

## Annex 2

### Removal of selection at wholly selective Academies.

1. This annex applies to any Academy which was designated as a grammar school under the Education (Grammar School Designation) Order 1998 – or subsequent designation orders made under section 104 of the School Standards and Framework Act 1998- prior to their entering into Academy arrangements with the Secretary of State under section 1 of the Academies Act 2010.

#### Proposals by the Company to remove selection

2. Where the Company for a wholly selective Academy wishes to remove the Academy's selective admission arrangements they will follow the process set out below.

3. The Company will ballot all parents of registered pupils at the school on the question 'are you in favour of the Academy removing selection by ability and introducing admission arrangements which admit children of all abilities?'

4. If a simple majority of parents vote to remove selection, the Academy will determine admission arrangements that do not provide for selection by ability.

5. The ballot must allow parents a minimum of five weeks within which to vote. The ballot must be initiated prior to 25 January and the ballot result must be declared by 1 March in the determination year<sup>1</sup>.

6. If a ballot is in favour of the removal of selection, non selective admission arrangements must be determined by 15 April in the determination year.

7. If a ballot does not vote in favour of the removal of selection the Company must retain the Academy's selective admission arrangements.

#### Parental Ballots to remove selection.

8. There are two ways of removing selection at wholly selective Academies via a parental ballot: either the arrangements are changed as result of a **whole area ballot**<sup>2</sup>, ("area ballot") or the Academy in question is subject to a **stand alone ballot**.<sup>3</sup>

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<sup>1</sup> A 'determination year' is the Academy Financial Year beginning two years before the Academy Financial Year which the admissions arrangements will be for e.g. consultation to end in March 2011 and determination to be in April 2011 for admissions in September 2012

<sup>2</sup> A "whole area ballot" has the same meaning as an "area ballot" (as defined by regulation 11(2) of the Ballot Regulations: a ballot which relates to all grammar schools within a relevant area.)

<sup>3</sup> A "stand alone ballot" is a ballot which relates to a stand alone grammar school as defined in

9. **A ballot which relates to a group of grammar schools (“grouped ballot”)** as defined under regulation 2(1)(b) and schedule 2 to the Education (Grammar School Ballots) Regulations 1998 (‘the Ballot Regulations’) will not apply to selective academies. Where an Academy was - prior to it entering into Academy arrangements with the Secretary of State under section 1 of the Academies Act 2010 - as a maintained school, previously named as part of a group under the Ballots Regulations it will no longer be subject to a **grouped ballot** but will, instead be subject to a **stand-alone** ballot.

10. The moratorium period set out in regulation 16 of the Ballots Regulations will apply. That is, where the result of a ballot is that the grammar schools in a selective area, or the Academy in a stand-alone ballot to which the ballot relates should retain selective admission arrangements, no further ballot shall be held or petition raised within the period of 5 years from the ballot result date. This moratorium does not apply to the procedures in paragraphs 2-7 of this annex.

11. The Chatham & Clarendon Grammar School Federation (Clarendon House) is subject to the result of a whole-area ballot concerning the grammar schools in **Kent**.

#### **Academies subject to the result of whole area ballots.**

12. Where the Academy is located within the local authority areas set out under regulation 2(1) and schedule 1 to the Ballots Regulations (**Bexley, Buckinghamshire, Kent, Lincolnshire, Medway, Slough, Southend, Torbay or Trafford**) and would thus, prior to becoming an Academy, have been subject to any ballot on selective admission arrangements in that area, if there is a ballot of parents, under the provisions of the Ballot Regulations, within those areas, the Academy must abide by the result of the ballot .

13. Where the result of the whole area ballot is to remove selection, the Academy will determine non-selective admission arrangements by the date set out in paragraph 61 of this Annex. If the ballot does not vote in favour of removal of selection the Company must retain the Academy’s selective admission arrangements.

#### **Academies subject to stand-alone ballots.**

14. Where an Academy is not within one of the areas set out in regulation 2(1) and schedule 1 to the Education (Grammar School Ballots) Regulations 1998) it may be subject to a stand alone ballot as set out in this annex.

15. For a ballot to be held a valid petition must be received by the Academy and the Young People’s Learning Agency (YPLA) acting on behalf of the Secretary of State (from hereon the ‘Secretary of State’).

#### **Petitions for a ballot -general**

16. The following paragraphs govern the procedure for ballots to remove

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regulation 11(1)(c) of the Ballots Regulations.

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selection from Academies which were formerly designated as maintained grammar schools:

17. Parents will first need to petition for the removal of selection. If a petition is valid then the Academy will be required to conduct a ballot. If a ballot is successful the Academy will be required to remove selection in accordance with paragraph 61.

