systems. The issue has resulted in dispute in Hall Green.



- **Random allocation** Advantages – DfES guidance states this may be used in conjunction with other criteria, in place of distance. Disadvantages – may be perceived as inequitable.
- **Banding** Under the School Standards and Framework Act 1998, secondary schools are permitted to select pupils in order to gain a balanced intake of pupils based on their ability; this is commonly termed 'banding'. Advantages – enables some children of all abilities to gain places at popular schools. Disadvantages – draws children from a wide distance from the school and may mean those living locally cannot secure places.
- **Social and medical grounds** Advantages – allows those that are socially or medically disadvantaged to obtain priority. Disadvantages – relies on subjective decisions of Local Authority officers. Open to inconsistency and accidental inequity.
- **Religious Affiliation** Advantages – allows those of the same faith to be educated together. *Disadvantages* – those of a different faith who live nearby may not meet the admission criteria.
- **Selection** Advantages – clearly defined criteria requiring attainment in tests. Disadvantages – those living close by may not meet the admissions criteria. The practice of coaching may give a false indication of ability.

5.1.2 The Review Group undertook some research to compare the admission/oversubscription criteria used in Birmingham with those adopted elsewhere specifically within the Core Cities and other neighbouring West Midland Local Authorities. A summary of the findings is included at **Appendix 1**.

5.1.3 The key points learned from this exercise are:

- There are a wide variety of criteria in use in different areas. Some authorities consider parental preferences on a first preference first basis unlike Birmingham which considers all preferences on an equal basis.
- The Admissions criteria most commonly used by the most other authorities are:
 - Special Educational Need
 - Looked After Children
 - Medical /Social Grounds
 - Sibling connection
 - Distance
- For particular types of schools the following admissions criteria are used:
 - Denominational grounds for faith schools
 - Aptitude for specialist schools
 - Passing selection tests for grammar schools
- In addition the research identified some authorities which apply the following criteria:



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- Feeder schools
- Catchment areas
- Preference for single sex schools

5.2 Evidence from Councillors and MPs

5.2.1 Evidence about public perceptions and concerns about the admissions system came initially from a survey of city Councillors and MPs. There was a very high response to this, in particular from MPs (A list of respondents is shown at **Appendix 2**). The key messages from this are summarised below:

- **School distribution** A perception that there are insufficient school places and that children are required to travel long distances. Suggested remedies were to extend popular schools, build more schools, replace those that have closed, develop feeder schools, reduce academic selection and raise the standards of unpopular schools.
- **Parental preference** A need to make it clearer to parents that preference does not mean choice and that realistic preferences should be put forward.
- **Co-operation with bordering authorities** More co-operation between neighbouring authorities is required with available places advised at a more early stage.
- **Fraud** Addresses should be checked more rigorously.
- **Faith schools** These should be better distributed and reflect the dominant faith in various areas. Opinion was divided on whether schools should be allowed to discriminate on faith grounds.
- **Single sex schools** Governors should be able to determine changes despite the wishes of the Local Authority.
- **Appeal procedures** These are complex and time consuming and so disadvantage parents. Governors should decide all appeals.
- **Other issues** Included central monitoring of trends for the demand and supply of places with local decision making procedures. The allocation of places should not be left entirely to the discretion of schools. The Codes of Practice should be mandatory and Governors should decide admission criteria.



5.3 Results of Survey of Parents

- 5.3.1 After we had clarified some key issues, we embarked on a survey of public perceptions.
- 5.3.2 A total of 1000 postal surveys were sent to 500 parents who applied for a primary school place and 500 who applied for a secondary place for their child to start in Sept 2006. The sample was randomly selected across all the wards of the city.
- 5.3.3 A total of 158 questionnaires were returned, 83 of the responses were primary and 75 were secondary.
- 5.3.4 Responses were received from across Birmingham and included some from each ward of the city. Respondents were also asked to provide details of their ethnic background to ensure that the sample was representative.
- 5.3.5 The questionnaire was divided up into four main sections and parents were asked for feedback on:
- The schools admissions information pack
 - The application process
 - The decision process
 - The appeals process
- 5.3.6 A copy of the questionnaire can be found in **Appendix 3**.
- 5.3.7 A summary of the key findings is set out below.

The Information Pack

- 5.3.8 88% of primary respondents and 75% of secondary respondents found the information pack provided by the schools admissions team to be “helpful” or “very helpful”.
- 5.3.9 Even though a high percentage of the sample said that they were happy with the information pack, respondents also provided ideas on how they thought the pack could be improved.
- 5.3.10 Some of the key themes to emerge from this include;
- Simplify some of the language used and provide more of the information in community languages.
 - Include information on the “extra” activities provided at the school like breakfast clubs and after school clubs.
 - Details on exam results.
 - Details on the number of applications made to a school so that parents have an idea of whether they have a chance of getting their child into their chosen school.



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5.3.11 Parents said:

Telling you to fill in the form using black pen at the front of the form not the back. **(Secondary, Oscott)**

A local map for your ward stating which schools are available in your area. **(Primary, Handsworth)**

The Application Process

5.3.12 95% of primary and 92% of secondary respondents stated that they were clear about what they were expected to do.

5.3.13 23 (28%) of primary respondents and 14 (19%) of secondary respondents contacted the admissions team for additional help in filling out their form.

5.3.14 Out of this number, 74% of primary respondents were "satisfied" or "very satisfied" with the support that they had received. In the case of secondary respondents, 54% were "satisfied" or "very satisfied" with the help that they had received

5.3.15 1 (4%) primary and 2 (14%) secondary respondents were "very dissatisfied" with the support that they had received.

