

CABINET

18 DECEMBER 2018

SCHOOL ADMISSION ARRANGEMENTS 2020

Portfolio Holders:	Councillor Andrew Mackness, Children's Services (Lead Member) Councillor Martin Potter, Educational Attainment and Improvement
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Summary

Each year the Local Authority is required to undertake a consultation on the co-ordinated admission schemes and arrangements for primary and secondary schools.

The schemes set out how the Local Authority will co-ordinate the processing of applications to schools. The arrangements set out the relevant entry arrangements (oversubscription criteria and published admission numbers) for Community and Voluntary Controlled primary, infant and junior schools.

Academies, Voluntary Aided and Foundation schools undertake their own consultation on entry arrangements but must co-ordinate with the Local Authority schemes.

This report details the outcome of the consultation on the primary and secondary co-ordinated admission schemes and seeks views on the proposed 2020 admission arrangements.

1. Budget and Policy Framework

- 1.1 Medway's school admission arrangements are consistent with the requirements of the School Admissions Code, which is issued under Section 84 of the School Standards and Framework Act 1998 (SSFA 1998). There are no specific budgetary implications.

1.2 As the admission authority for Medway's Community and Voluntary Controlled schools the Local Authority is responsible for ensuring that its admission arrangements are lawful.

1.3 The aim of our admission arrangements is to ensure that the transition for children and their families is as smooth as possible, which supports the Council's priority of supporting Medway's people to realise their potential. Approval of school admission arrangements are a matter for Cabinet.

2. Background

2.1 One of the most important decisions that a parent makes is choosing a school for their child. Our aim is to ensure that the admission arrangements and schemes published by Medway Council are fair, lawful and clear.

2.2 Each year the Local Authority is required to consult on co-ordinated admission schemes and arrangements for primary and secondary schools. The schemes set out how the Local Authority will co-ordinate the processing of applications to schools and the arrangements set out the relevant entry arrangements (oversubscription criteria) for Community and Voluntary Controlled schools.

2.3 The following sections detail the changes that are being put forward. These proposed arrangements are for the academic year starting in September 2020 (with the Medway Test taking place in September 2019 for secondary admissions only).

3. Options

3.1 Secondary Admissions – co-ordinated scheme and admission arrangements

3.1.1 There are no proposed changes other than the revision of dates to fit the 2020 admission timeline.

3.1.2 All Medway secondary schools and academies are their own admission authorities and, are therefore responsible for the consultation and determination of their own admission arrangements (including their published admission number and oversubscription criteria).

3.2 Primary Admissions – co-ordinated scheme and admission arrangements

3.2.1 The only proposed change to the primary co-ordinated scheme and admissions arrangements (other than the revision of dates to reflect the 2020 admissions timetable) is as follows:

- The reduction of the Published Admission Number (PAN) for St Nicholas CE Infant School from 40 to 30 subject to the approval of the expansion of the age range to become a primary school. If such approval is not granted the PAN shall remain at 40. The introduction of a criterion (number 6) for the children of 'crown servants'.

3.2.2 In addition, the DfE have advised Medway Council that the current criterion of "children of Crown Servants" is to be changed to read as "Children eligible for

the service premium”. This change does not require consultation, as it is advice from the DfE to ensure that the admissions scheme meets the full requirements of the School Admissions Code 2014.

3.2.3 Medway primary schools and academies that are their own admission authorities are responsible for the consultation and determination of their own admissions arrangements (including their published admission number and oversubscription criteria).

3.3 Appendix 1 – provides details of the Local Authority’s proposed co-ordinated admissions schemes for secondary admissions 2020.

3.4 Appendix 2 – provides details of the Local Authority’s proposed co-ordinated admissions schemes for primary admissions 2020.

4. Advice and analysis

4.1 At the closing date of the consultation (16 November 2018) one response had been received. The response received agreed with the proposed coordinated admission schemes for primary and secondary admissions 2020.

4.2 It is likely that the lack of responses is due to the fact that the proposed change is not seen as a significant matter and will be implemented subject to the approval of the expansion of the age range at the school.

4.3 A Diversity Impact Assessment screening has been undertaken and a copy is attached as Appendix 3.

4.4 It is not envisaged that the proposed co-ordinated admissions schemes and admissions arrangements would have any adverse effect on any of the protected characteristic groups.

5. Risk management

5.1 The proposed co-ordinated admissions schemes and arrangements for 2020 admissions ensure that the Local Authority is compliant with the legislation and the School Admissions Code 2014.

5.2 The consultation has been widely publicised, giving all interested parties the opportunity to submit their comments and views on the proposed arrangements, thereby mitigating the risk of any challenge to our proposed co-ordinated admission schemes and arrangements.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Own admission authority schools can change their admission arrangements (including their published admission number) by undertaking their own consultations.	Own admission authority schools are permitted to change their arrangements through the annual consultation process	Medway Council can respond and/or object to the consultations of own admission authorities.	D 3

6. Consultation

- 6.1 Consultation has taken place with the head teachers and chairs of governors of all Medway schools, other local authorities, other admission authorities and diocesan authorities in the area.
- 6.2 A press release was also published in the local newspaper and uploaded to the news section of www.medway.gov.uk to inform parents and other interested parties that the consultation documents were available to view and respond to on the website. The consultation has been published on the Medway Council website for the duration of the consultation period.
- 6.3 The consultation period opened on 8 October 2018 and closes on 16 November 2018 (6 weeks) in accordance with the requirements of the School Admissions Code 2014 to consult for a minimum of 6 weeks
- 6.4 As at the closing date for consultation (16 November 2018) there had been one response received as set out in paragraph 4.1, agreeing with the proposed arrangements.

