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CC/BG

Chare 32 for  
Comments -

PRIME MINISTER

ADMISSION OF PUPILS TO MAINTAINED SCHOOLS

1. You asked in response to my minute of 8 April whether it might yet be possible to implement the more open enrolment provisions of the Education Reform Bill in full by September 1989.
2. I share your objective of satisfying parental expectations as soon as possible. In many, perhaps the majority, of cases, the legislation will bite next year. But there will be a number of contentious and difficult individual cases which will require very careful handling if I am to avoid the threat of judicial review. That is why I am suggesting that September 1990 should be the realistic cut-off point for schools' present freedom to set admissions limits below capacity.
3. I see few problems with achieving our objectives in 1989 where there is local pressure to raise the admissions limit of a school above its standard number. If the most recent level of admissions was higher than the school's original standard number, that admissions figure will automatically become the new standard number under the provisions of the Bill. If the LEA and school governors agree that the admissions limit should be set at a figure above the standard number, they can do this at once, without reference to me. If they cannot agree on a higher number, the matter can be referred to me for determination, with supporting evidence about the physical capacity of the school, using a questionnaire provided by my Department. If governors and LEAs hesitate to make use of this procedure, I am confident that dissatisfied parents will quickly intervene.
4. Agreement on revised admissions limits in time for September 1989 should also be feasible in many cases where the LEA or governors argue that their standard number needs to be reduced to reflect true physical capacity. Some LEAs will have only a few secondary schools where the standard number is no longer appropriate and will be able to get their applications to me by the end of 1988, for speedy resolution. But we have deliberately created a

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complex statutory procedure to be followed in order to discourage any but the most genuine of cases. The proposal for a reduced standard number must be published, and a two-month period allowed for local people to object. Where the proposal is published by the LEA, I am required to consider the authority's observations on the objections, as well as the objections themselves. In some cases there will be no objection to reducing the standard number but disagreement on what the new admissions limit should be. If an LEA tries to settle some of these differences before publishing proposals, this may mean that they are not ready to publish until well into 1989.

5. The attached chart convinces me that I could not expect to settle every application for a reduced standard number in time for September 1989 implementation. Out of a total of just over 4,000 county and voluntary secondary schools in England, it seems I might expect to receive some 1,000 applications for a lower standard number. A large proportion of these applications could come from a fairly small number of LEAs which will have to review secondary admissions limits with school governing bodies throughout their area, perhaps because in the past they have responded to our encouragement to remove temporary classrooms and other surplus accommodation. At the same time we are requiring LEAs, under an amendment put down for Committee in the Lords, to reach agreement with voluntary aided school governors on arrangements necessary to preserve the denominational character of a school. If these LEAs could not get their applications to the Department until early next year we would not be able to cut any corners in the interests of rapid decisions. Failure to give applications full and proper consideration would inevitably increase the chances of a successful challenge by way of judicial review.

6. In these circumstances the likelihood is that many LEAs will not be able to establish revised standard numbers to govern admissions limits for September 1989 by the time that they are due to allocate places to pupils. Yet they cannot delay the allocation process beyond April because we require them to allow time for parents to appeal against the allocation decisions. If we insisted on September 1989 implementation, appeals hearings would take place amidst continuing uncertainty, with a large number of pupils having to wait through the summer until they knew which school they were to attend. It could be argued that I was making it impossible for the local authority or governors concerned to fulfil their statutory duties. These difficulties

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could be avoided if I had the flexibility to accept in individual cases that it would be in the best interests of the pupils and their parents to concentrate on getting the right admissions figure established for 1990, whilst leaving the allocation process for 1989 to proceed undisturbed.

7. I shall not let LEAs drag their feet. I intend shortly to consult on a draft Circular to be issued immediately after Royal Assent which will encourage early action. But if the procedures we have prescribed are to be properly followed, and if legal challenges to my decisions are to be avoided, I do not think we can expect to have completed the process for all secondary schools by September 1989. I must also bear in mind that I do not want to divert every ounce of LEA and governor effort into establishing appropriate standard numbers, when they should also be using the months following Royal Assent to implement even more fundamental reforms in the Bill. September 1989 is also our target date for the submission of fully worked out plans of financial delegation and for the introduction of attainment targets and programmes of study for the core subjects in the national curriculum. Nor do I want to divert parents and governors from devoting early thought to the possibility of grant-maintained status for their schools since, as you know, we want to see the first of such schools operating in their new status from September 1989.

9. This is a complicated administrative matter. The course I propose should lead to most schools having new standard numbers by September 1989, but I fear not all. I would aim to get some of the less controversial cases settled in good time for the 1989 intakes.

10. I hope that with this additional explanation you will feel able to agree to the course of action I am proposing.

11. I am sending copies of this minute to the Secretary of State for Wales and the other members of E(EP) and to Sir Robin Butler.

KB.