Decision Process

5.3.16 90% of primary respondents were either "satisfied" or "very satisfied" with the school place offered to their child and 82% of secondary respondents were "satisfied" or "very satisfied" with the school place.

5.3.17 9% of primary and 12% were either "dissatisfied" or "very dissatisfied" with their child's school place.

5.3.18 1% of primary and 5% were "neither satisfied nor dissatisfied".

5.3.19 Even though the data set is too small to make any sweeping generalisations it is still useful to highlight the wards where parents were dissatisfied with the school places they have been given. The wards highlighted include, Aston, **Hall Green**, Handsworth Wood, Hodge Hill, Lozells and East Handsworth, Stechford and Yardley North, Selly Oak and Sparkbrook.

5.3.20 Amongst the reasons stated for dissatisfaction, distance appears to be a recurring theme as parents feel they have not been allocated local schools.

5.3.21 Parents also said:

The school was too far from my home. **(Primary, Sparkbrook)**

I had never heard of the school I was given and it was bottom of the league table. **(Secondary, Hall Green)**



We were allocated a school that was not on our application form. (**Secondary Handsworth**)

Appeal Process

5.3.22 7 out of 83 primary respondents and 5 out of 75 secondary respondents appealed the decision of their allocated school place.

5.3.23 3 of the primary and 1 secondary respondent were successful with their appeals.

Key Messages

5.3.24 Overall, parents were very positive about the application process and a majority of them were satisfied with the school places allocated to their children.

5.3.25 However some themes emerge when analysing comments made by parents, these are:

5.3.26 Information provided-Despite saying that they were happy with the information pack, parents would like to see improvements in a number of areas and some helpful suggestions were made particularly in terms of using "simplified language", more information in the community languages, some additional details within the handbook on the activities and facilities available at schools, extended school provision along with details on exam results, positions within the league tables and class sizes.

5.3.27 Website - Parents were also keen on seeing more information being made available on the schools admissions website including maps of their local areas and the schools located within them, being able to make on-line applications as well as general information on Birmingham schools.

5.3.28 Open evenings - primary school applicants felt that they should have the opportunity to visit a school before filling out the application form so that they can make an informed decision. Secondary school applicants were very positive about the open evenings they had attended and felt that this had helped them choose the right school for their child.

5.3.29 Admissions team - Parents were satisfied with the help that they received from the Admissions team In the case of secondary school respondents, open evenings and the staff at their child's existing school had helped them make the right decision.

5.3.30 Siblings - Some parents also expressed a concern over siblings being allocated different schools to each other thus making picking up and dropping off difficult for them.

5.3.31 Distance - Some parents expressed concern on the distance from their homes of their allocated schools, as in some cases children were having to travel to the other side of the city to get to school.

5.3.32 The survey also found that some parents felt that it was important that they had access to their local schools whilst other parents wanted the flexibility of being able to send their child to a school of their choice regardless of where it was located. Some parents want the opportunity to exercise their right to choose any school particularly when their local school is perceived as being



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unpopular, whilst at the same time other parents just want access to their local school either because it is close to home or because it is perceived to be a good school. This in itself highlights some tension within the system.

5.4 Evidence from Local Schools

5.4.1 The Review Group has considered evidence from six schools (three primary and three secondary) situated in the North, Central and South areas of the city. Each commented on admission arrangements from their own perspective. Some of the issues raised are set out below.

- A common theme was overall satisfaction with the local authority's co-ordinated admission arrangements at year of entry.
- The Chair of Governors of a primary school complained about the feeder school arrangements of a nearby secondary school, claiming this discriminates unfairly against children at other local primary schools that are not feeders. The Head Teacher and Chair of Governors of the secondary school explained that the reason for introduction of feeder schools in 2003 was because of difficulty of children on Birmingham's border accessing their nearest Birmingham school. Patterns of intake from surrounding primary schools have stayed much the same as before feeders were introduced. It was accepted that it is now easier to access neighbouring authority schools than it was when feeders were introduced.
- The Head Teacher of another primary school was generally satisfied with the revised "equal preference" secondary transfer procedure that, in most cases, has eased difficulties for parents in that area. However, she referred to a very small minority of (three) children living to the north of their closest secondary school, who did not qualify for places there in 2005. A senior member of staff from this secondary school agreed that the revised admission arrangements were more straightforward. The school's admission number will rise from 240 to 245 from September 2007 but the location of the school is nearer to the centre of one of Birmingham's neighbours than to the centre of Birmingham. The school's main concerns related to upheld appeals outside the year of entry and the possible future introduction of selection criteria in other schools.
- The Head Teacher of a third primary school explained the high demand for single sex secondary education in the central area of the city and of the concern that children without a preferred school are allowed to remain out of school by their parents. She described how primary schools assist parents in checking secondary preference forms before they are sent in.
- Difficulties of ensuring newly arrived and asylum seeker children access to school places were described. There remain issues around ensuring accurate proof of address and large waiting lists in the area.
- The Head Teacher of a third secondary school described the difficulty of applicants obtaining a place there outside of the year of entry. He was concerned about the discretion of independent



appeal panels to uphold appeals, particularly relating to “out of district” children, and that at a recent upheld appeal the school had been unaware of the child’s previous exclusion record. The school would prefer to represent itself, rather than be represented by the Local Authority, at admission appeals.

