

CABINET

6 FEBRUARY 2018

THE FUTURE ADMINISTRATION OF IN-YEAR (CASUAL) ADMISSIONS FOR MEDWAY COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS

Portfolio Holders:	Councillor Andrew Mackness, Children's Services (Lead Member) Councillor Martin Potter, Educational Attainment and Improvement
Report from:	Ian Sutherland, Director of Children and Adults Services
Author:	Simon Harrington, Programme Lead – School Services

Summary

The Cabinet received a report on 18 January 2017 on the School Admission Arrangements 2018. At paragraph 6.4 of the 2017 report it stated it was intended that a further consultation would take place to ascertain views on proposals for the future administration and processing of in-year (casual) admissions.

Public consultation took place between 7 November 2017 and 18 December 2017. The consultation sought views on proposals to delegate the administration of in-year admissions for community and voluntary controlled schools (whereby Medway Council is the admission authority) with effect from 16 April 2018.

This report details the outcome of the consultation and recommends proposed changes in the administration of in-year admissions to Cabinet.

1. Budget and Policy Framework

- 1.1 The School Admissions Code and the associated Medway Coordinated Admission Schemes support the Council priority of Medway's people realising their potential. Changes to policy for admissions for Medway community schools and voluntary controlled schools is a matter for Cabinet.
- 1.2 The School Admissions Code ('the Code') issued under Section 84 of the School Standards and Framework Act 1998 applies to admissions for all maintained schools in England. The Code imposes mandatory requirements

and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions.

- 1.3 For community and voluntary controlled schools the admission authority is the Local Authority.
- 1.4 Governing bodies are the admission authorities for foundation schools (including Trust schools) and voluntary aided schools. These schools are their own admission authorities.
- 1.5 Academies (including those that are free schools), University Technical Colleges and Studio Schools are required by their funding agreement to comply with the Code and the law relating to admissions, although the Secretary of State has the power to vary this requirement where there is demonstrable need. Academies are their own admission authorities.
- 1.6 In drawing up their admission arrangements, admission authorities must ensure that the practices and criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

2. Background

- 2.1 Prior to the publication of the 2014 Admissions Code, all in-year admissions had to be managed by the Local Authority. Under the provisions of the School Admissions Code 2014 this requirement no longer exists. However, for community and voluntary controlled schools, the Local Authority retains responsibility as the admissions authority even if administration of the process is delegated to schools.
- 2.2 There is no requirement for local authorities to co-ordinate in-year applications but they must provide information in the composite prospectus on how in-year applications can be made and will be dealt with. Local authorities must, on request, provide:
 - information to a parent about the places still available in all schools within its area.
 - a suitable form for parents to complete when applying for a place for their child at any school for which they are not the admission authority.
- 2.3 Medway Council has retained the co-ordination of in-year admissions for all community and voluntary controlled schools and the majority of own admission authority schools. Please note, however, that with effect from 1 January 2018 Medway Council no longer administers in-year admissions for own admission authority schools and academies. School Services administered over 2,500 applications in the academic year 2015/16. In the academic year 2016/17 from 1 September 2016 to 31 August 2017, 2935 applications were processed by School Services.
- 2.4 Where a local authority does not administer in-year admissions for community and voluntary controlled schools, but delegates this process to the school, the Local Authority retains responsibility for ensuring a fair, clear and objective process which adheres to the Code. The local authority remains the

admissions authority for community and voluntary controlled schools.

- 2.5 Whether or not the local authority co-ordinates in-year admissions, all own admission authority schools must, on receipt of an in-year application:
- notify the local authority of both the application and its outcome, to allow the local authority to keep up to date figures on the availability of places in the area.
 - inform parents of their right of appeal against the refusal of a place.
- 2.6 In practice, this requires schools to send all completed in-year application forms to the local authority to be scanned and entered on to the electronic system record.
- 2.7 Even with all schools becoming academies, the local authority will retain the monitoring role as set out in 2.4 to 2.6 to ensure that allocation of places is fair, clear and objective and also have regard to safeguarding and the interests of vulnerable children.
- 2.8 The report on School Admission Arrangements 2018 presented to the Cabinet on 18 January 2017 stated that it was intended that a further consultation would take place in early 2017 to ascertain views on proposals for the future administration and processing of in-year admissions, as set out in paragraph 6.4 of the 2017 report. Public consultation on the future administration of in year (casual) admissions for Medway Community and Voluntary Controlled schools took place 7 November 2017 and 18 December 2017.