### **Restriction on publication of material etc relating to ballots**

18. This annex applies the provisions of section 107 of the School Standards and Framework Act 1998 in relation to Academy selection ballots except that where 'a ballot under section 105' is mentioned, substitute 'a ballot under Annex 2 to the funding agreement'

### **Meaning of "eligible parent"**

19. A parent is eligible to sign a petition and vote in a ballot if that person is a registered parent of a child who is a pupil at a feeder school for the Academy in respect of which the ballot is being held or the petition raised.

20. A parent of the following description is not an eligible parent

- a. a parent who is not an individual (such as a corporate parent);
- b. a parent who is resident outside the United Kingdom;
- c. if their child is over compulsory school age on the date in question;
- d. if, on the date in question their child is over the transfer age group for the Academy in question.

21. A parent's residence shall be determined by reference to the address contained in the admission register required to be kept by the Education (Pupil Registration) Regulations 2006; and a parent's residence shall be determined by the Academy.

22. "Transfer age group" means the highest relevant age group for that Academy, disregarding any relevant age group in which the majority of the pupils admitted to the school are over compulsory school age;

### **Meaning of "feeder school"**

23. The feeder schools for an Academy are each school from which at least 5 pupils have transferred to the Academy or its predecessor grammar school during the period consisting of the school year in question and the two preceding school years.

24. Any pupils who were over the age of the transfer age group for the Academy or its predecessor grammar school when they transferred to the

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Academy or its predecessor grammar school shall be disregarded.

### **Petitions for a Ballot**

#### **Petitions for a ballot—general**

25. No ballot shall be held unless a request for a ballot is made by means of a petition relating to the Academy is sent to the Academy and YPLA.

26. If there is doubt over whether a ballot is necessary, the YPLA will notify the Academy.

27. The Academy and if there is a dispute, the YPLA, will determine whether a petition is a valid petition. A petition is valid if it complies with paragraphs 25 – 40.

28. A petition must be received by the Company during a petition period. "Petition period" means the period from 1st September in one year to 31st July in the next year

29. A petition must be signed by a number of relevant eligible parents which, when taken together with the number of relevant eligible parents who have signed any previous petition relating to the Academy (or its predecessor maintained grammar school) has been received by the Academy (or designated body as set out in regulation 3 of the Education (Grammar School Ballots) Regulations 1998 during the same petition period, is at least 20% of the eligible parent population, or is equal to a previous petition threshold where this has been set within the last five years. This number shall be determined by the Academy.

30. Where an Academy has previously been required to determine the eligible parent population and set a petition threshold, this threshold shall remain in place for any petition received in the following five years.

31. If a parent signs a petition on a date before the beginning of the petition period in which the petition is received, the parent's signature shall be disregarded for the purposes of paragraph 29.

32. The question of whether an eligible parent is a "relevant" eligible parent shall be determined in accordance with paragraphs 41-42.

33. If the same parent signs a petition more than once or signs more than one petition relating to the same Academy any petition period, any signature in excess of one shall be disregarded; and

34. Where a parent signs a petition but the information referred to in paragraph 38 is not included, or not included in a legible form, that parent's signature shall be disregarded.

35. The Academy will request a list of the names and addresses of relevant eligible parents from its feeder schools. It will also request a list of eligible parents which may be made public to the petition organisers. Eligible

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parents must be asked for consent for their details to be used for the purpose of the ballot, and given the opportunity by the relevant feeder schools to remove their names from the public list if they do not want their details passed to petition organisers. The Academy will supply a copy of the public list of parents to any petition organiser who requests it.

### **Form of petition**

36. A petition shall on each sheet state the Academy to which it relates

37. A petition shall, on each sheet, contain the following words:--

"We the undersigned, being eligible parents, seek a ballot on whether the listed Academy which selects by academic ability should continue to do so."

38. In relation to each parent who signs a petition the following information shall be given—

- a. the first name and surname and address of the parent;
- b. the name of a child of that parent who is a pupil at a school which is a feeder school for the Academy to which the petition relates who, at the date on which the petition is signed, is of compulsory school age; and
- c. the name of the school which the child named in the petition is attending; and
- d. the date on which the parent signs the petition.

39. The petition shall give the name and address of the person ("petition organiser") to whom notification should be given as to whether the petition is valid.

40. Where the Academy has given the notification required by paragraph 39 that a valid petition has been received, any subsequent petition relating to the same Academy shall not be valid unless

- a. the subsequent ballot is in favour of retaining selective admission arrangements; and
- b. no person signs it before the end of the moratorium period for the Academy.

### **Meaning of "relevant eligible parent" and "parent population"**

41. A parent is a relevant eligible parent if the feeder school confirms he is an 'eligible parent' or if the Company is satisfied by other means that a parent is an 'eligible parent'.

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42. Parent population means the total of eligible parents

### **Notification of result of petition**

43. Where the petition is a valid petition the Academy shall notify the persons referred to in paragraph 44 of this fact and that a ballot will be held.