5.5 Hall Green Area Case Study

- 5.5.1 The Review Group conducted a detailed case study on primary and secondary school admissions in the Hall Green area in 2006.
- 5.5.2 New admission arrangements were introduced in 2003 alongside expansion by one form of entry, in recognition of the need to ease the problems that were perceived at the time, of parents living in this area of the city near to the boundary of Solihull in securing accessible secondary school places for their children within Birmingham or nearby. Under the new arrangements, both Chilcote Primary School and Hall Green Junior School were identified as feeder schools for Hall Green School. Both schools were unusual in retaining catchment areas.
- 5.5.3 The Review Group heard evidence which demonstrates that the six closest secondary schools in and around the Hall Green Ward (Hall Green, Ninestiles, Archbishop Ilesley, Moseley, Swanshurst Girls’ and Kings Heath Boys’) between them were able to offer to residents in all parts of the Hall Green Ward. No gaps have been identified in reasonable provision available locally.
- 5.5.4 The mapped information and snapshot of all Hall Green pupils on roll in Birmingham schools, the January 2006 Year 7 information and the information provided by Solihull suggested that the great majority of Hall Green residents are able to obtain one of their preferred secondary schools.
- 5.5.5 The mapped information and snapshot of all Hall Green pupils on roll in Birmingham schools, the January 2006 Reception Year information and the information provided by Solihull suggested that the great majority of Hall Green residents are able to obtain one of their preferred primary schools. No gaps were identified in respect of availability of places at nearby schools.
- 5.5.6 During the course of this Review Group the Schools Adjudicator came to a decision regarding the Governing Body of Lakey Lane Primary School’s objection to Hall Green School’s use of feeder schools in its admission arrangements.
- 5.5.7 The Adjudicator decided to remove Hall Green Junior as a feeder school to Hall Green School. She partly upheld the objection to the admission arrangements determined by the Governing Body of Hall Green School and determined that, for admissions in September 2007, oversubscription criterion 4 should now read as follows: “Fourth priority is given to children who attend Chilcote Primary School”.
- 5.5.8 The decision of the School’s Adjudicator is now the subject of an application for permission for judicial review made by the Governing Body of Hall Green School. It is unlikely that the outcome of that application will be known before the conclusion of this review.



5.6 Improving the Perceptions of Less Popular Schools

- 5.6.1 Parents often raise with Councillors the fact that they had an insufficient choice of schools because of the perception held about certain schools. The Council works to change these perceptions.
- 5.6.2 The Council seeks to ensure sufficient capacity of school places in all areas of the city. School place planning analyses demographic trends, which show an increase in school age children in the centre of the city and a decrease on the edges of the city. It was however difficult to predict demand because parents could choose to send their children to grammar schools.
- 5.6.3 The City Council focuses on improving attainment levels and the positive experience of attending a school so that ultimately perception changes on the basis of evidence.
- 5.6.4 Members were advised that the Council was not supportive of a policy of allowing popular schools to expand without Local Authority control because other schools would fall into terminal decline and this would disadvantage those pupils.
- 5.6.5 In terms of turning round failing schools the strategy has now changed from that of appointing a charismatic head teacher and drafting in local authority advisors to teach, towards encouraging schools to work collectively and form a federation and along with local authority support to turn the situation around.
- 5.6.6 Members were of the view that active marketing was required to change the perceptions of schools held by local residents. This could include increasing targeted support from the Council Press office for schools that were perceived as poorly performing and support to ensure schools' web sites are up to date and that they all offer on line prospectuses. This would enable parents to supplement their knowledge on up to date results and developments as well as facilities available at the school (such as after school provision).
- 5.6.7 The Review Group received evidence on changing parent perception and concurred that often parents are unaware of improvements that have taken place in "unpopular" schools and it commended work that is undertaken to communicate improvements in these schools.

5.7 School Place Planning

- 5.7.1 Before proceeding to conclusions and recommendations it is helpful to summarise the challenges facing the city. There have been significant fluctuations in the birth rate and there are also population movements that are hard to quantify. The falling births will now begin to impact significantly on secondary school rolls, however if proposed admission numbers planned to support schools through this dip in demand are still in place in 2015, when rolls begin to rise again there would only be an estimated one per cent surplus secondary school places – compared with a target of between five and ten per cent.



BIRMINGHAM SECONDARY SCHOOL SUMMARY 2006
Projected Number On Roll

	JAN	JAN	JAN	JAN	JAN	JAN	JAN	JAN	JAN	JAN
AGE	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
11	12539	12322	12582	12746	12344	12309	11964	11950	12134	12644
12	12598	12344	12102	12358	12518	12124	12089	11754	11739	11921
13	13060	12101	12123	11886	12139	12295	11909	11875	11548	11535
14	12996	12652	11887	11908	11677	11925	12077	11698	11667	11347
15	12271	12648	12425	11679	11696	11473	11717	11865	11491	11463
TOTAL	63464	62067	61119	60577	60374	60126	59756	59142	58579	58910

Actual 2006 figures.

5.7.2 Programmes of rebuilding and reallocating places at secondary and primary school level are seeking to anticipate these problems. However there are already areas of the city where there is considerable dissatisfaction with perceived shortages. Schools and the City Council may well need to work together to provide temporary solutions to some of these problems in advance of solutions provided by these programmes.

5.8 Distance Criteria – Analysis

5.8.1 Applying distance as an oversubscription criteria means that for much of the city the geographical spread of intake to a particular school may be represented by circles which inevitably vary from year to year. Parents are informed of the distance that the last pupil was admitted to the school in the previous two years in the admissions handbook and we acknowledge this as good practice. However we have seen visual representations of these circular intake areas for community and voluntary controlled schools and we have found them useful. We believe that parents may also find them useful and we would recommend that they are included in the published admission arrangements, with the proviso that there is a clear warning that the distances may change from year to year.