7. Children and Young People Overview and Scrutiny Committee

- 7.1 The Children and Young People Overview and Scrutiny Committee considered this report on 4 December 2018 and its comments are set out below.
- 7.2 The Head of Education and the Programme Lead – School Services introduced the report which set out the proposed admission arrangements for 2020. He drew the Committee's attention to the two proposed changes, as set out in section 3.2.1 and 3.2.2 of the report.
- 7.3 Members then raised a number of questions and comments, which included:
- **Summer born children** – in response to a question about the rules and options in relation to school admission of children born between 1 April and 31 August, officers explained that Medway had a specific protocol for this issue, which required parents who want to consider deferring entry of their summer born child to speak with the relevant school's Headteacher. If the Headteacher supported the parent's request, for the wellbeing of the child, then entry to school could be deferred up to the start of the following academic year.
 - **Waiting lists and school spaces** – A Member asked a question in relation to how the Council supports schools and parents in terms of managing waiting lists. Officers explained that school place offers are initially made on national offer day but that there were a number of other processes following that which may enable a change in the school places offered. Parents and carers are given the right to appeal for a school place they applied for but were not offered and they were also able to request to go on the waiting list of a school they applied. The local authority held waiting lists for each school until 31 December of the main admission round year. After this date the waiting list details were passed

to each individual school and it was then for each school to decide whether or not to maintain its waiting list as it was no longer compulsory at that point. The local authority used various methods to inform parents and carers of the options available if they are not satisfied with the school place offered on national offer day.

- 7.4 The Committee recommended the proposed admission arrangements and schemes to the Cabinet for approval.

8. Implications for Looked After Children

- 8.1 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.

- 8.2 Medway Council complies with this duty for community and voluntary controlled schools and will inform own admission authority schools where we see that their arrangements do not meet the requirements of the School Admissions Code 2014.

9. Financial implications

- 9.1 There are no financial implications arising directly from this report

10. Legal implications

- 10.1 In accordance with the requirements of the Schools Standards and Framework Act 1998, Local Authorities are required to consult each year with the governing bodies of the schools for whom it is the admission authority (i.e. Community and Voluntary Controlled schools) on the proposed admission arrangements for the following year. In addition, local authorities are required to consult with other admission authority schools (Academies, Voluntary Aided and Foundation schools), other local authorities and other relevant parties (e.g. diocesan boards). Similarly, own admission authority schools have a duty to consult on their proposed arrangements with the local authority and other parties.

- 10.2 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 sets out the procedure for Determining Admission Arrangements, which includes the manner of consultation, matters to which consultation is to relate and the timescale for consultation. All consultations must be completed by 31 January of the academic year prior to that being consulted on (i.e. 31 January 2019 for 2020 admissions).

- 10.3 Local authorities have an important role to monitor the arrangements of all schools for compliance with the School Admissions Code. Each local authority is required to report to the Schools Adjudicator on the fairness and legality of the admissions arrangements for all schools in our area. The Schools Adjudicator has a wider remit as the independent enforcer of fair access to schools.

- 10.4 The proposed arrangements require all schools to admit children with Educational Health and Care Plans (EHCP's) or Statements of Special Educational Needs, which name that particular school.
- 10.5 Medway Council and Schools must comply with obligations in regard to equalities under the Equality Act 2010, to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act. It must advance equality of opportunity and foster good relations between people. This involves removing or minimising disadvantages suffered by people, including taking steps to meet the needs of people who have a "protected characteristic" in the terms of this Act (protected characteristics for these purposes are: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation). It must encourage people from protected groups to participate in public life and other activities where their participation is disproportionately low.
- 10.6 An admission authority must not discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.
- 10.7 The Equality Act 2010 contains limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.
- 10.8 Admission authorities are also subject to the Public Sector Equality Duty and therefore must have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.
- 10.9 The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admission authorities, however, do need to consider parents' reasons for expressing a preference when they make admission decisions, though this may not necessarily result in the allocation of a place.

11. Recommendations

- 11.1 The Cabinet is asked to note the outcome of the consultation process as set out in Section 6 to the report and note the comments of the Children and Young People Overview and Scrutiny Committee as set out in Section 7 to the report.
- 11.2 The Cabinet is asked to approve the proposed 2020 admissions arrangements and schemes set out in Appendices 1 and 2 to the report

12. Suggested reasons for decision

12.1 The Council is required to undertake a detailed consultation exercise prior to the determination of its school admission arrangements and schemes.

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Appendices

- Appendix 1 - Co-ordinated admission schemes and arrangements for secondary admissions 2020
- Appendix 2 - Co-ordinated admission schemes and arrangements for primary admissions 2020
- Appendix 3 - Diversity impact assessment

Background papers

- School Standards and Framework Act 1998
<http://www.legislation.gov.uk/ukpga/1998/31/contents>
- Education Act 2002
<https://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://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School Admissions Code 2014 - 19 Dec.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf)
- Education and Skills Act 2008
<https://www.legislation.gov.uk/ukpga/2008/25/contents>