3. Options

- 3.1 The proposed change, if implemented, would delegate the administration of in-year admissions processes to community and voluntary controlled schools with effect from 16 April 2018 (beginning of Term 5), whilst the local authority retains responsibility as the admission authority.
- 3.2 The local authority would need to manage the appeal process on behalf of community and voluntary controlled schools, setting up appeal panels, preparing paperwork and presenting at appeal hearings.
- 3.3 The local authority would need to manage the Fair Access process for all schools as stipulated in the School Admissions Code 2014.
- 3.4 The local authority would need to monitor the process for all schools including own admission authority schools and respond to queries from families. This would include:
- providing an in-year application form for all schools;
 - receiving and cross checking completed in-year application and outcome notifications from schools and entering the on the admissions system;
 - maintaining up to date information from schools on the number of places available at each school;
 - challenging senior school staff where the processes have not been administered correctly and/or where the requirements of the School Admissions Code and associated legislation have not been complied with;
 - responding to all parental enquiries in relation to in-year admissions;

- responding to complaints, FOI requests, Councillor and MP enquiries, in relation to the in-year admission processes; and
- interacting with parents and noting interactions on the admissions system so that trends and instances of non-compliance with the Code can be followed up. For example, cross checking where parents have applied for a school or cannot get a place in a school.

3.5 A programme of training and advice would need to be set up for community and voluntary controlled schools to ensure that they are clear on the requirements of the Code, how the processes are to be managed to ensure compliance.

3.6 Rigorous monitoring and cross checking of applications will need to be in place to ensure that any families not able to secure a school place can be identified swiftly. This will support safeguarding of vulnerable pupils at risk of missing education.

4. Advice and analysis

4.1 As at the close of the consultation there have been three responses to the consultation. Two of these are from academies for which the proposals have no impact and one is from a community school. Two responses agree with the proposals and one disagrees. The respondent has given no reasons for disagreeing with the proposal. They have however said “it would be helpful if Medway Council took on the role of appeals for academy schools too.”

4.2 A Diversity Impact Assessment has been undertaken and a copy is attached.

4.3 It is not envisaged that the proposed change to the administration of in-year admissions would have any adverse effect on any of the protected characteristic groups.

5. Risk management

5.1 The proposed change to the administration of in-year admission processes ensures that the local authority meets its statutory duties under the School Admissions Code.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Schools processing their own in-year admissions may not adhere to the Code properly, including the right of appeal.	Schools processing their own in-year admissions may not understand and/or apply the Code correctly resulting in unfairness and maladministration. For community and voluntary controlled schools this will still be the responsibility of the Local Authority. There may be a resulting increase in the number of Stage 1 and 2 complaints from applicants to community and voluntary controlled schools.	Training, advice and guidance is made available to all schools to ensure that they understand the Code fully and are able to implement it in a fair, clear and objective way.	C2
Families are required to make an application to each school for each child separately	Families are required to make individual applications for each child to each preference school. Families may need support in understanding new process.	<p>Arrangements for management of in-year admissions are made clear in all publicity so that families understand the process easily.</p> <p>Schools are trained so that they are able to give families an efficient, fair, clear and objective experience.</p> <p>Local authority admissions staff provide a strong, responsive service to answer queries and monitor the implementation of the Code by all schools through rigorous reporting and tracking.</p>	C3
Delegation of management of in-year admissions may mean that vulnerable pupils missing education may not be picked up quickly enough.	Vulnerable pupils missing education may not be picked up quickly enough leading to safeguarding issues.	Monitoring as set out in 2.4 to 2.6 would be carried out rigorously, cross checking and triangulating interactions with schools and families to pick up where maladministration has occurred or delays are causing vulnerable pupils to be out of education for too long.	C2
Schools may not have experienced staff to carry out this role.	Schools may not have experienced staff to carry out this role and may need to appoint staff to take on this role. This is likely to have budget implications for schools.	School Services will provide training to school staff on the in-year admission processes, roles and responsibilities.	C2