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- 5.8.2 Whilst using distance as an oversubscription criteria appears logical and allows for efficient administration of the admissions system, there are a number of potential flaws as well as advantages.
- 5.8.3 The key advantage is that there is no danger of the intake area for a school becoming fossilised and failing to account for population changes or the popularity of a particular school. The distances vary from year to year and are determined by demand for a school.
- 5.8.4 The second advantage is of simplicity in that, as has been seen by the Review Group, drawing catchment areas is a complex and time consuming task and open to challenge. (See **Appendix 4** for further detail on catchment areas.)
- 5.8.5 However administrative simplicity does not necessarily mean that the system is simple to follow for parents. Birmingham's published admissions arrangements correctly seek to indicate the shifting nature of the distance criteria but this may not always be readily understood.
- 5.8.6 In addition, there is a logical flaw caused by the effect of the distance criteria which means that though some families could have access to more than one local school by living within the distances required for access to those schools, other families may fall outside those areas and be refused places at all local schools. The Review Group heard that the Local Authority monitors the effect of the distance criteria and seeks to plan places accordingly to prevent this situation from occurring.

5.9 Choice/Preference

- 5.9.1 A second logical flaw is that the system gives greater weight to the preferences of those families who happen to live close to a school than to those who may live in intermediate areas. We have examined potential solutions to this problem and suggest in a subsequent section how problems can be resolved within an admissions system that is a little more flexible than at present.
- 5.9.2 We have been a little confused about the nature of city policy with regards to access to "local schools". At primary school level there is clear acknowledgement that children should have access to a local school. At secondary school level this is not necessarily the case and parents who fail to gain access to local schools may be advised to send their child considerable distances. The review group has been informed that the authority's position is that this is "not unreasonable" and parents have the right to challenge this view by appeal to the independent appeal panel.
- 5.9.3 We think there are two reasons why the principle of access to a local secondary school should be embedded. In doing so it must be acknowledged that the system will never be perfect and will always be constrained by resources and that it is not possible to offer a guaranteed place in a "local school".
- 5.9.4 The first is that where a child attends a local secondary school they will tend to walk to school. In most cases schools at greater distance are reasonably accessible by bus but not all families may be



confident in this, especially where a bus journey involves changing buses in the city centre. The benefits of walking to school have been highlighted in previous scrutiny reviews. For example the review undertaken by Health Overview and Scrutiny Committee in 2004 into "Children's Nutrition – Obesity", noted that among the reasons for the increase in childhood obesity was fewer children walking and cycling to school. In addition the review undertaken by the Transportation and Street Services Overview and Scrutiny Committee in 2005 on "Travelling to School" which focused on the need to encourage people to use more sustainable modes of travel to school such as cycling, walking and public transport in order to reduce congestion in the city.

- 5.9.5 The second is the nature of parent "choice". There are semantic differences between choice and preference and legally all parents have a right to express a preference. Parents undoubtedly believe they have more choice than is available to them. However the principle behind parental preference is to maximise parental choice and, in fact, this is embedded in the new draft code of admissions. We believe that so far as possible that should include the choice of attending a local school and that the choice should be available to all families, so far as possible.
- 5.9.6 It is therefore important that the Building Schools for the Future programme provides adequate places within neighbourhoods. The evidence we have received is that it intends to do so and this is to be commended.
- 5.9.7 Birmingham has been at the forefront of developing systems to satisfy parental preference and the work that has been done in the city is to be commended. The result is that for those making applications for Birmingham secondary schools approximately 60% obtain the first of their six preferences. Approximately 90 % get one of their six preferences at the time places are offered in March. This rises to approximately 95% by the end of the Summer Term, following waiting list movement and successful appeals. Preferences satisfied would be higher if they excluded those residents outside Birmingham who apply specifically for grammar school places in the city. Despite this a high percentage of parental preferences are therefore "satisfied", technically.
- 5.9.8 However the success of the system should not be confused with parental choice being satisfied. A number of Councillors have provided evidence of parents rejecting places at schools which they had written down as low preferences on their application forms. Whilst technically the parents had had their preferences satisfied, clearly they were not satisfied.
- 5.9.9 There is no easy way round this because to reduce the number of preferences expressed would only compound problems and to attempt to weight preferences would be unacceptably complex. We have studied the clarity of information provided and noted that the city has moved fast to expand the number of choice advisers available to discuss school preferences, in line with national proposals. This is to be commended. We wonder whether more could be done to provide information to nursery schools and primary schools, although we accept many are already very active in supporting parents and the introduction of choice advisers will make this possible.
- 5.9.10 We also note that local Councillors and MPs appear to play a key role in advising parents on the admissions system and therefore suggest that each Constituency Committee be offered an annual



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report on the work of the Children's Young People's and Families Directorate. This would include information on school admissions in their area, school place planning and demand for school places.

- 5.9.11 It is necessary to drill down and understand the reasons for dissatisfaction. Invariably parents believe they have a genuine grievance if their child has been unable to get into a school close to their home.

5.10 Appeals

- 5.10.1 We have examined the appeals system. The procedures are governed by statute and the authority has limited influence except in the intensity of its recruitment efforts. Large numbers of appeals are submitted every year and few are upheld. During the 2004/05 academic year a total of 2,647 appeals were heard by independent panels for community and voluntary controlled schools (515 primary and 2132 secondary). Of those upheld 47((9%) were primary and 370(17%) were secondary.
- 5.10.2 Appeals Panels have very limited discretion when considering appeals for infant classes. This is due to legal limits on class sizes (no more than 30 pupils to each single teacher) which were introduced under the School Standards and Framework Act 1998. Due to this only 3 (0.33%) out of 303 voluntary and community controlled infant class appeals were upheld in 2004/5.
- 5.10.3 There is provision for the director/Local Authority/admissions authority to intervene if there is clear evidence of a mistake or injustice in an admissions decision. Referrals from parents and Councillors about obvious administrative errors are resolved prior to appeal. We believe that it is important that parents in such circumstances do not have to go through the formal appeals process.

