

NORTH YORKSHIRE COUNTY COUNCIL
CHILDREN AND YOUNG PEOPLE'S SERVICE
CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS

24 July 2009

ADMISSIONS ARRANGEMENTS FOR HARROGATE SECONDARY SCHOOLS 2011/12

1. PURPOSE OF REPORT

To brief Executive Members on a proposed consultation on admission arrangements for Harrogate area community secondary schools for 2011/2012

2. EXECUTIVE SUMMARY

- 2.1. A number of parents in the Harrogate town area objected to the 2009/10 admissions arrangements operating in the Harrogate town and rural areas which give priority to those in the town area.
- 2.2. The Schools Adjudicator who considered the objection came to the view in May 2009 that the arrangements are unfair but did not require the County Council to change them.
- 2.3. Parents have submitted a further objection to the unchanged 2010/11 arrangements. A decision from the adjudicator is anticipated on this further objection by the end of July 2009.
- 2.4. Although not required by law to change the admission arrangements there is now a clear need to consult widely on future arrangements to ensure the policy is as equitable as possible for all children in the Harrogate area.
- 2.5. It is not possible to undertake a consultation on such a complex issue in time to make any changes to the arrangements for 2010/11. It is therefore proposed to undertake a two-stage consultation on arrangements for 2011/12 commencing in September 2009.
- 2.6. As this is a complex and sensitive policy issue affecting a number of communities the approval to consult is a key decision to be taken by the Executive.

3. ISSUES AND BACKGROUND

- 3.1. In July 2008 a number of parents in the Harrogate town area made an objection to the Schools Adjudicator in respect of the admissions policy which operates in the Harrogate town and rural areas.
- 3.2. The admission arrangements in Harrogate apply to the three Harrogate Community Secondary Schools - Harrogate Grammar School, Harrogate High School and Rossett School. These schools serve the Harrogate Town and Rural areas (see map).
- 3.3. The two other Secondary Schools in Harrogate – St Aidan's CE High School and St John Fisher RC School are Voluntary Aided Schools. The Governing Bodies decide their own admission arrangements and so are not party to the objections to the

Schools Adjudicator. Both VA schools serve a wider area than the Harrogate Town and Rural areas. Their presence is one of a number of factors which makes admissions in Harrogate very complex.

- 3.4. The objections predominantly arose out of concerns by parents in the town area about how places were allocated at Harrogate Grammar School which had around 170 more applicants than it had places. They expressed the view that children in the rural area who have priority for places at all three community secondary schools are given an unfair advantage and that this disadvantages children living very close to oversubscribed Harrogate schools who are effectively denied a place.
- 3.5. The Schools Adjudicator in reaching her determination on 29th September 2008 upheld the parents' objections and determined that the Authority should carry out a full consultation on possible models for allocating places before determining admission arrangements for 2010 "to achieve more equitable arrangements for all applicants, town and rural, for a place at Harrogate Community Schools. The admission arrangements for children transferring in 2009 should stand." She was unable to identify a potentially fairer alternative.
- 3.6. The County Council's legal advisors considered that the Adjudicator had exceeded her powers in making this determination and on the basis of advice from counsel in October 2008 the County Council pursued a judicial review against the Schools Adjudicator's determination which led by agreement to the quashing of the original determination in March 2009.
- 3.7. A fresh determination of this objection was then made by a different Adjudicator which concluded in May 2009 that the policy was unfair. In line with the agreement reached between the County Council and the Schools Adjudicator no further action was ordered in respect of changing admission arrangements for 2009/10, the only year to which the objection applied. There is however the clear expectation inherent in the determination that the County Council will need to make efforts to address the perceived unfairness in the policy in the future.
- 3.8. A further series of objections on the same grounds in relation to the 2010/11 admission arrangements were received on 1 June 2009. A response was provided on 22nd June. The outcome of this further objection is anticipated before the end of July 2009.

4. POLICY IMPLICATIONS

- 4.1. The admission arrangements are set out in full in the 'Guide for Parents' sent to all parents of children transferring to secondary school which states:

"If the number of applications exceeds the Maximum Admission Limit after the admission of children where the school is named in the Statement of Special Education Needs (SEN) the following oversubscription criteria will apply:

- children and young people in public care
- children the Authority believes have special social or medical reasons for admission
- children living in the normal area of the school. Within this criterion children living in the Harrogate Rural area are given priority over children living in the Harrogate Town area."

