

## Response to Request for Information

Reference      FOI 001213  
Date            13 June 2017

### ***Highfields School Admission Criteria***

#### **Request:**

- 1) Could you please provide evidence of the consultation Highfields school undertook regarding the schools current admission criteria that was used for the 17/18 year 7 intake. We have been advised this was carried out at an admissions appeal hearing, but have not seen any evidence to confirm this. In particular we would like to confirm that Pennfields special school and parents (with close links to Highfields and co-located on the same site) had input to this consultation?

Highfields School is an Academy, however The City of Wolverhampton Council allocates places on behalf of the Academy Trust. Places are allocated in accordance with the City of Wolverhampton Council determined admission arrangements.

In accordance with Paragraph 15 (b) of The School Admissions Code, admission authorities must determine admission arrangements annually. If there are no changes to admission arrangements then there must be consultation at least once every 7 years. The consultation was conducted in accordance with the mandatory provisions of the School Admissions Code. No comments or queries were received during the consultation.

The School Admissions Code gives a definition of determined admission arrangements as “admission arrangements that have been formally agreed by the admission authority , for example, agreed at a meeting of the admission authority and the decision recorded in the minutes of the meeting”.

Following the consultation period, the admission arrangements were determined on 24 February 2016 (for entry to Year 7 in September 2017) at The City Of Wolverhampton Cabinet meeting.

There is no requirement in accordance with paragraph 1.44 of The School Admissions Code to consult specifically with any school (or the parents of that school) , nor indeed in this instance with Pennfields Special School.

**Furthermore, it is for admission authorities to formulate their admission arrangements**, but they must not include any of the sub paragraphs detailed in paragraph 1.9 of The School Admissions Code 2014.

Paragraph 15 (c) of The School Admissions Code states that once arrangements have been determined they can be objected to and referred to the Schools Adjudicator. Objections must be referred to the Adjudicator by 15 May in the determination year (i.e. the school year in which admission authorities determine their admission arrangements/ the school year immediately preceding the offer year). This meant that any objection to the determined admission arrangements should have been referred to the Adjudicator by 15 May 2016.

- 2) Could you also please provide evidence of the equality impact assessment that was carried out when agreeing the school admissions criteria. In particular that the following points have been explicitly considered:

The School Admissions Code gives a definition of determined admission arrangements as “admission arrangements that have been formally agreed by the admission authority, for example, agreed at a meeting of the admission authority and the decision recorded in the minutes of the meeting”.

Following the consultation period, the admission arrangements were determined on 24 February 2016 (for entry to Year 7 in September 2017) at The City Of Wolverhampton Cabinet meeting.

As part of the cabinet report , initial screening was carried out (equality analysis – stage one – initial analysis) and no significant impacts were highlighted by the Equalities team .

- a) the impact of the exclusion of Pennfields special school from the sibling admission criteria. Specifically the impact of parents/carers who have older children at Pennfields, and who would like younger siblings without disabilities to attend Highfields, ie equal right to the benefits the sibling rule provides.

Paragraph 1.12 of The School Admissions Code 2014 states that – “Some schools give priority to siblings of pupils attending another state funded school with which they have close links (for example, schools on the same site, or close links between two single sex schools). Where this is the case, priority must be set out clearly in the arrangements”.

There is no requirement for any sibling connection to give priority to any child attending any other school

**To reiterate, it is for admission authorities to formulate their admission arrangements**, but they must not include any of the sub paragraphs detailed in paragraph 1.9 of The School Admissions Code 2014.

- b) the admission criteria's compliance with the Equality Act 2010 and that it does not result in direct or indirect discrimination, either directly to individuals with disabilities or by association (e.g. Family. Carers, siblings etc.).

It is evident that you had followed the due process and appealed to an independent panel. The decision of the panel was to disallow the appeal.

The test for the Independent Panel is to be satisfied that Part 3 of The Schools Standard and Framework Act 1998 has been adhered to and that the published admission arrangements have been properly applied. They then consider this in accordance with the two stage decision making process detailed in the School Admission Appeal Code.

The Panel considers whether the School's published admission arrangements complied with the mandatory requirements of the Schools Admissions Code and Part 3 of the Schools Standard and Framework Act 1998. Furthermore they consider if the published admission arrangements were correctly and impartially applied and whether the admission of additional children would prevent the provision of efficient education or the efficient use of resources.

If you believe that the Local Authority or Appeal Panel have treated you unjustly and that there has been some form of maladministration, then you may refer your grievance to the Education Funding Agency, either by writing to the Education Funding Agency, Department for Education, 53-55 Butts Road, Earlsdon Park, Coventry, CV1 3BH or by contacting them on Tel: 0370 000 2288. You are encouraged to refer to the EFA's IAP complaints factsheet which you can find at:-

[www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints](http://www.gov.uk/government/publications/academy-independent-admission-appeal-panel-complaints). I must stress that the Department for Education does not have the power to intervene and directly change the decision of the Appeal Panel, but may make recommendations for a suitable remedy

Both the School Admissions Code and the School Admission Appeals Code are Department for Education statutory guidance documents. The Appendix in both codes signposts relevant law and states that they do not aim to provide definitive guidance on interpreting the law; that is for the courts. **This would encompass compliance with the Equality Act 2010.**

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Paragraph 15 (c) of The School Admissions Code states that once arrangements have been determined they can be objected to and referred to the Schools Adjudicator. Objections must be referred to the Adjudicator by 15 May in the determination year (i.e. the school year in which admission authorities determine their admission arrangements/ the school year immediately preceding the offer year). This meant that any objection to the determined admission arrangements should have been referred to the Adjudicator by 15 May 2016.

- c) the admission criteria's compliance with the Equality Duty 2011 placed on public sector organisations. Where reasonable adjustments should be made to promote inclusion.

It is evident that you had followed the due process and appealed to an independent panel. The decision of the panel was to disallow the appeal. The test for the Independent Panel is to be satisfied that Part 3 of The Schools Standard and Framework Act 1998 has been adhered to and that the published admission arrangements have been properly applied. They then consider this in accordance with the two stage decision making process detailed in the School Admission Appeal Code.

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to the determined admission arrangements should have been referred to the Adjudicator by 15 May 2016.

Please note we have taken the liberty of contacting the Equality Advisory Service and will be asking them to review the schools admission criteria and any evidence you provide to demonstrate compliance with the legal duties set out above.

We want to ensure that we and other parents/carers who have children attending Pennfields school have been given reasonable consideration in the Highfields admission policy.