5.11 Alternative Admissions Criteria – Solving Problems

- 5.11.1 Establishing the principle that children should if at all possible have access to a local school raises questions of equity of access. As discussed, it is possible under the present system that some neighbourhoods do not have equal access to local school places. In addition the draft code and judicial precedent suggest it is important that systems do not unwittingly discriminate.
- 5.11.2 It is possible to envisage a system that provides totally equal access to local schools. This would be achieved by drawing catchment areas and then, within catchment areas, using random allocation.
- 5.11.3 However a city wide scheme of catchment areas would take many years to devise and might then prove inflexible. Both Edinburgh and Worcestershire have spent at least four years revising their catchment systems.



- 5.11.4 We considered the benefits of feeder schools, noting that Newcastle is very satisfied with its system. However evidence from Hall Green School was that there were not specific educational benefits as it sought to work with all its neighbouring primary schools, not just the feeder schools.
- 5.11.5 The evidence presented on behalf of the governors of Hall Green School showed that the system is currently “working” in that there is no evidence of parental preference not being satisfied.
- 5.11.6 In general we do not consider a feeder school system is compatible with other admissions criteria in Birmingham. In particular the use of the sibling rule creates an anomaly that was apparent from our Hall Green study. This is that a family could admit their first child to a local primary school and then, by means of the sibling rule, have an effective “right” of admission to Hall Green School for children born many years after they had moved away from the area.
- 5.11.7 We do however recognise that problems that arose in the Hall Green area cannot be solved through rigorous application of distance criteria – and indeed, as argued earlier, are likely to be aggravated.**
- 5.11.8 This leads us to the conclusion that local solutions should be sought where these kinds of problems arise. This should be done by groups of schools working together.
- 5.11.9 There is significant case law on the drawing up of catchment areas. (See **Appendix 4**) This stresses for instance that city boundaries – and presumably other political boundaries – cannot be automatically used for catchment areas. They often are, but need to be justified as being coterminous with community boundaries. Similarly travel to school routes and bus routes should be taken into consideration.
- 5.11.10 In drawing up catchment areas admissions authorities should bear in mind that they are seeking to achieve equity of access to local schools within a geographical area.
- 5.11.11 This may be achieved by applying random allocation where there are excess applications within a catchment area. We could find no instances where such novel criteria have been applied or considered and therefore make this recommendation with some caution, seeing it as the only solution that achieves genuine equity of access. We therefore propose that any group of schools that adopt catchment areas at the very least consider incorporating the use of random allocation.
- 5.11.12 Similarly we could find no examples of other local authorities explicitly maintaining partial catchment areas within parts of their area. However in practice Birmingham has done just that and it is possible within any Local Authority for a school that is its own admissions authority, such as a foundation school, to maintain its own catchment area.
- 5.11.13 We stress that groups of schools working together are by far best placed to create workable admissions systems, working within criteria agreed city-wide. In some places overlapping or shared catchment areas may provide solutions.



5.11.14 It is important to stress that in offering this possibility to groups of schools to work together, we envisage the governors of the individual schools and local Councillors being fully engaged and aware of this option to solve problems that may arise.

5.12 Sibling Criteria

5.12.1 Within the Birmingham Local Authority arrangements for community and voluntary controlled schools, second priority is given to siblings of existing pupils. These are children with an older brother or sister already at the school who will be in attendance at the time the sibling enters the school. Siblings (brothers or sisters) are considered to be those children who live at the same address and either:

- Have one or both natural parents in common
- Or are related by a parent's marriage
- Or are adopted or fostered by a parent in common

5.12.2 The city has a clear definition of who a sibling is, as shown above – although this may need to be reviewed to allow for the advent of civil partnerships.

5.12.3 In some instances, numbers of siblings being admitted have prevented many, or any, children from local areas being admitted to local schools.

5.12.4 Given the difficulties experienced by families who move within the city and seek to find places for their children at single local schools, we would not recommend removal of the sibling criteria.

5.12.5 However, as noted earlier, we do not think it would be equitable to combine it with a system of feeder schools.

5.13 Social and Medical Grounds

5.13.1 Some authorities allow priority to be given on unspecified social and medical grounds. We think this poses significant problems of definition and that it is sufficient that looked after children and those with special educational needs are given suitable placements.



6 Conclusions and Recommendations

6.1 Conclusions

6.1.1 Any criticisms or recommendations we make should not detract from the city's achievement in creating an overarching common admissions system. Many of its features have been included in national guidance published by the Department for Education and Skills.

6.1.2 Features of this are:

- First priority is given to looked after children.
- Parents can apply for all maintained schools on a single form, including grammar schools and religious schools.
- Parents are not disadvantaged if they fail to place a school as first preference because each school treats their application equally, disregarding how it is ranked on the Local Authority form when they consider the application. Parents are offered a place at the highest ranking school on their list of preferences at which they meet the oversubscription criteria. Specific guidance is given to parents **NOT** to list 6 preferences for schools that select by ability. They are advised to list at least one school where their child meets the admission criteria. This is likely to be a nearby school where one of the main admission criteria is distance.
- Considerable assistance is given by staff to parents who have questions.
- The Local Authority has been fast to follow through the national requirement to establish a core of admissions advisers.

6.1.3 In spite of this, rapid changes in population and the historical distribution of schools have caused some tensions, misunderstandings and complaints which have been raised by MPs and Councillors to this Review Group.

