

## ADMISSIONS UPDATE 19 NOVEMBER 2020

FAO Headteachers, Chairs of Governors and Clergy

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### 1. VARIATIONS APPROVED FOR 2021

Once the variation for church attendance has been approved it becomes part of the determined admissions arrangements for that school. Therefore, it remains part of those arrangements for September 2022 and thereafter, and the admissions authority is not required to seek what we might informally call 'annual reapproval' for that provision. (At one point in discussions with OSA the possible need for such an annual request was being considered but the Chief Adjudicator concluded that it was both unnecessary in law and would be a disproportionate burden on both the schools and the OSA in any case).

All schools need to review their admissions arrangements every year, as part of the process for determining them, as the very clear guidance notes indicate. That requirement to review applies even if no changes are proposed, and of course the Governing Body or Academy Trust needs to minute that discussion.

If the admissions authority **wish to change those arrangements, then they must consult publicly**, after having first consulted the diocese. (As you'll see, there is a specific procedure for dealing with proposed changes to the PAN, depending on whether it is proposed to reduce the PAN or to increase or maintain it).

**However, if no changes are proposed, no consultation is required** – the determined arrangements are simply published on the school website and notified to the LA(s) who are producing the local Composite Prospectus in the normal way. So if a school that has obtained the church attendance variation and wants to keep it for entry in September 2022 no consultation is required.

There is a **requirement to publicly consult if 7 years have elapsed** since the last public consultation, even if no changes are being proposed, so this may affect some schools in 2022. Although it may seem obvious, changes include the removal of any part of the admissions arrangements, not just variations and additions.

‘Given the position we are now in, I’d strongly advise any admissions authority to keep the attendance variation for entry in September 2022 and for entry in September 2023 as well, especially for schools which have a 2-year attendance requirement. It would be sensible to keep it permanently in my view, until we have much more of a return to normal than looks feasible at present – I noted the Chief Medical Officer’s remark last week that we would need to regard COVID19 as endemic, even when an effective vaccine became available, in the same way as we do for other established viral infections. Given any local, regional or national lockdowns, like the one that starts tomorrow, schools can be reassured that the variant already applies to these – which is why we drafted the wording in the way we did.’ (Garry Neave, CE National Education Office, November 2020.)

There are particular requirements on academies: they are normally required to consult on **any** proposed changes to their admissions arrangements. The only exception to this was for the church attendance variation, for which a Ministerial decision by Nick Gibb was required, waiving the requirement to consult on that variation because of the unique circumstances. So an academy or MAT that has the variation does not need to consult again to keep it – they would have to do so if they wanted to remove it.

## **2. DIOCESAN ADVICE FOR CHURCH OF ENGLAND SCHOOLS ON CONSULTING ON AND DETERMINING ARRANGEMENTS FOR SEPTEMBER 2022**

### **Consultation on proposed changes to admissions arrangements**

Regarding consultation requirements, the School Admissions Code indicates (section 1.44) that the admission authority (i.e. the governing body in a voluntary aided or foundation school, and the academy trust in an academy/free school) of a school must consult:

- parents
- other persons in the relevant area who in the opinion of the governing body have an interest in the proposed admissions. (The local authority is responsible for defining and from time-to-time reviewing the relevant area.)
- the local authority
- all other admissions authorities within the relevant area\* (i.e. governing bodies of other voluntary aided or foundation secondary and primary schools and secondary and primary/all-age academies and free schools)
- any other adjoining neighbouring local authorities (this is particularly relevant if the school is near a local authority boundary and often admits children from neighbouring local authorities)
- the Diocese (NB the governing body/academy trust should also consult the Diocese before the wider consultation begins\*.)

Under section 1.43, the consultation must last for a minimum of 6 weeks, and for proposals intended to take effect from 1 September 2022 the consultation must take place within the period 1 October 2020 and 31 January 2021 (and likewise for future years). Under section 1.45, the governing body/academy trust must publish a copy of the full proposed admission arrangements on the school's website for the duration of the consultation period, together with the name of the person at the school to whom comments may be sent. The full arrangements include any Supplementary Information Form/Supplementary Application Form/Faith Leader's Verification Form etc, if used by the school.

In addition to the requirements in the Code, the Schools Adjudicator has suggested that (as well as raising awareness of admission consultations through newsletters etc) schools may wish to put notices letting people know about the consultation on school and parish noticeboards, on school gates, in playgroups, libraries, free newspapers etc. These are not requirements set out in the Code, and essentially it is up to the governing body/academy trust to act reasonably.

The governing body/academy trust must determine the admission arrangements for 1 September 2022 by 28 February 2021, even if no changes have been proposed/consulted on (likewise for future years).

