

Yes, No and Maybe...

Schools Admissions: Can the Covenant help?

By Jo Wilkinson, RAF Regional Covenant Manager

“It helps you get a school place” is the often first answer many Service families give when they are asked what they know about the Armed Forces Covenant. For any parent securing the ‘right’ school place for your child is an anxiety-provoking, emotional time. As we approach the summer holidays many parents are starting to investigate new school places as they prepare to move to new postings. Set against the background of the ever-changing landscape of education in the UK, the complexities of differing admission processes dependent upon country, local authority and type of school and a well-publicised shortage of school places in some areas, the answer to “Can the Covenant help?” is a less-than straightforward “Yes, No and Maybe”

Yes

Under section 2.18 of the Schools Admissions Code all admissions authorities in England *must* accept an application for children of Armed Forces personnel on proof of assignment and in advance of moving to the area. Parents do not need to have an allocated address and applications can be processed on the basis of the unit address or general quartering address. Of course, “yes” turns to “maybe” for areas where a family could be housed in a number of different areas, some of which may be in different local authorities. However, this provision arising from the Covenant has required admission authorities to recognise the unique nature of mobility in the Armed Forces. By comparison non-Service families cannot apply for a school place until they have moved into the area or have proof that they will move imminently, usually within 2 weeks. This applies to all types of admissions.

No

One of the most common misconceptions of the Covenant is that it will automatically help parents to get the school of their choice. This is where the answer to whether the Covenant will help is “no”. Applications under the ‘normal admissions’

process for entry to Reception year or year 7 the following September, where Service families are already in residence in the area and will remain in situ, are treated the same as any other application by any other parent. The core principles of the Covenant are that Service families should suffer no disadvantage as a result of Service. These families have equal access to school places alongside any other family in the local area and there are no special provisions under the Covenant. Unfortunately, the statutory timetable for normal admissions often results in Service parents making ‘late applications’ as they have been posted after statutory deadlines. Admission authorities cannot refuse applications because they are late and cannot give priority based on the date upon which applications were received. However, in practice most school places will already have been allocated, offered and accepted by other families. Local authorities are not permitted to reserve blocks of school places for Service pupils even where there are likely to be significant numbers. In recognition of the Covenant, local authorities must find a school place for Service children who move into the area as a result of their parent’s posting but if no places are available at the parents’ preferred school, there is no duty to comply with parental preference. However, dependent upon a number of factors the answer could become “maybe”.

Maybe

The Covenant has encouraged the Schools Admission Code to create several powers which may support Armed Forces families seeking school places. However, the answer to whether the Covenant can help individual families is usually a less than satisfactory “maybe” as powers are only exercised at the discretion of the admissions authorities, hence their use in practice will vary from one area to another and usually depends upon many factors.

The most well-known power is the exception to Infant Class Size limits. By law classes for children in Key stage 1 cannot exceed 30 pupils per teacher. Under the Schools Admissions



Code in England children of service personnel who move outside of the normal round of admissions *may* be admitted as excepted pupils. It is important to note that this only applies to 'In year' admissions for children already at school elsewhere and will not assist Service parents who are applying for the Reception year under the normal admissions process. It is also important to know that many local authorities are reluctant to exercise this power as standard practice. In these circumstances we would always advise parents to seek specialist advice from CEAS (see below) as appeals against Infant Class Size limits are notoriously difficult to win.

If there are no places available at their chosen school, pupils may be put onto waiting lists for places as well as being offered a place at another school. Waiting lists are determined by the Oversubscriptions Criteria for each school. By law looked after children must be the first priority for all oversubscriptions criteria as these are deemed to be the children most in need. Under section 1.39A of the Schools Admissions Code Service children *may* be given priority in oversubscriptions criteria. In practice many oversubscriptions criteria do not mention service pupils or these may come low down the list behind criteria such as distance from school or siblings in the school.

As Covenant Managers and within the wider work of the RAF Families Federation we are working closely with the Department for Education in England, the devolved administrations, the Ministry of Defence and others to continually review the implementation of the Covenant and

highlight ongoing issues for Service parents. If you would like to know more about our specific work in this area please get in touch.

And not to forget Service Pupil premium....

Of course, once parents have navigated the complexities of school admissions and their child has a school place focus switches to Service Pupil Premium (SPP). SPP was introduced in England under the Covenant to mitigate the impact of Service life on children's education. Our Covenant Managers are working with all of the partners above to look at SPP, how it's spent and how it could be used more effectively. For more information please feel free to contact us raf-ff.org.uk/covenant.asp.

For information about school admissions in your local area parents are advised to check the website of their local authority which will have information about who to contact about which type of admission for each school in its area.

All schools admissions in England are governed by the Schools Admissions Code: gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf

For any specialist advice on school admissions anywhere in the UK we would advise parent to contact the MOD Children's Education Advisory Service (CEAS).
gov.uk/guidance/childrens-education-advisory-service
 Email: dcyp-ceas-enquiries@mod.uk Tel: 01980 618244

Finding a school place:



A case study

As parents of a six-year-old daughter about to start her third school we have seen, first-hand how the Covenant can help with school places and how it sometimes falls short of expectations. Her first school move was during reception year in spring 2016. We got our posting notice and duly applied for a place at the closest of three local schools. In recognition of us as an Armed Forces family the local authority accepted and processed our application straight away, despite being three months in advance of our move. We were moving to an area with a choice of good and outstanding schools and we naively assumed that, as signatories to the Covenant and with a significant number of Service pupils, the local authority would automatically offer us a place at our local school which had the majority of Service pupils in the local area. We were shocked and disappointed to open our offer letter and find that our daughter had been offered a place at only our 7th closest school which, to make matters worse, had recently been given its second “requires improvement” grading from Ofsted.

With help from CEAS we appealed against the decision on the grounds that we did not feel the offered school could meet our daughter’s needs as a Service child as well as our chosen school. We asked for the local authority to exercise its discretionary power to admit our daughter as an “excepted pupil”.

Unfortunately, despite expressing sympathy for our situation, the appeal panel were unable to uphold the appeal as they concluded they were bound by the constraints of infant class size legislation. The panel adjudicated that as the Schools Admission Code uses the words “may” and not “must” it was in the discretion of the local authority whether to exercise its power and the local authority had not acted unreasonably within the legislation.

In the meantime we put our daughter on the waiting list for several other schools and thankfully before we moved she was offered a place at another school. This school had no other

Service children, was still only our 5th closest school, and we had the daily inconvenience of having to drive to school each day as it was too far to walk. However, the school was very welcoming to us as a new family and provided excellent education and support to our daughter.



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We are moving again soon due to promotion and, after our previous experience, we applied for school places in the new area with much greater trepidation. Again the local authority has recognised us as Service parents and accepted our application in advance of our move. This time we were fortunate that there was a vacancy in year 1 at our local school. However, the head teacher assured us that even if the place were allocated elsewhere she had previously accepted Service children as excepted pupils over the infant class limit supported by the local authority. We have duly been offered and accepted a place at the school. By comparison it has been a totally contrasting, straightforward experience.

So did the Covenant help us? Yes and no. It certainly helped being able to apply for school places in advance. For our first move this gave us several weeks to appeal and wait for a place to become available at another school before we moved. For our second move it meant we could apply straight away whilst a place was available. What’s difficult to know for sure is how confident we can be that things will work out well the next time we move.

Need help?

Contact the RAF Families Federation on 01780 781650 or email enquiries@raf-ff.org.uk