6.1.4 Part of this reflects national tensions, typified as a conflict between “parental choice” and “parental preference”. The system allows for parental preference, but whilst the review group heard that there are sufficient school places for all pupils in Birmingham, the more popular schools are inevitably oversubscribed, thereby limiting parental choice. Admission authorities must work together to maximise choice within the constraints of the system.

6.1.5 We therefore highlight certain elements of choice which we feel should be maximised within education policy.

6.1.6 In particular, policy should seek to enable parents to have a choice of a school reasonably close to where they live. The evidence is that parents feel very strongly that they have been denied choice when they are allocated a place some distance from home in a school which they have not placed



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as a high preference. It is difficult for the Local Authority to evaluate whether this is a problem on a regular basis.

- 6.1.7 This relates strongly to public policy to encourage children to walk to school.
- 6.1.8 The Review Group found that whilst the Local Authority has a clear understanding of how the straight-line distance is measured between each home and each school; the specific points used in the measurement are not communicated to parents in the admissions handbook. This could be clarified. In addition maps indicating these distances could also be made publicly available and the Authority could take steps to ensure that its Admissions website is reviewed to ensure its content is regularly reviewed and updated.
- 6.1.9 Birmingham's published admission arrangements reflect the fact that three schools operate catchment areas. During the review we undertook considerable research on catchment areas and, in particular, we undertook searches for local authorities operating "partial catchment areas". Although we received extensive evidence on the Hall Green area and undertook our own detail studies, we did not find problems identified with those catchment areas - even if it is unusual. However, we do think that Birmingham's arrangements need to allow for local solutions to help resolve issues in local areas. Our recommendations to the Cabinet Member to establish an effective process to respond to issues raised by Constituency Committees about schools admissions issues and to provide advice and support to groups of schools who wish to work together should assist in achieving this.
- 6.1.10 We are aware of some conflict with policies which seek to encourage social mixing (e.g. through banding) and also to encourage parents to apply to specialist schools. We stress that a "local offer" is just one aspect of choice and that this should be coupled with the principle of "equity of access" – that priority should not be given to some neighbourhoods over others in seeking to achieve local access to schools.
- 6.1.11 At the very least when the city is unable to give parents this choice it should be supportive, including working with parents to maximise education options still available. In addition we believe that more could be done to seek to influence parent perceptions of "unpopular" but improving schools by increasing the targeted support provided by the press office.
- 6.1.12 We have reviewed the concept of banding and do not recommend it for wide application. We noted that it may be appropriate for very specialist schools taking in from a wide area.
- 6.1.13 Issues of population change will be dealt with at secondary level by the Building Schools for the Future programme and at primary level by the "surplus places" policy and the creation of new schools in shortage areas.
- 6.1.14 We have reviewed these areas of work and sought to satisfy ourselves that they are sufficiently flexible. We think it is important that this work in creating capacity is sufficiently recognised. We believe that it is essential that both Constituency Committees and the relevant Overview and Scrutiny Committee are kept fully informed of these developments along with other issues



pertaining to school admissions so we have developed some recommendations which will require annual reporting to them.

6.2 The National Picture

- 6.2.1 Following the conception of this review the government announced its own proposals for new legislation affecting admissions. The shape of that legislation and of new regulations has emerged over the last 12 months. Although the Education and Inspections Act 2006 makes some changes to school structures, the key for the purposes of this review is the introduction of a revised statutory code of admissions and a strengthening in its effect. The review group studied this in draft form twice and has made comments to support the authority's response to the consultations. In addition we have used elements of it to inform our thinking about the way forward for admissions policy in the city.
- 6.2.2 Specifically we welcomed new guidance for the introduction of choice advisers who will act independently of schools; we welcomed guidance about how distance criteria should be measured and explained and we welcomed an overall emphasis on social equity underpinning admissions systems.
- 6.2.3 We expressed concerns about the marginalisation of Councillors in the admissions process and would have liked to see them given the same rights as an MP to refer decisions on policy by a local school to the Office of the School Adjudicator. We also thought it was inconsistent to continue to prevent Councillors supporting appellants in the appeal process – except where a Councillor may have a specific conflict of interest.
- 6.2.4 We also expressed concern about the failure of the code to provide guidance on the definition of a sibling, especially in the light of changing social structures embodied in legislation on civil partnerships.
- 6.2.5 The Review Group felt that Paragraph 2.76 of the draft School Admissions Code (parents should be informed of the outcome of entry tests before they make applications for other schools) is inconsistent with Paragraph 3.20 of the existing Code (parents should be asked to express school preferences before they know the outcome of selective tests because delaying expression of preferences until the outcome of tests is known is unfair to other parents). Birmingham's Schools Admissions Forum, representing all of the city's admission authorities, has noted that existing co-ordinated arrangements relating to selective testing in the city are widely perceived as working effectively. Parents are able to include six preferences, ranked equally, sufficient to include grammar and other types of school without being disadvantaged in making preferences for other schools if the grammar school tests are unsuccessful. In order to fit the co-ordinated timetable, the provision of grammar school results before submission of preferences would necessitate testing children at a younger age with the process commencing in Year 5. Furthermore, knowing the score result would not help parents in Birmingham whose children sit the tests. This is because those close to the borderline cut-off score still couldn't be sure that a grammar school place would



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be offered. For these reasons it is not proposed to recommend changes on this to Birmingham's co-ordinated admission arrangements and secondary transfer timetable.