- 4.2. This latter point is known locally as the “rural passport”. The priority is given to rural children because, without it, children living in the rural area would rarely get a place at the school of their choice because of distance from the town schools. Generally, it has operated satisfactorily for nearly 40 years, with few complaints from parents. However, in 2008/9 there was a change in the way the “rural passport” operates because of a change in the law about the way places are allocated at oversubscribed schools arising out of the Government’s 2007 School Admissions Code.
- 4.3. The changes to the way in which school places are allocated affect all other admission authorities as well as North Yorkshire. Priority can no longer be given “according to the order of the other schools” named by parents on the application form. In effect, we have to treat all the preferences named as equal. Before the new Code, we took first preferences from the rural area, then first preferences from the town, then second preferences from town, then second preference from rural and so on down through the order of choice. Now, under the Code, in applying the North Yorkshire criteria, we have to allocate all preferences expressed by rural parents before those expressed by town parents.
- 4.4. The effect of this was that a small number of additional rural children gained priority over town children. In 2007 63 rural children were allocated places at Harrogate Grammar School. In 2008, the figure was 82. However, the difference of 19 cannot all be attributed to the change caused by the Code. Year group size goes up and down and in 2008 there were 10 more rural children than 2007.
- 4.5. The impact of this on the town parents was to shrink the distance of children living near Harrogate Grammar who were offered a place from 1.02 to 0.78 miles. In 2009, when oversubscription for Harrogate Grammar School was smaller (399 applicants in total compared with 447 in 2008) and the number of Rural area pupils was slightly lower (81 pupils) this increased again to 0.98 miles.
- 4.6. The Schools Adjudicator’s determination upheld the parents’ view that the rural children were afforded an unfair advantage over the town children through the operation of the admissions arrangements.
- 4.7. In dealing with the new objection about the 2010/11 admissions, theoretically the adjudicator could order the County Council to change the 2010/11 arrangements. It would be extremely challenging in practical terms for the County Council to implement such a decision as the County’s 2010/11 admission arrangements were determined in February 2009 and parents are currently completing application forms for September 2010 admission. Changes to the admission arrangements would require changes to the new, not yet fully implemented, electronic admissions system which could take six months or more to adapt. Whilst it is recognised that administrative arrangements are not a significant consideration in connection with a longer term change, they do affect the sound delivery of change for which there is too little notice. That, in turn, can impact adversely on parents and pupils.
- 4.8. It will be necessary to consult with parents on alternative arrangements for 2011/12 and beyond to see if a solution can be identified which does not create equal or greater inequity than the current arrangements are perceived by some to do. This consultation needs to be a two-stage process to ensure that parents have the opportunity to fully consider the alternatives before the arrangements for 2011/12 are determined. This process could not be undertaken in time for the County Council to make changes for 2010/11.

5. OPTIONS FOR ALTERNATIVE ADMISSIONS ARRANGEMENTS FOR HARROGATE

5.1. A considerable amount of work has been undertaken by officers in analysing potentially fair alternatives and their likely impact. It is clear that any change to the current arrangements will increase some children's chances of obtaining a place in their preferred school while reducing the chances of other children. Under all potential options for change the reduced chance of gaining a place in a preferred school would impact within Harrogate Town as well as in the Rural area.

5.2. There are large numbers of alternative methods that could be used each one with various permutations. Officers have considered in some detail around 17 of those which are most likely to be considered fair in relation to the School Admissions Code. They fall broadly into five categories:

- Catchment areas
- Distance to nearest school
- Proportional/quota systems
- Banding by ability
- Random allocation or lottery systems

5.3. Each method has advantages and drawbacks from a parental perspective but different options impact in different ways on different families depending on where they live. Each would impact in a different way on the current pattern of school attendance in Harrogate. All would also need to be considered in the light of how priority will be given for siblings and how tie-break situations will be dealt with.

6. CONSULTATION PROCESS FOR REVISED ADMISSION ARRANGEMENTS FOR 2011/12

6.1. Given the complexity of this issue it is considered that a two stage consultation process will be required to allow a comprehensive consideration of alternatives. This needs to be dovetailed with the statutory consultation on admission arrangements for the whole of North Yorkshire for 2011/12. The timescale for this would be as follows:

Executive members briefing on options	24 July 2009
Executive approval to consult on options	25 August 2009
Stage 1 consultation – Consultation on options	7 September to 2 November 09
Executive approval to consult on proposed admission arrangements for 2011/12	10 November 2009
Consultation on proposed admission arrangements	27 November – 22 January 2010
Admissions Forum consultation	Late January 2010 – date tbc
Executive approval of arrangements	22 January 2010
County Council determination of all admission arrangements for 2010/11	No later than 15 April 2010 – date tbc
Design and implementation of new system	April – September 2010
Publication of admission arrangements	June 2010

