Rt Hon Ed Balls MP
Secretary of State

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Dear Philip

In my statement to Parliament on 11 March 2008, I set out concerns about compliance with the School Admissions Code and admissions legislation, based on an internal review of the published admission arrangements of schools in a sample of three local authorities.

I explained that the Department was verifying the findings with the local authorities and schools concerned, and that we would present the detailed information to Parliament once we had given them the opportunity to respond. We have now concluded the verification exercise and I have enclosed the findings with this letter, which I am today presenting to Parliament.

The responses we received from the schools and local authorities have confirmed our original findings. The large majority of schools complied with statutory requirements in publishing their admission arrangements for 2008, but a significant minority published arrangements which failed to fully meet statutory requirements.

- We wrote to a total of 110 schools where we had concerns, across the three local authority areas.
- Of the 106 schools that responded by 1 April we are satisfied that 96 had arrangements that did not comply with at least one statutory requirement and of these 29 did not comply with more than one requirement.
- 58 failed to give children in care the clear and unequivocal highest priority in school admission arrangements as required by law.
- The admission of children with Statements of SEN is required by the Education Act 1996 but 13 schools sought in their arrangements to have discretion over the admission of such children.
- There were also examples of schools asking for information about parents' marital status or occupation, and 6 asked parents to confirm their willingness to make a financial contribution to the school at the time of application.
- Four schools did not respond to the verification exercise by 1 April 2008 and have

been included in the aggregate figures for non-compliance in schools in the attached tables.

The action I have taken to share our findings highlights my determination that there will be full compliance for entry in 2009 and the important role that local authorities have in achieving this. Published admission arrangements must be freely available and fully compliant with the law and the Code, and schools are required to allocate places to children based only on lawful published arrangements. All admission authorities must determine their admission arrangements for September 2009 by 15 April 2008, after which objections may be referred to you until 21 August.

In my letter to you of 17 March I accepted your proposal that you report to me on compliance for admissions in September 2009 and asked for your final report by 1 September this year. You have now written to all local authorities asking them to send you, by the end of June, a full set of admission arrangements for all schools in their area and their account of the legality fairness and effectiveness of the admission arrangements that are being proposed for 2009 school entries.

Further to my statement of 11 March, I am today announcing the detail of two measures to ensure full compliance in the future:

- I am publishing draft amendments to the Education and Skills Bill that I shall bring forward for consideration at Commons Report. The effect of the amendments will be to require local authorities to report to you on admission arrangements in their areas; to extend your powers so that you can act where you consider that any admission arrangements are not compliant with the statutory requirements; and to improve the process of consultation on admission arrangements in order to ensure that parents and communities can contribute to the development of admissions policies for their schools.

- I am publishing a step-by-step guide to the admissions and appeal processes for parents. The Guide contains straightforward advice for parents on all aspects of choosing a school place for their child, and sets out what they can do if they have concerns about the legality of a school's admission arrangements. A copy of this Guide will be made available for every parent applying for a school place in 2009.

My Department will publish detailed proposals in the early summer to improve the application and allocation process for parents and to further strengthen the admission system so that it works for all families, parents and children. This will include an improved process for ensuring that parents and communities are consulted on admission arrangements for their schools and improvements to Admission Forums to ensure they more effectively represent their local communities.

Yours sincerely

ED BALLS MP