### **\*\*Requirement for prior consultation with the Diocese**

Under the Diocesan Boards of Education Measure 1991, referred to in section 1.38 of the Code, Church of England Schools are required to consult with their diocese about proposed admission arrangements before any public consultation. Where applicable, they must also consult the diocese when deciding how membership of the faith is to be demonstrated, and must have regard to guidance from the diocese when constructing faith-based admission arrangements.

### **Requirement for consultation every seven years**

In addition to the requirements to consult on proposed changes to admission arrangements, schools must consult on their admission arrangements at least once every seven years, even if no changes are being proposed. This requirement is set out in paragraph 15 of the Introduction to the Code. Schools are advised to keep a record of the last date on which consultations on the school's admissions arrangements were held.

### **Determination of Arrangements and Notification of local authority**

All voluntary aided, foundation schools and academies/free schools must determine their admission arrangements (including the PAN) by 28 February each year (section 1.46 of the Code), even if no changes have been made, and must notify their local authority of the determined arrangements (including any Supplementary Information

Form used by the school) by 15 March each year (section 1.47). This annual notification is over and above the consultation requirements set out above. Church of England voluntary aided, foundation schools and academies/free schools are also required to send a copy of their determined arrangements to the Diocese.

### 3. ADMISSIONS BUILDER

I'm delighted to be able to share the links for the CE schools' Admissions Builder. The Admissions Builder has been designed to help schools and dioceses when setting admissions arrangements. Initially this has been released to dioceses, to help in our role issuing guidance to schools and in working with you on admissions issues as well as ensuring any proposed changes come to the diocese before public consultation. Individual schools can also access the weblink directly. You'll find the link to Admissions Builder [here](#). In case of any snags, you can also access it on the Church of England's website at <https://www.churchofengland.org/more/education-and-schools/admissions-arrangements>.

National guidance received states: 'As the introduction on the website points out, *"This tool offers options for your school admission arrangements that are legally compliant while letting you take into account your school's character and local context."* Admissions Builder focusses on the most frequent issues encountered during admissions work and does not provide an exhaustive kind of manual for all the possible permutations the Admissions Code permits, nor a detailed legal guide to admissions law – for example, we have not included the facility to deal with grammar or selective schools, nor with the many versions of admissions involving banding and aptitude. Taking account of matters that have come to light during the huge task of seeking the Covid19 Variation, we have made some choices for the default settings in some of the sections as well.'

It is important to note the request for dioceses to treat this first year as a pilot phase: a huge amount of work has gone into the design and functionality of the tool but it is inevitable that there will be minor snags and potentially some textual errors and typos. Please pass to us the details of any you spot so we can pass these on to the national team. It may also be the case that there are significant suggestions you have for improving Admissions Builder: please log those with me to pass on as appropriate.

In practical terms, you'll soon see that you have to work through each section, including all the required fields, before being able to move to the next one. It was felt this was the best and most logical way to help schools and Governors ensure all the key areas are covered. If you wish to carry out a trial run first, the simplest way to learn how things work is to enter dummy data and you can insert any data in the fields for school logo and catchment area downloads. We appreciate that this means schools will have to generate their PDF after a whole input session, rather than building it up a section at a time, saving it and coming back to it later.

When schools have finished working through the Admissions Builder a PDF of their admission arrangements will be generated which can be downloaded or requested to be sent by email – which you will need to enter. Our diocesan advice is you produce a word document by **copying from the PDF** in order to edit any typos rather than amending content. As well as the text the school has selected, the final PDF will contain additional standard provisions so that parents are informed about matters such as admissions outside the normal round, appeals and other waiting lists. The school will need to separately generate its SIF, the catchment area map itself and the standard Minister/ Faith Leader Verification Form (for those who prefer pre-decimal terminology, the ‘Clergy Reference Letter’). For details regarding what specific information can and cannot be requested in the SIF please refer to Section 2:4 of The School admissions Code

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/389388/School\\_Admissions\\_Code\\_2014\\_-\\_19\\_Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf)

Schools don’t have to restrict using the Admissions Builder to create brand-new admission arrangements; it is also a good way of reviewing any current arrangements (which |Governors are required to do annually) or considering how those admission arrangements reflect the school's vision and mission as a Church of England school, serving the common good.

#### 4. APPEALS UPDATE

Please find below lines on the Temporary Admission Appeals Regulations.

In April 2020 temporary regulations (The School Admissions (England) (Coronavirus) (Appeals Arrangements) (Amendment) Regulations 2020) and accompanying guidance were introduced giving admission authorities, local authorities and admission appeal panels more flexibility when dealing with appeals during the COVID-19 outbreak. This means appeal hearings can be heard by telephone or video conference or appeals can be decided on the basis of written submissions only; and the statutory timescales have been amended. The temporary regulations are currently due to expire on 31 January 2021 and we have been seeking evidence on their success and considering whether it will be appropriate to extend them for a longer period. We now have Ministerial agreement to extend the regulations to 30 September 2021. This will be subject to Parliamentary approval.