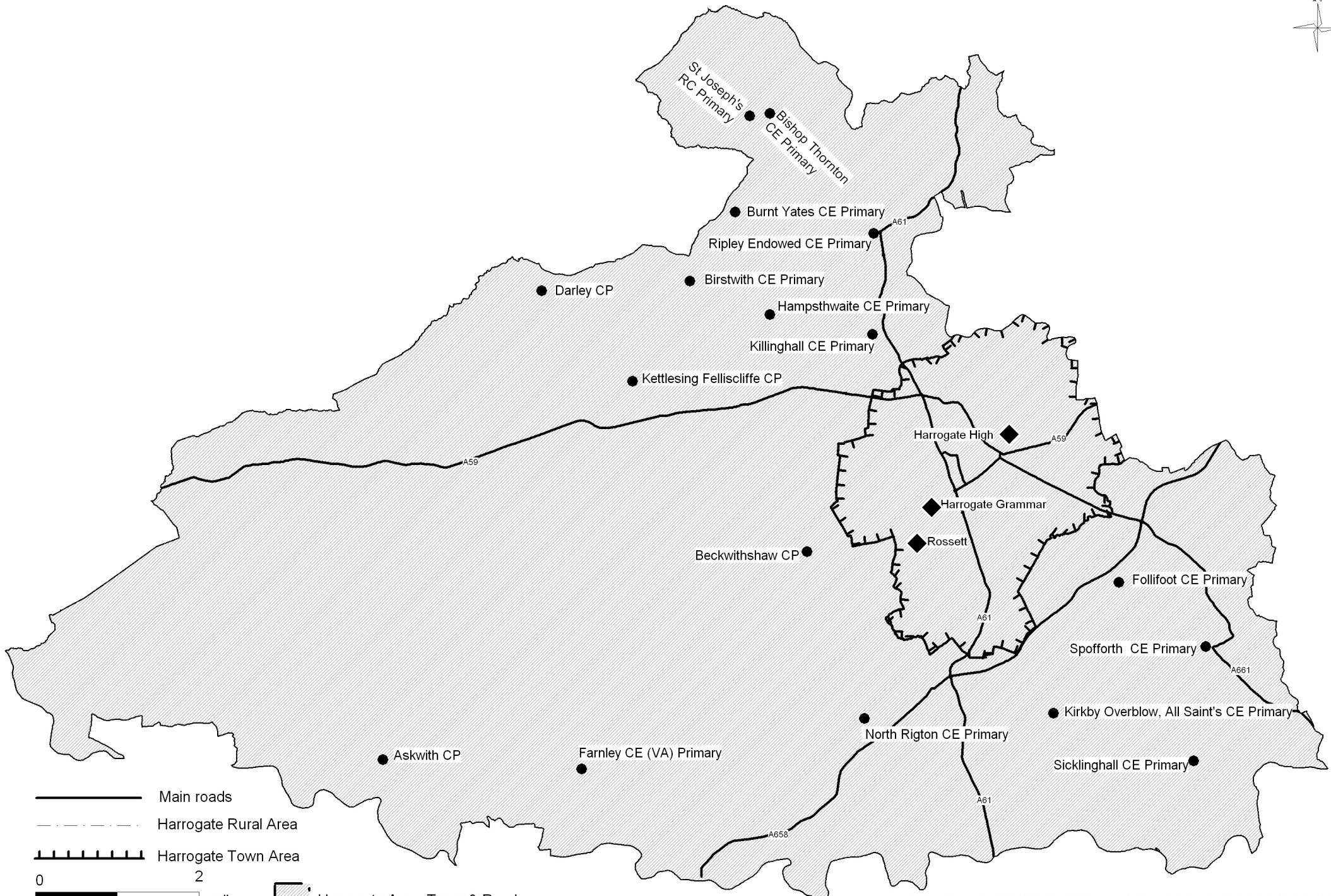
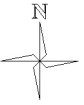
6.2. This timescale, even for implementation in time for the 2011/12 admissions round is very challenging and is dependant on ensuring that consultation periods comply with admissions law and County Council consultation arrangements. The requirement under the School Admissions Code is a minimum of 8 weeks consultation in respect of the proposed arrangements. There is a risk that the necessary changes to the electronic admissions system could compromise this timescale. Implementation is likely to require significant additional in terms of administration and ICT development.

7. RECOMMENDATION

That Executive Members endorse the proposal to seek approval from the Executive on 25th August 2009 to undertake a consultation on admission arrangements for the Harrogate area for 2011/2012.

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CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE'S SERVICE.

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