

Consultation on the Changes to the Admissions Regulations

Consultation Response Form

The closing date for this consultation is: 5 December 2011
Your comments must reach us by that date.

THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online response facility available on the Department for Education e-consultation website (<http://www.education.gov.uk/consultations>).

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name	Paul Thomas Smith, Senior Policy Adviser
Organisation (if applicable)	Administrative Justice and Tribunals Council (AJTC)
Address:	81 Chancery Lane, London WC2A 1BQ

If your enquiry is related to the policy content of the consultation you can contact the Public Communications Unit telephone help line on:

Telephone: 0370 000 22 88

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Consultation Unit

by e-mail: consultation.unit@education.gsi.gov.uk

or by telephone: 0370 000 2288

Please select one box which best describes you as a respondent

<input type="checkbox"/> Parent	<input type="checkbox"/> Headteacher or teacher	<input type="checkbox"/> Local Authority
<input type="checkbox"/> Governor	<input type="checkbox"/> National Representative Group	<input type="checkbox"/> Local Representative Group
<input type="checkbox"/> Faith Organisation	<input type="checkbox"/> School	<input type="checkbox"/> Appeal Panel Clerk
<input type="checkbox"/> Admissions Forum/Service/Clerk	<input type="checkbox"/> Choice Advisors/Parent Partnerships	<input type="checkbox"/> Parent Governor
<input type="checkbox"/> Individual	<input checked="" type="checkbox"/> Other	

Please Specify:

The Administrative Justice and Tribunals Council (AJTC) is an independent statutory body which is responsible for keeping under review the administrative justice system and the operation of listed tribunals, including school admission appeal panels.

1 Do you agree that consolidating and condensing these regulations alongside the revised Codes makes it easier to understand the requirements for admission arrangements?

Agree

Disagree

Not sure

Comments: The AJTC and former Council on Tribunals (CoT) have consistently held the view that the independent appeal panels require either proper procedural rules or detailed guidance in the form of the Codes of Practice to govern their operation. In the light of the decision to reduce the level of prescription, both in the Codes and in the rules, the Council is concerned that inconsistency in decision-making between panels will increase. Whilst reducing the level of prescription in respect of admission authorities and to a lesser extent governing bodies is a laudable aim, independent appeal panels comprised entirely of lay persons still require a sufficient level of guidance to enable them to carry out their statutory functions. The Council is pleased to note that the version of the Code that has been laid before Parliament is more detailed than the earlier consultation draft but much of the wording remains open to wide interpretation and lacks sufficient clarity. Much of the difficulty with the proposal to reduce prescription arises from the fact that the Appeals Code applies both to admission authorities and governing bodies as well as to independent appeal panels.

The AJTC is particularly concerned by some of the wording in the Introduction to the Appeals Code under the heading 'Purpose of the Code' (which was not in the earlier consultation draft) - *"This Code is designed to give admission authorities the freedom they need to run the appeals process efficiently whilst maintaining minimum requirements which will ensure fairness and transparency. In drawing up this simpler, shorter Code we have been guided by the principle that admission authorities are best placed to decide how to meet those requirements"*. Whilst much this statement could be said to be accurate in respect of the arrangements for school admissions, it is less so with regard to appeals against school admission decisions. It also begs the question, is the body which makes decisions about the admission of children to a particular school really best placed to decide how to meet the requirements for a fair and transparent system for dealing with appeals against its own decisions?

2 Do you agree that this simplification of the appeals regulations is consistent with the draft Appeals Code and will support the ambition to reduce local burdens and costs?

Agree

Disagree

Not sure

Comments: It is not helpful that the Codes and associated procedural rules were the subject of separate consultations when, in the light of their close inter-relation, it would have been far preferable to have consulted on both matters simultaneously. So far as the Appeals Arrangements Regulations are concerned the AJTC is dismayed that the previous provision for mandatory training for panels has been removed. The former CoT pressed over a long period for its introduction, and whilst the statutory Code is very clear that panel members and clerks must receive training before hearing appeals, having this prescribed in the regulations recognises the relative importance of this issue.

With regard to the constitution of the panels (Para 1 of Schedule 1 refers), the Council has reservations about the revised provision for a panel to consist of a minimum of three members. The former CoT has in the past advised against having panels of 5 and 7 members since it can be extremely daunting for parents to be faced with this size of panel. To introduce a provision which could potentially permit a panel to comprise any number of members of three or more does not appear sensible, not least in the light of the difficulty of recruiting members.

3 Do you agree that the Infant Class Size Regulations in relation to Looked After Children who are now adopted, as well as twins and multiple births support the Government's aims of removing barriers to attainment for the most vulnerable children and are consistent with the proposals in the revised School Admissions Code?

Agree

Disagree

Not sure

No comments.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply X

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

 No

All DfE public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DfE consultations are conducted, please contact Carole Edge, DfE Consultation Co-ordinator, tel: 01928 738060 / email: carole.edge@education.gsi.gov.uk

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 5 December 2011

Send by post to:

Department for Education
Admission Strategy and Regulations Team
2F Area C
Mowden Hall
Staindrop Road
Darlington DL3 9BG

or by email to: admissions.consultation@education.gsi.gov.uk