Early indications are that admissions authorities have found the temporary regulations to be helpful and that many of the authorities we have spoken to so far would find it useful if they were extended. It is likely that the need for social distancing rules and localised restrictions will continue. The temporary regulations and guidance only apply where it is not reasonably practicable to comply with the School Admission Appeals Code for a reason relating to the incidence or

transmission of coronavirus (COVID-19). Therefore, any extension will not mean the flexibility will be available for all admission authorities to use all the time. It will mean the temporary arrangements are available to use when they are needed – when they are not, the duty to comply with the The Schools Admission (Appeal Arrangements) (England) Regulations 2012 and the School Admission Appeals Code remains.

## **5. RE-OPENING OF CHURCHES AND LINKS TO ADMISSION POLICIES**

### **The issue**

As you are aware national and local restrictions as a result of Covid 19 have affected attendance at church worship since March 2020. Many church schools include church attendance as one of the oversubscription criteria within their admissions arrangements. During the period where churches were required to close during the COVID19 lockdown, the admissions difficulty this created was resolved by the variation to those arrangements with which colleagues will already be familiar.

That variation also covers churches which could not be re-opened for public worship after July 4 2020 because, in the judgement of the incumbent and their PCC, that could not be achieved in a COVID-secure manner. It also applies to the situation where a subsequent local, regional or national lockdown leads to a church being closed for public worship.

Whilst the many churches reopened during the summer 2020, once restrictions were lifted partly, the COVID-safe requirements have required significant changes to the conduct of public worship. Chief among these has been the limit on the number of worshippers at each service, although the reduction of provision such as Sunday Schools and young people's groups has also had an effect in terms of some oversubscription criteria.

Two particular concerns have been

- (a) people who were shielding or clinically vulnerable may have in theory been able to return to church, but judged that it involved too great a risk to their health, or to another family member
- (b) people who sought to return to church could find themselves unable to attend because all of the places available had been taken up, despite their best efforts.

For admissions purposes, those unable to attend for one of those reasons can be treated as if the church was in fact closed for public worship.

## **The solution**

The model variation (that the vast majority of VA church schools/academies applied for and were granted) specifically refers to the church being closed for public worship and no alternative premises being made available. That wording covers the situation where the church's usual capacity is not available to all its congregation, either because they are not able to attend because they are clinically vulnerable or are shielding, or because they have not been able to 'book' one of the available seats during public worship.

Our schools were founded to generously serve their communities, especially those who were disadvantaged or marginalised. It is essential to make provision which maintains that ethos, while also fulfilling our statutory obligation to be fair to all applicants, and clear and transparent about how they can fulfil the school's admissions requirements. In Manchester diocese a consistent approach was applied with the advice to clergy not to record attendance at worship.

## **Updated position**

I write to update you of advice and the current position. We are hopeful of national restrictions on attendance at church worship being lifted on 02 December 2020, yet, recognize that there may still remain restrictions on numbers that can attend as well as some churches not being able to provide for Sunday Schools or young peoples' separate provision.

The implications of this, in respect of school admissions, are not without difficulty. We are also aware of the need for families to have attendance at corporate worship recorded in line with the needs of school admissions policies. To that end the Diocesan Board of Education now advises that schools and churches should work together in order to:

- understand the requirements of local CE school admission policies for attendance at church worship
- Develop systems to record both attendance and or the intention/attempt to attend where this has not been possible due to restrictions on numbers, taking into consideration the need to provide evidence where either points (a) or (b) afore-mentioned apply

There is a recognition that such arrangements may need to differ according to the local school and church context. It would be helpful to have agreed arrangements in place for once churches (hopefully) re-open after 2<sup>nd</sup> December 2020.

## Evidence required

Applicants for admission to CE schools should be **provided with the opportunity** to demonstrate they fall into categories (a) or (b). This is because admission authorities need to be able to show its decision to offer/decline a place was objectively based.

The type of evidence requested could include:

- Notification from GP, or the NHS or another professional such as a social worker, advising an individual is required to shield.
- For those unable to access a place at a service, the evidence might be:
  - (1) an email or other confirmation with the incumbent/representative such as church warden
  - (2) information from a 'booking system' that many churches are using
  - (3) another agreed communication

Please note schools and churches should be flexible about how this evidence is produced whilst recognizing at the same time that decisions about school places may be made upon it. Any evidence would be referred to in the Minister/Faith Leader Verification Letter, so it can be properly considered by the admissions authority.

For those able to resume attendance at public worship we advise that **evidence is provided**, as per the usual practice in the particular church, to enable them to submit it with their admissions application.