	Recommendation	Responsibility	Completion Date
R1.	That city education policy promotes both within admissions policy and school place planning, the principle of seeking to maximise parental access to local schools.	Cabinet Member for Children, Young People and Families	By September 2007
R2.	That the Cabinet Member for Children, Young People and Families be requested to establish an effective process to respond to issues raised by Constituency Committees about school admissions in their area (involving schools as appropriate).	Cabinet Member for Children, Young People and Families	By September 2007
R3.	That where indicated by the process outlined in recommendation 2 above, advice and support is made available to groups of schools that wish to work together to achieve a geographical solution to admissions issues in their area taking account of the findings of this report, and in consultation with the Admissions Forum.	Cabinet Member for Children, Young People and Families	By September 2007
R4.	That greater clarity be given in the city's admissions handbook as to how distance is measured in the case of each school.	Cabinet Member for Children, Young People and Families	By September 2007
R5.	That the Local Authority make publicly available its maps indicating the distance at which the last child is admitted on distance criteria to secondary schools at the time places are offered, in the admissions handbook, recognising that this can change year on year.	Cabinet Member for Children, Young People and Families	By September 2007
R6.	That the Cabinet Member for Children, Young People and Families draws up a development plan to review and update the content and format of the existing Admissions website taking on board the findings of this review.	Cabinet Member for Children, Young People and Families	By September 2007
R7.	That the city's definition of sibling should be reviewed to take account of the legislation on civil partnerships.	Cabinet Member for Children, Young People and Families	By September 2007
R8.	That the current targeted support provided by the Directorate Communications Team to "unpopular" schools, which are demonstrating significant improvements, is reviewed and strengthened.	Cabinet Member for Children, Young People and Families	By September 2007



	Recommendation	Responsibility	Completion Date
R9.	That an annual report is provided to each Constituency Committee on the work of the Children, Young Peoples and Families Directorate. This would include information on school admissions in their area, school place planning and demand for school places.	Cabinet Member for Children, Young People and Families	By September 2007
R10.	That an annual report be submitted to the relevant Children's Services Overview and Scrutiny Committee on school place planning, demand for school places, and progress of the Building Schools for the Future programme.	Cabinet Member for Children, Young People and Families	By September 2007
R11.	That the relevant Children's Services Overview and Scrutiny Committee examine how looked after children are able to take advantage of the priority given to them within the admissions system, taking into account the emerging Birmingham Academies programme.	Education and Lifelong Learning Overview and Scrutiny Committee	By September 2007
R12.	That progress towards achievement of these recommendations is reported to the Education and Lifelong Learning Overview and Scrutiny Committee in September 2007. The Committee will schedule subsequent progress reports thereafter, until all recommendation are implemented.	Cabinet Member for Children, Young People and Families	By September 2007



Appendix 1 Comparisons with Other Authorities

The Review Group conducted research into the Admissions Criteria used by the Core Cities and neighbouring West Midlands Authorities. Key findings from this are summarised below.

Some LEAs consider parental preferences on a first preference first basis; others consider all preferences on an equal level, such as:

- Birmingham
- Bristol
- Staffordshire
- Dudley (secondary only)

Below are, in priority order, the criteria common to most Local Authorities:

- **Special educational needs – looked after children.** These children always have priority (as it is required by law for children with special educational needs and recommended by the admissions code of practice 2003 for looked after children), whether this is listed as the first criteria or is an overriding criteria.
- **Medical/social grounds** i.e. whether there are specific medical or social circumstances which can only be met by the child's attendance at the preferred school.
- **Sibling connection**, that is to say whether siblings attend the school at the time of application and/or admission. The definition of sibling (whether it includes step brothers/sisters, foster children, adopted children, whether they have to live at the same address or not...) can vary between authorities.
- **Distance** i.e. how close the child lives to the school requested (the measure varies slightly between LEAs). This criterion is often used as "tie-breaker".

And for particular types of school, within certain specified proportions:

- **Denominational grounds** (for faith schools)
- **Aptitude** (for specialist schools)
- **Passing selection tests** (for grammar schools)



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In addition, some Authorities apply the following admission / over-subscription criteria:

- Feeder schools:
 - Solihull
 - Staffordshire
 - Walsall
 - Worcester
 - Bristol
 - Manchester (secondary)
 - Newcastle
 - Nottingham (primary only)
 - Sheffield (secondary)

- Catchment / priority area:
 - Coventry
 - Solihull
 - Staffordshire
 - Warwickshire
 - Worcester
 - Bristol
 - Nottingham
 - Sheffield

And for particular types of school

- Preference for a Single sex School (for single sex schools):
 - Coventry
 - Liverpool



Appendix 2 Members and MPs Who Replied to the Issues Survey

The following Members and MPs responded to the survey:

Cllr Hugh McCallion

Cllr Deirdre Alden

Cllr Ian Ward

Cllr Laura Ross

Cllr Ayoub Khan

Cllr Frank Coyne

Cllr Tim Huxtable

Cllr Tariq Khan

Cllr Kim Brom

Cllr Don Brown

Cllr Mahmood Hussain

Cllr Margaret Byrne

Cllr David Osborne

Cllr Michael Wilkes

Cllr John Alden

Cllr Peter Kane

Cllr Margaret Sutton

Liam Byrne MP

Claire Short MP

Roger Godsiff MP

Lynne Jones MP



Appendix 3 Admissions Questionnaire (Parents)

Scrutiny Review of Schools Admissions

Please take a few moments to fill in the following questionnaire. We will be using the results to evaluate parents' experience of the schools admissions process. All information received will be treated confidentially and reported anonymously. Your contact details will not appear in any published document. Thank you.

This questionnaire can also be completed online at: <http://www.birmingham.gov.uk/Scrutiny>

Please indicate which type of school you have applied for your child/children this year, (if you have applied for both, please use a separate questionnaire for each)

(Please circle one only)

Primary School	Secondary School
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Which Ward do you live in?