The DfE may change requirements so that all local authorities must coordinate in-year admissions and manage appeals.	As the School's Adjudicator has proposed, the DfE may change requirements so that all local authorities must coordinate in-year admissions and appeals. As staff resource has been reduced, new staff may need to be employed. This may lead to a lack of experience in the team.	Skilled staff retained in the Range 4 post will provide experience and stability.	C2
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6. Consultation

- 6.1 A public consultation has taken place. The consultation has been published on the Medway Council website for the duration of the consultation period.
- 6.2 The consultation period opened on 7 November 2017 and closed on 18 December 2017, a period of 6 weeks.
- 6.3 As at the closing date, there have been three responses received.

7. Implications for Looked After Children

- 7.1 In accordance with the requirements of the School Admissions Code 2014, all schools and academies have a duty to give Looked after Children and Previously Looked after Children the highest priority for a school place in the published oversubscription criteria.
- 7.2 Medway Council ensures that all schools comply with this duty.

8. Financial implications

- 8.1 If the proposed changes are implemented, there will a saving of £44,000 as fewer staffing resources will be allocated to in-year admissions.

9. Legal implications

- 9.1 The local authority would remain responsible for the in-year admissions practices of community and voluntary controlled schools, as it is their admission authority. This would include liability for any administration errors, maladministration or unfair practice.

10. Recommendation

- 10.1 The Cabinet is asked to agree the proposal to delegate the administration of in-year admissions for community and voluntary controlled schools to those schools with effect from 16 April 2018 (beginning of Term 5).

11. Suggested reasons for decision

- 11.1 The Council is required to undertake a consultation exercise prior to such delegation. The decision takes into account the responses from consultation and, as provided for under the School Admissions Code 2014, there is no statutory requirement for the Council to co-ordinate or administer the processes. In delegating the administration of in-year admissions to

community and voluntary Controlled schools, the Council will benefit from a financial saving.

Lead officer contact

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Appendices

Appendix 1 – A copy of the consultation document
Appendix 2 – Diversity impact assessment

Background papers

Cabinet agenda and record of decisions 17 January 2017
<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3374>

School Standards and Framework Act 1998
<http://www.legislation.gov.uk/ukpga/1998/31/contents>

Education Act 2002
<http://www.legislation.gov.uk/ukpga/2002/32/contents>

The School Admissions Code: Statutory guidance for admissions authorities, local authorities, schools adjudicators and admission appeals panels - December 2014
<https://www.gov.uk/government/publications/school-admissions-code--2>

Education and Skills Act 2008
<http://www.legislation.gov.uk/ukpga/2008/25/contents>

Medway Council

Consultation Document

The future administration of in-year (casual) admissions for Medway Community and Voluntary Controlled schools

Consultation start date: 7 November 2017

Consultation end date: 18 December 2017

Introduction:

Medway Council is consulting on the future administration processes for the delivery of in-year (casual) admissions for Community and Voluntary Controlled schools, for whom Medway Council is the admissions authority.

Under the provisions of the School Admissions Code 2014 there is no statutory requirement for the Council to co-ordinate or administer the processes. Paragraphs 2.21 states:

2.21

*There is no requirement for local authorities to co-ordinate in-year applications but they **must** provide information in the composite prospectus on how in-year applications can be made and will be dealt with. Local authorities **must**, on request, provide information to a parent about the places still available in all schools within its area, and a suitable form for parents to complete when applying for a place at any school for which they are not the admission authority. Any parent can apply for a place for their child at any time to any school outside the normal admissions round. They can do this by applying directly to admission authorities, except where other arrangements are in place locally (e.g. the local authority coordinates all in-year admissions).*

NB:

Point of entry admissions (Year R primary/infant schools, Year 3 junior schools and Year 7 secondary schools) only become in-year admissions following the closure of the relevant waiting list under the co-ordinated admission scheme (i.e. 31 December each year)

Current process:

Medway Council School Services Team currently administers the in-year (casual) admission processes for all Community and Voluntary Controlled schools.

Proposed future process (with effect from 16 April 2018):

The responsibility for the administration of in-year (casual) admission applications and outcomes to be delegated to each Community and Voluntary Controlled school.

Each school will receive applications direct from families, process them and advise families of the outcomes. Every application and subsequent outcome must also be notified to Medway Council School Services to enable effective monitoring and to ensure that all processes are being administered correctly.