44. The persons to be notified are—

- a. the YPLA
- b. the local authority in which the Academy is situated;
- c. the Secretary of State
- d. the petition organiser(s);
- e. the governing body or proprietor of each feeder school for the Academy.

45. Where the petition is not a valid petition the Academy shall notify the petition organiser and ask him to inform other petitioners.

## **Ballots**

### **Eligibility to vote in a ballot**

46. The persons eligible to vote in a ballot are the persons who are "relevant eligible parents".

### **Question on which ballot is to be held**

47. Each ballot paper shall include the following wording--

"Are you in favour of The Chatham & Clarendon Grammar School Federation (Clarendon House) introducing admission arrangements which admit children of all abilities?

Place a cross (X) in the box of your choice.

|     |                          |    |                          |
|-----|--------------------------|----|--------------------------|
| YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----|--------------------------|----|--------------------------|

"

### **Ballots--supplementary**

48. The Academy will ensure that ballot papers are sent to all parents who are eligible to vote for whom they have been provided with details by the relevant feeder schools. Academies will take all reasonable steps to ensure eligible parents are identified and given the opportunity to vote.

49. Each ballot shall be a secret postal ballot.

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50. Each ballot paper shall include the name of the Academy to which it relates.
51. Each parent who falls within paragraph 46 shall have one vote (irrespective of the number of children which a parent may have and the number of schools they attend).
52. The Academy shall secure that the date by which ballot papers must be returned to them shall be—
- a. no later than 10 weeks from the date on which the Academy notified the persons in paragraph 44 that the petition is valid; and
  - b. at least 5 weeks from the date on which ballot papers were sent to parents (or if ballot papers were sent on more than one date, the last such date).
53. Where the Academy has determined the result of a ballot it will forthwith notify the persons mentioned in paragraph 44 of that fact, and, where the ballot is in favour of retaining selective admission arrangements, the date on which the moratorium period will expire.

### **Declaring a ballot void**

54. Subject to paragraph 55 below the YPLA or Secretary of State may declare a ballot void if it appears that—
- a. any requirement of this annex has been contravened
  - b. an authority or body referred to in section 107(2) of the School Standards and Framework Act 1998 have failed to comply with the provisions of that section;
  - c. persons other than those falling within paragraph 46 have purported to vote in the ballot;
  - d. persons who fall within paragraph 46 have been prevented from voting or hindered from doing so freely in accordance with their own opinion by any other person; or
  - e. material has been provided, or meetings have been held, in a manner which does not comply with the principles for the production of such material or the standards for the holding of such meetings or debates contained in the Ballot Information Code specified in Schedule 4 of the Education (Grammar School Ballots) Regulations 1998; and
  - f. that voting in a ballot is likely to have been influenced to a significant extent as a result of any of those matters.

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55. Paragraph 54 shall not apply unless before the date which is two weeks after the ballot result date any person or body referred to in paragraph 56 have requested the Secretary of State in writing to declare a ballot void; specifying the reason for such a request and the grounds on which the person or body considers the ballot should be declared void.

56. The persons or bodies mentioned in paragraph 55 are—
- a. the local education authority within which the Academy is located
  - b. the Academy itself or the governing body or proprietor of any feeder school for the Academy;
  - c. any 20 or more parents who were eligible to vote in the ballot.

57. Where a request is received under paragraph 55, the Secretary of State shall notify the Academy and the local authority.

58. Where a request is received under paragraph 55 but the Secretary of State determines not to declare a ballot void he shall notify the persons or body who made the request, the Academy to which the ballot relates, and the local authority.

59. Where the Secretary of State declares a ballot void he shall notify the persons mentioned in paragraph 44 of that fact.

60. Where the Secretary of State declares a ballot void, a fresh ballot shall be held and the date by which ballot papers must be returned is no later than 10 weeks from the date of the notification under paragraph 59 above.

### **Implementation of decision that an Academy should cease to have selective admission arrangements**

61. In the case of a successful ballot, the Company will secure that their admission arrangements are revised so that the Academy no longer has selective admission arrangements.

- a. where the ballot result date is on or before 31st December in any school year – or where the Secretary of State has chosen not to declare a ballot void -, it will determine non selective admission arrangements by the date in paragraph 6 of this annex; and
- b. where the ballot result date is after 31st December in any school year, it will determine non selective admission arrangements in the following determination year, by the 15 April



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### Information to be given by the Academy

62. If—

- a. 10 or more persons jointly notify the Academy in writing that they are considering raising a petition; and
- b. the notification nominates one of those persons as the person to receive information from the Academy,

the Academy shall, as soon as practicable, give that person the following information

- c. the names of the feeder schools for the Academy and
- d. the transfer age group for the Academy in question;
- e. the number of parents who would need to sign the petition for it to comply with paragraph 29;
- f. the words to be contained in a petition in accordance with paragraph 37.
- g. where requested, the details of eligible parents who have consented to those details being made available to petition organisers.