Information Pack

Q1.How helpful was the written information provided? (please circle one only)

<i>Very Unhelpful</i>	<i>Unhelpful</i>	<i>Neither helpful nor unhelpful</i>	<i>Helpful</i>	<i>Very Helpful</i>
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Q2.How could the written information be improved?

Q3.Is there any additional information that could have been provided to you to help you fill in the form?



Q4. Did you contact the admissions team for any additional information?

Yes <input type="checkbox"/>	No <input type="checkbox"/> (please go to Question 7)
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Q5. If yes, how did you do this? (Please circle all that apply)

Telephone	Face to Face	Email	Post	Other
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Q6. How satisfied were you with this support? (Please circle one only)

<i>Very dissatisfied</i>	<i>Dissatisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Satisfied</i>	<i>Very satisfied</i>
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Application Process

Q7. Were you clear about what you were expected to do?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Q8. If you answered No, Is there any additional support the council could have provided to make this process more straightforward?

Q9. How satisfied/dissatisfied were you with the following? (please tick)

	Very dissatisfied	Dissatisfied	Neither dissatisfied nor satisfied	Satisfied	Very Satisfied	Not applicable
Clarity of the instructions provided						
Ease of form filling						
Any Help that you received from the admissions team						

Q10. Other than the admissions team, did you receive any help in filling out the form



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Yes

No

Q11. If you answered Yes, who helped you fill it out?

Decision Process

Q12. Were you satisfied with the school place you were offered? (please circle one only)

<i>Very dissatisfied</i>	<i>Dissatisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Satisfied</i>	<i>Very satisfied</i>
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Q13. If you were *very dissatisfied* or *dissatisfied*, why was this?

Q14. Did you take any further action?

Q15. Do you understand the criteria used to offer your child a school place?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Q16. Do you have any comments on these criteria?

Appeal Process

Q17. Did you appeal the decision?

Yes <input type="checkbox"/>	No <input type="checkbox"/> (Go to question 25)
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Q18. Why did you appeal?

Q19. Did you ask anyone for support?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Q20. What support did you obtain? _____

Q21. How satisfied were you with the level of support that you received

<i>Very dissatisfied</i>	<i>Dissatisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Satisfied</i>	<i>Very satisfied</i>
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Q22. Did you feel that you were given a fair and sympathetic hearing?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Q23. Could the process be improved in any way?

Q24. Were you successful with your appeal?

Yes <input type="checkbox"/>	No <input type="checkbox"/>
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Q25. Are there any additional comments which you may have on the overall admissions process?



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Choose one section from (A) to (E) then tick the appropriate box to indicate your cultural background. Ethnic Origin

A White

British Albanian/Kosovan Roma

Irish Bosnian

Any other White background please write in below:

B Mixed

White and Black - Caribbean

White and Asian

White and Black - African

Asian and Black

Any other Mixed background please write in below:

C Asian or Asian British

Indian Kashmiri Pakistani Bangladeshi

Any other Asian background please write in below:

D Black or Black British

Caribbean African

Any other Black background please write in below:

E Chinese or other ethnic group

Chinese Arab Afghan

Kurdish Vietnamese



Appendix 4 Catchment Areas

The Court of Appeal has expressly permitted catchment areas as an oversubscription criteria with the following guidelines:

- The area must not be arbitrary or irrational.
- Parents from outside the catchment area must be permitted to express a preference for the school.
- Catchment areas have to be carefully considered so that they interlock with each other and have regard to areas of population, bus routes and safe walking distance.
- A catchment area is not unlawful just because it runs along an Local Education Authority boundary if the boundary of the catchment area has been carefully considered – the court agreed that it did not make sense for pupils out of an LEA area to have priority over those in the area but outside the catchment area.
- An admissions authority must provide clear information about the catchment area and how it was drawn up.

This following briefing was designed to supplement the information above regarding catchment areas. Catchment areas are a lawful means of over-subscription criteria, specifically permitted by the Schools Admission Code of Practice. The current Code refers to the case law which established the principles in relation to catchment areas and they are;

R v Greenwich LBC ex parte John Ball primary School (1989)

R v Rotherham MBC ex parte Clarke and others (1997)

The Greenwich judgment is authority for the proposition that an admission authority should comply with expressed parental preferences as to the school at which they wished their children to be educated without distinction between children resident within and outside the local authority's area; and that an admission policy giving priority to children within the area of the admission authority was ultra vires.

The Rotherham judgment was the result of a case brought by 3 Nottinghamshire children who challenged Rotherham's catchment area policy. The policy had the effect of the 3 children being refused admission to the Rotherham school. The catchment area for the school followed the LEA boundary on its eastern side and the parents argued that this was unlawful. Though the parents' challenge was unsuccessful, the case is useful for the guidelines given in relation to drawing up catchment areas:

- The area must not be arbitrary or irrational.
- Parents from outside the catchment area must be permitted to express a preference for the school.



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- Catchment areas have to be carefully considered so that they interlock with each other and have regard to areas of population, bus routes and safe walking distance.

“One cannot simply place the point to a pair of compasses on the school and draw a circle of so many miles radius around it. If you did that with each school you would have a series of circles, some of which overlap, so some people might live in two or more catchment areas and some people might miss out altogether.”
(Stuart-Smith LJ)
- A catchment area is not unlawful just because it runs along an LEA boundary if the boundary of the catchment area has been carefully considered – the court agreed that it did not make sense for pupils out of an LEA area to have priority over those in the area but outside the catchment area.
- An admissions authority must provide clear information about the catchment area and how it was drawn up.