Medway Council, as the admissions authority for these schools, will retain overall responsibility for the delivery of these processes and will continue to administer the admission appeals process for Community and Voluntary Controlled schools.

Reasons for proposed change:

The majority of Medway schools and academies are their own admissions authority and an increasing number of these administer their own in-year (casual) admission processes. From 1 January 2018, all own admission authority schools and academies will be responsible for the administration of their own in-year (casual) admission processes.

This means that families often have to follow different processes and correspond with different organisations dependent on which school(s) they are applying for.

To assist families in navigating the in-year (casual) admission processes the above proposal delegates all administration to schools so that families can liaise with the school directly.

Medway Council School Services will still offer advice to families on the admission processes and how to apply for and secure school places. In addition School Services will also keep a record of each school's up to date roll and vacancy figures, so that they can advise families where there may be places available.

If you wish to respond to this consultation, please complete the response form below and submit to the Programme Lead-School Services (simon.harrington@medway.gov.uk) by 5pm on 15 December 2017.

**in-year (casual) admissions for Medway Community and
Voluntary Controlled schools**

consultation response form

Consultation period: Tuesday 7 November 2017 to Monday 18 December 2017

Responses must be received no later than 5pm, Monday 18 December 2017

Please indicate if you agree or disagree with the proposed future process to delegate the administration of in-year (casual) admissions for Medway Community and Voluntary Controlled schools to the schools themselves.

(please circle as appropriate)

AGREE / DISAGREE

General Comments:

Please continue overleaf if required

Signed: _____

Dated: _____

School Name / LA Name/ Name of Body (if applicable):	
Your Name:	
Your Designation: (e.g. Headteacher / Parent/ etc)	

Please return this form to:
Programme Lead-School Services
Medway Council, Gun Wharf, Dock Road, Chatham, ME4 4TR
or simon.harrington@medway.gov.uk

Diversity

impact assessment Appendix 2

TITLE	In-year admissions for Community and Voluntary Controlled schools
DATE	30 November 2017
LEAD OFFICER	Simon Harrington, Programme Lead-School Services

1 Summary description of the proposed change

There is no statutory requirement on local authorities to co-ordinate in-year admissions and, therefore, Medway Council will:

- with effect from 1 January 2018, no longer administer the processes for own admission authority schools and academies and
- with effect from 16 April 2018, are proposing to delegate the administration of in-year admissions to Community and Voluntary Controlled schools.

2 Summary of evidence used to support this assessment

- Eg: Feedback from consultation, performance information, service user records etc.
- Eg: Comparison of service user profile with Medway Community Profile

A full public consultation on the proposed changes to the in-year admission processes for Community and Voluntary Controlled schools has been undertaken. As at 30 November 2017, two responses have been received, both from academies for whom the proposals have no impact. One response agrees with the proposals and one disagrees.

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age N/A			
Disability N/A			
Gender reassignment N/A			
Marriage/civil partnership N/A			

Diversity impact assessment Appendix 2

Pregnancy/maternity N/A			
Race N/A			
Religion/belief N/A			
Sex N/A			
Sexual orientation N/A			
Other (eg low income groups) N/A			

4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

The proposed changes may provide a positive impact for families, as they will now be able to correspond directly with schools to secure places for their children. There is a possible adverse effect for families who may find it difficult to secure places (due to oversubscription) and then require the assistance of the Council to secure a place, which could delay their child's admission to school.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

School Services will provide training and support to school staff to be able to administer the processes as expeditiously as possible. School Services will also undertake rigorous monitoring of the processes to ensure that children are not missing education.

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review date
To ensure all processes are administered in accordance with all relevant legislation, training will be provided and rigorous monitoring will be undertaken.	School Services	Training to be delivered prior to implementation in April 2018

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

That the proposed changes be adopted following the outcome and taking consideration of the consultation, which closed on 18 December 2017.

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

Assistant Director

Helen Jones

Date

05 December 2017

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443

email: annamarie.lawrence@medway.gov.uk

C&A: phone 1031

email: paul.clarke@medway.gov.uk

BSD: phone 2472 or 1490

email: corppi@medway.gov.uk

PH: phone 2636

email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication