



## Buckinghamshire County Council

Report to **The Children's Services Overview and Scrutiny Committee**

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### AGENDA ITEM: 8

**Title:** Secondary School Admissions Policy

**Date:** 17 November 2005

**Author:** Lead Officer, Overview and Scrutiny based on a report from the Head of Legal & Democratic Services

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**Recommendation:** Members are asked to note the background and legal implications of the Cabinet Member for Schools' decision dated 11 April 2005 to determine admission arrangements for 2006 which included the addition of Burnham Grammar School as a third catchment school for the Gerrards Cross and Denham area.

### Introduction

- 1 A group of parents from the Gerrards Cross and Denham area wrote to the 9 June 2005 meeting of the Buckinghamshire School Admissions Forum. Their letter was primarily objecting to the fact that the addition of Burnham Grammar School as a third catchment school for the Gerrards Cross and Denham area did not feature in the original consultation on catchment areas and admission procedures. The letter alleged that the Cabinet Member decision of 11 April 2005 was "potentially unconstitutional" and/or not in line with the Schools Admissions Code of Practice.
- 2 This report is in response to that letter and follows a request from members of the Children's Services OSC for the legal/constitutional position to be clarified.

### Background Information

- 3 Admission authorities (i.e. the County Council) are required by law to complete statutory consultation on admission arrangements before 1 March and finally determine their admission arrangements by 15 April in the preceeding school year (e.g. by 1 March and 15 April 2005 for September 2006 admission). They must then notify all consulted parties of the

determined arrangements within the next 14 days. Statutory consultees are the governing bodies of all Buckinghamshire schools and those in neighbouring Council areas. Admission arrangements must be reviewed annually.

- 4 Following the Cabinet Member decision dated 13 January 2005 (S18/04) relating to secondary school admissions and catchment areas, the required statutory consultation was undertaken and closed at the end of February 2005.
- 5 After this date a report on the consultation was produced by the Head of Policy, Planning and Performance (Schools) dated 29 March 2005. The report contained the following paragraph:

*“Arrangements did not work as well as was expected in the Gerrards Cross and Denham area, where a relatively small number of pupils were not able to secure a place at either of their catchment schools. As a result, it is proposed to add Burnham Grammar School, as a third catchment school for all children in area 11 (as described on the boys’ catchment map).*

*While this goes against the initial proposals to limit the number of catchment areas available to parents it should maximise the opportunities for children in that area to be offered a catchment area school. It is recommended that this situation be reviewed again in one year”.*

- 6 Guided by the report, the Cabinet Member took the decision, dated 11 April 2005 (S06/05), that determined the admission arrangements for September 2006. As required, the Council then notified the statutory consultees of the final arrangements. This was done on 29 April 2005. Following this the consultees then had six weeks to raise any objections with the Office of the Schools Adjudicator. No such objections were made.

## **The Legal View**

- 7 The report of the Head of Policy, Planning and Performance (Schools) dated 29 March 2005, which included the recommendation to add Burnham Grammar School as a third catchment area school for Gerrards Cross and Denham has been referred to in paragraph 3 above. That report, like all reports to the Cabinet or Cabinet Members, was referred to the Head of Legal and Democratic Services who cleared the report for publication.
- 8 It is the view of the Head of Legal Services that the consultation to which the report referred was carried out as required and the addition of Burnham Grammar took place in response to that consultation. The whole point of the consultation was to listen to the responses received and make any necessary changes before final determination and that was done. The necessary notification of the final arrangements was made correctly and there were no objections from consultees.

- 9 Thus, the opinion of the Head of Legal Services was, and still is, that adding Burnham Grammar School as a third catchment area school was constitutional and in accordance with the provisions of the School Admissions Code of Practice.

### **Background Papers**

- 1 Papers considered by Overview and Scrutiny Committee for Children's Services on 15 September 2005 – under Item 6 – Schools Admissions Policy.
- 2 Report to Cabinet Member for Schools from Head of Policy, Planning and Performance (Schools) dated 29 March 2005 and Cabinet Member Decision dated 11 April 2005 (S06/05)