

CABINET

17 DECEMBER 2019

SCHOOL ADMISSION ARRANGEMENTS 2021

Portfolio Holders:	Councillor Mrs Josie Iles, Portfolio Holder for Children's Services (Lead Member) Councillor Martin Potter, Portfolio Holder for Education and Schools
Report from:	Ian Sutherland, Director of People - Children and Adults Services
Author:	David Watkins, Interim Assistant Director – Education and SEND

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 approval of the proposed 2021 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.

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 2021 (with the Medway Test taking place in September 2020 for secondary admissions only).

3. Options

- 3.1 *Secondary Admissions – co-ordinated scheme and admission arrangements*

There are no proposed changes other than the revision of dates to fit the 2021 admission timeline.

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*

There are no proposed changes other than the revision of dates to fit the 2021 admission timeline.

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 2021.

Appendix 2 – provides details of the Local Authority's proposed co-ordinated admissions schemes for primary admissions 2021.

4. Advice and analysis

- 4.1 The Council received 2 responses to the consultation, both of which agree with the proposed schemes.
- 4.2 It is likely that the lack of responses is due to the fact that there are no proposed changes other than the revision of dates to fit the admissions 2021 timeline.
- 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 2021 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. The consultation has been published on the Medway Council website for the duration of the consultation period and invited responses from the public.

6.2 The consultation period opened on 1 October 2019 and closed on 15 November 2019 (6 weeks) in accordance with the requirements of the School Admissions Code 2014 to consult for a minimum of 6 weeks

6.3 The Council received 2 responses to the consultation, both of which agree with the proposed schemes.

7. Children and Young People Overview and Scrutiny Committee – 3 December 2019

7.1 The Children and Young People Overview and Scrutiny Committee considered this report at its meeting on 3 December 2019. The draft minutes of the discussion are outlined below.

7.2 The Programme Lead – School Organisation and Capital Services introduced the report which detailed the outcome of the consultation on primary and secondary co-ordinated admission schemes and the proposed 2021. There were no changes proposed in either scheme, other than the revision of dates to fit the 2021 admission timeline.

7.3 Members then raised a number of comments and questions, which included:

- **Registering children for the Medway Test** – A Member referred to section 12 of the Co-ordinated Scheme for Secondary Admissions (Appendix 1 to the report) and reported about an issue where a constituent had registered their child for the Medway test but there had been an error, either by the parent or the system, and the registration was not completed. He explained this had been flagged, approximately one week before, but there had been no flexibility in enabling the child to sit the test. He referred to section 12 of Appendix 1, which stated decisions about late registration would be the discretion of the Service's Management Team and would only be allowed in exceptional circumstances. He wondered if this could be reviewed going forward to be more flexible under such circumstances. The Programme Lead explained that he was not aware of the case but had only very recently gained management responsibility for admissions following the departure of the previous manager. He explained that policies would be reviewed going forward and the possibility of this would be considered.
- **Grammar School Places** – A Member asked about the 23% of pupils allocated a grammar school place and how this compared with places available. Officers confirmed that demand for grammar school places exceeded supply when children living just outside the Medway boundary were included. The point was also made that some children were travelling from much further away and officers acknowledged this but explained that the last grammar school to include the Medway Test score as part of their oversubscription criteria would cease to do so in 2020. Although this would take some time to fully have an impact due to sibling links, this would help to prioritise Medway children for Medway grammar schools.

7.4 The Committee noted the report and recommended the proposed 2021 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 2020 for 2021 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 2021 admissions arrangements and schemes set out in Appendices 1 and 2 to the report.

12. Suggested reasons for decisions

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

Lead officer contact

David Watkins, Interim Assistant Director, Education and SEND
Children's Services, Level 4, Gun Wharf
david.watkins@medway.gov.uk

Appendices

Appendix 1 - Co-ordinated admission schemes and arrangements for secondary admissions 2021

Appendix 2 - Co-ordinated admission schemes and arrangements for primary admissions 2021

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 –

<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>