

EXPLANATORY MEMORANDUM TO
THE LAWRENCE SHERIFF SCHOOL (PUPIL PREMIUM ADMISSIONS PRIORITY)
ORDER 2013

2013 No. 1553

1. This Explanatory Memorandum has been prepared by the Department for Education (DfE) and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This Order relaxes the application of the School Admissions Code 2012 as it applies to admissions to Lawrence Sheriff School to allow it to give admissions priority to children attracting Pupil Premium Funding. The Order will allow the School to seek to vary its admission arrangements to allow for this in time for admissions in September 2014.
 - 2.2 Children attracting Pupil Premium funding are, in the main, disadvantaged children who are eligible for Free School Meals (FSM). The proportion of FSM children in selective schools is lower than in other schools and through this Order the governing body of the School seek to raise the educational standards of these children through giving them greater opportunity to be admitted to the School.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 This Order, made under the powers to facilitate innovation in the Education Act 2002. It applies only to Lawrence Sheriff School and is made on their application.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies in England only.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 Where their funding agreement allows it academies and free schools can give admissions priority to children attracting Pupil Premium funding, but maintained schools are prevented from applying such an admissions priority because paragraphs 1.9(f) and 2.4(a) of the Schools Admissions Code 2012 prohibit such schools from considering parents' financial status when deciding who to admit.
 - 7.2 This Order, by relaxing the application of those paragraphs to Lawrence Sheriff School, will help counteract the obstacles disadvantaged children may have in getting a place at the

School and so support increased social mobility. The School will be financially supported through Pupil Premium funding to introduce strategies to counteract the barriers to disadvantaged children's progress and success. The School will be accountable to Ofsted and to parents through the Performance Tables for the progress these children will make and how the funding is used.

7.3 Schools are constrained by the statutory admissions timetable set out in the School Admissions Code 2012 and the process for changing admissions arrangements must be implemented 17 months before the relevant school intake starts at the school. Admission arrangements have to be finalised by mid-April for admission to the school in September the following year. They can be varied after that date where an application is made to the Schools Adjudicator for approval but the Adjudicator can only approve a variation where there has been a major change in circumstances. A new admissions innovation would not be viewed as a major change of circumstances so the Order will allow the Schools Adjudicator to approve Lawrence Sheriff's request for the admissions variation to give admissions priority to pupils receiving Pupil Premium this year so that the School can implement the admissions innovation for the academic year starting in September 2014.

8. Consultation outcome

8.1 Section 4(2) of the Education Act 2002 places a legal obligation on applicants for an order to consult on their proposal with the local authority and with other appropriate persons. Lawrence Sheriff School consulted for four weeks with parents, staff, local authorities and other schools. The consultation document was published on the School website throughout the consultation period. Notice was given to Lawrence Sheriff staff, students and parents via their weekly newsletter and consultation details were posted on Warwickshire County Council website throughout the consultation period. The consultation document was sent to Warwickshire County Council requesting email distribution to all schools and academies in Warwickshire. It was also sent directly to secondary academies/special schools in Rugby and to Northamptonshire and Leicestershire County Councils and Coventry City Council for distribution to schools within their areas.

8.2 One parent objected because he did not agree that pupil premium students should be given priority and observed that it might lead to 'playing the system'. The School would combat this concern by ensuring that eligibility for pupil premium was checked appropriately - checks are in place at a national level to ensure that pupil premium is only awarded for those who are genuinely eligible. One head teacher contacted the School to offer verbal support for the proposal. The local authority has given its verbal approval of the proposal.

8.4 Under section 2(3) of the Education Act 2002 the Secretary of State shall, if appropriate, consult with the Chief Inspector before making an Order under the power to facilitate innovation. The Chief Inspector has not been consulted in relation to this Order as schools admissions is not a matter that falls within the Chief Inspector's remit.

9. Guidance

9.1 Guidance is provided to applicants who seek a power to innovate order under Part 1 of the Education Act 2002. The Guidance sets out the requirements for project review and analysis, evaluation, and plans for reverting to existing practice at the end of the project if necessary. However, no guidance is given in respect of the Order itself since the Order is being made on the application of the participating bodies.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 The impact on the public sector is expected to be minimal as the public law duty is being exercised at a more local level.

10.3 Accordingly, an Impact Assessment has not been prepared for this Instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Applications for orders under Part 1 of the Education Act 2002 must include the measures to be used to monitor the effect of projects and must include a broad description of the evaluation strategy. The School proposes to monitor the number of pupils eligible for Pupil Premium who enter the school over the next three years in anticipation that the number will rise incrementally over the period to the Warwickshire LA average of 8.2%. A final evaluation report is required to be submitted by the School to the Department for Education when the project ends. The Department publishes an annual report on the Power to Innovate Orders made each academic year.

13. Contact

13.1 Shirley Hegewald at the Department for Education Tel: 0207 340 7040 or email: shirley.hegewald@education.gsi.gov.uk who can answer any queries regarding the instrument.