

## **CABINET**

**14 DECEMBER 2021**

### **SCHOOL ADMISSIONS ARRANGEMENTS 2023**

Portfolio Holder: Councillor Mrs Josie Iles, Portfolio Holder for Children's Services  
– Lead Member

Councillor Martin Potter, Portfolio Holder for Education and  
Schools

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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 Cabinet approval of the proposed 2023 admissions 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 2023 (with the Medway Test taking place in September 2022 for secondary admissions only).

## 3. Options

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

#### 3.1.1. The proposed changes to the 2023 secondary admission arrangements are:

- the revision of dates to fit the 2023/24 admission timeline
- removal of the Medway Test late registrations deadline
- change of Medway Test results publication from 4pm Monday 3 October 2022 to 10am Tuesday 4 October 2022
- change of deadline for schools to provide work for Medway Test review from 10am 12 October 2022 to 4pm 11 October 2022
- definition of looked after/previously looked after children updated to reflect changes to School Admissions Code September 2021. The definition now includes those who appeared to be in state care outside of England.

- 3.1.2. All Medway secondary schools 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 proposed changes to primary admissions 2023/24 are:

- the revision of dates to fit the 2023/24 admission timeline.
- definition of looked after/previously looked after children updated to reflect changes to School Admissions Code September 2021. The definition now includes those who appeared to be in state care outside of England.
- reduction of the published admission number at Crest Infant School from 90 to 60 due to falling demand in the part of Rochester where the school is located.

3.2.2. 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 2023.

3.3.1. Appendix 2 to the report provides details of the Local Authority's proposed co-ordinated admissions schemes for primary admissions 2023.

#### 4. Advice and analysis

4.1. The Council received 13 responses to the consultation.

4.1.1. 10 of the responses were from schools (9 secondary and 1 primary) objecting to a proposal to close the Year R and Year 7 main admissions processes on 31 August 2023 instead of 31 December 2023. The remaining three responses, all from primary schools, supported the proposal.

4.1.2. After considering the responses, where 50% of secondary schools objected and only 3% of primary schools supported the proposal, officers recommend the date remains 31 December as in previous years.

4.2. A Diversity Impact Assessment has been undertaken – please see Appendix 3.

4.3. 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 2023 admissions ensure that the Local Authority is compliant with the legislation and the School Admissions Code 2021.

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 2021 and closed on 12 November 2021 (6 weeks), in accordance with the requirements of the School Admissions Code 2014 to consult for a minimum of 6 weeks.
- 6.3. 13 responses were received to the consultation, a summary of which is set out in section 4 of the report.

## 7. Climate change implications

- 7.1. Officers do not anticipate the admissions process outlined in the proposed scheme will have a negative impact on climate change.
- 7.2. Over 99% of admissions applications are submitted online and all applications are processed electronically. Other than the < 1% of applications received in hard copy, the admissions process is paperless.
- 7.3. Officers are currently considering ways of reducing the Medway Test's carbon footprint.

## 8. Financial implications

- 8.1. There are no financial implications arising directly from this report.

## 9. Legal implications

- 9.1. 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.
- 9.2. 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 2022 for 2023 admissions).

- 9.3. 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.
- 9.4. 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.
- 9.5. 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.
- 9.6. 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.
- 9.7. 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.
- 9.8. 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.
- 9.9. 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.

## 10. Recommendations

10.1. The Cabinet is asked to note the outcome of the consultation process as set out in section 6 of this report and to agree the amendments to the admissions arrangements for 2023 as set out in section 3 of the report and to approve:

a) The co-ordinated scheme for admissions to secondary schools 2023 (Appendix 1).

b) the co-ordinated scheme for admissions to primary schools 2023, incorporating the admissions arrangements for Community and Voluntary Controlled schools (Appendix 2).

## 11. Suggested reasons for decisions

11.1. Approving the proposed admissions arrangements would ensure that the Council meets its statutory duty to comply with admissions legislation.

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### Appendices

Appendix 1 - Co-ordinated admission schemes and arrangements for secondary admissions 2023

Appendix 2 - Co-ordinated admission schemes and arrangements for primary admissions 2023

Appendix 3 - Diversity impact assessment

### Background papers

- [School Standards and Framework Act 1998](#)
- [Education Act 2002](#)
- [The School Admissions Code September 2021](#)
- [Education and Skills Act 2008](#)