KB  
Department of Education and Science

9 May 1988

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<u>Date</u>	<u>Follow-up action to legislation</u>	<u>LEA/Governors' Admissions Timetable</u>
May 1988	Draft circular of guidance on admissions and more open enrolment issues for consultation.	
July 1988	Royal Assent	
August/Sept 1988	<p>Circular issues in final form, with covering letter to CEOs setting out the timetable and arrangements for submitting and determining requests for revised Standard Numbers (SNs).</p> <p>Commencement Order and publication regulations made.</p> <p>LEAs and governors consider what is required in light of advice.</p>	<p>LEA/governors consult each other over arrangements for admissions in Sept 1989. Governors of aided schools may ask LEAs to agree admissions arrangements to preserve the denominational or other ethos of their schools.</p>
Sept 1988	<p>(i) LEAs and governors consult each other over physical capacity of secondary schools and the possible need to apply for revised SNs.</p> <p>(ii) Body not responsible for admissions may propose <u>increase</u> in admissions limit at a particular school, above the SN.</p>	<p>LEAs and governors start to issue guidance to parents for admissions in September 1989, with if necessary, provisional details of admissions limits.</p>
Oct 1988	<p>(i) First proposals to <u>reduce</u> the SNs of particular schools unlikely to be published before now. Two month statutory period allowed for objections. Some LEAs with a large number of proposals will not be ready to publish until about December.</p> <p>(ii) Disagreements over admission arrangements at aided schools begin to be referred to the Secretary of State (but may not be referred until much later).</p>	
Nov 1988	Admissions authority must decide whether to agree or reject any proposals from the non-admissions authority to increase the admissions limit for a school.	



Dec 1988

(i) Non-admissions authority may apply to the Secretary of State for an order to increase the SN of a school if admissions authority rejected their request.

Deadline for parents to express preferences for particular schools (may be early spring in some LEAs).

(ii) Expiry of two-month period for objections to be submitted to earliest proposals to reduce SN.

(iii) Secretary of State determines aided school admissions disagreements.

Jan 1989-  
onwards

LEAs submit objections to their SN reduction proposals to Secretary of State, together with comments and seek a ruling on their applications. LEAs with large numbers of applications may not be ready to submit until March/April.

About 20 LEAs with selective schools administer selection tests to pupils.

Local MPs may lead deputations of objectors to proposals to put their case to Ministers.

Feb - May  
1989

Applications to vary SNs considered as they come in and decisions announced.

Earliest decisions will be on applications to increase SNs, and on small-scale or non-contentious applications to reduce SNs. Contentious applications may require surveys of the capacity of individual schools.

March-  
May 1989

LEAs/governors allocate places and inform parents of their decisions. Decisions will depend on the number of places to be offered at each school. Parents told of their right to appeal if their preference is not met, and given time to prepare their case.

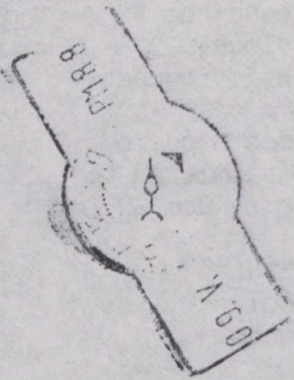
June-July  
1989

Decisions should be reached on most large-scale and/or contentious proposals, provided the proposals were submitted by April.

Appeals hearings held. Parents notified of outcome.



Education: Policy Pr 18





*file*



10 DOWNING STREET  
LONDON SW1A 2AA

*From the Private Secretary*

20 May 1988

*Dear Tom,*

ADMISSION OF PUPILS TO MAINTAINED SCHOOLS

The Prime Minister was grateful for your Secretary of State's minute of 9 May and the description of the action in hand. She welcomes your Secretary of State's determination to sort out as many admission limit queries as possible by September 1989, and is content to proceed on the basis set out.

The Prime Minister thinks it would be useful to institute a series of six-monthly monitoring meetings on the progress achieved on this and other key aspects of the changes planned and in hand. Such discussions might also cover progress on issues such as financial delegation, the national curriculum, City Technology Colleges, ILEA and the Polytechnic and University Funding Councils. I will be in touch in due course about the arrangements for these meetings.

I am sending copies of this letter to the Private Secretaries to the members of E(EP) and to Sir Robin Butler.

*Yours,  
Paul*

Paul Gray

Tom Jeffery, Esq.,  
Department of Education and Science.

*XB*



cc/BM



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PRIME MINISTER

NBPM

Free

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**ADMISSION OF PUPILS TO MAINTAINED SCHOOLS**

*attached*

I have seen Kenneth Baker's minute of 9 May about the timetable for the implementation of open enrolment to schools.

I share his views. Open enrolment will make an immediate impact in Wales and I would expect it to be in place in the majority of schools by September 1989. However, it would be very damaging if the courts could show that we had not allowed enough time to consider cases where there was an application to reduce standard admission numbers to match the actual present day capacity of the school.

/ I am copying this to Kenneth Baker, to other members of E(EP) and to Sir Robin Butler.

19 May 1988

PW