

**Report for:** Cabinet - 09 February 2016

**Item number:** 11

**Title:** Determination of the council's School Admission Arrangements for the academic year 2017/18

**Report authorised by:** Chris Kiernan, Interim Assistant Director, Schools and Learning

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**Ward(s) affected:** All

**Report for Key/**

**Non Key Decision:** Key

## 1. Describe the issue under consideration

- 1.1. To continue to meet statutory requirements the Cabinet are requested to determine the proposed admission arrangements for the school year 2017/18. These arrangements are in respect of the borough's community and voluntary controlled schools (VC). Recommendations below (paragraph 3) also ask Cabinet to agree to their publication on or before 15 March 2016 on the council's website, such details to include advice on the right of objection to the Schools Adjudicator.
- 1.2. The proposed admission arrangements for community and voluntary controlled (VC) **primary** schools included a proposed change to the sibling priority criterion which would restrict sibling priority to those children living within 0.5 miles of the school if the family moves home between admission of the first child to the school and any subsequent children. Those families who have not moved since the last sibling was admitted or for whom the last sibling was admitted prior to September 2017 would be exempt from this restriction.
- 1.3. On 29 October 2015 the Cabinet Member for Children and Families agreed that statutory consultation is carried out between 13 November 2015 and 31 December 2015 on the proposed admission arrangements.
- 1.4. This report provides details on and an analysis of the representations received on all of our admission arrangements and makes recommendations on those proposed admission arrangements at paragraph 3 below.

## 2. Cabinet Member Introduction

- 2.1 As a result of a very full consideration of all this, the paper recommends to Cabinet that we should not change the sibling criterion and the full range of reasons is given in the paper. The Consultation responses were fairly evenly divided for and against, but with a slightly greater proportion supporting a change to the criterion and with the single most responses coming from the N8 area.
- 2.2 However the reasons for deciding against the change are that the EqIA assesses the likely results of such a change as impacting adversely on protected groups, and the fact that the numbers seeking places in reception classes in future years is now projected to diminish so that the pressure on oversubscribed schools will reduce. Indeed there are still places in current Reception classes in Muswell Hill and Crouch End.
- 2.3 To address some of the concerns raised in the consultation we will be establishing more ways for concerned parents to inform the authority if they believe that other parents are using fraudulent ways of getting their children into their chosen school.

## 3. Recommendations

### 3.1 Cabinet are asked to:

- Agree the recommendation set out in this report not to proceed with a change to the sibling criterion for the borough's primary community and VC schools;
- Determine the Council's admission arrangements for the academic year 2017/18 as set out in Appendices 1- 6. These appendices include a retention of the existing sibling criterion for primary community and voluntary controlled (VC) schools for the academic year 2017/18 (Appendix 2);
- Determine that the co-ordinated schemes for Reception and Year 7 admissions remain unchanged from 2016/17;
- Agree the in-year fair access protocol (IYFAP) as set out in Appendix 5 to come into force from 1 March 2016
- Agree that the determined arrangements for all maintained primary and secondary schools in the borough are published on Haringey's website by 15 March 2016 with an explanation of the right of parents, under the School Admissions (Admission Arrangements and Co-

ordination of Admission Arrangements) Regulations 2012, to object to the Schools Adjudicator in specified circumstances<sup>1</sup>.

#### 4. Reasons for decision

- 4.1. The School Admissions Code 2014 requires all admission authorities to determine admission arrangements every year, even if they have not changed from previous years and thus a consultation is not required. Regulation 17 of the School Admissions Regulations 2012 also requires admission authorities to determine admission arrangements by 28 February in the determination year.
- 4.2. In addition, the Regulations require the admission authority (in this case the local authority) to publish on its website by 15 March in the determining year the determined arrangements of all maintained primary and secondary school and academies in the borough, advising the right to object to the Schools Adjudicator, where it is considered that the arrangement do not comply with the mandatory provisions of the School Admissions code 2014.
- 4.3. Haringey consults on its admission arrangements annually irrespective of whether or not there is a proposed change to the arrangements. This is to ensure transparency and openness on the contents of the admission arrangements and to allow parent/carers and other stakeholders to make representations which can then be considered as part of the determination of the arrangements.
- 4.4. This year we consulted on one material change to the admission arrangements for the borough's **primary** community and voluntary controlled (VC) schools. This change is to the sibling over subscription criterion with the change seeking to limit admission of sibling(s) to any oversubscribed school **if** the home address changes between admission of the first child and subsequent child(ren) and that change is to a distance further than 0.5 miles when measuring home to school distance. This change would only apply where the first child is on roll at the school on or after 1 September 2017.
- 4.5. The proposed change to the criterion was to seek to ensure that local places are available for local families and to guard against any parent or carer that may seek to rent a home close to a school on a short term basis in an attempt secure a school place at that school, thereafter returning to their permanent address which is some distance from the school, and so limiting the number of places available to local children in future years when the sibling(s) of that first child are admitted under the current sibling criterion.
- 4.6. In beginning the consultation we were aware of the risk that the change might bring i.e. that it *may* impact on those families where a change of address is outside of their control (e.g. if they are in temporary accommodation or are being evicted by a landlord) or due to an unforeseen change in circumstances necessitating a house move e.g. the breakdown of

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<sup>1</sup> Paragraphs 19 – 24 of the Regulations

a relationship. We were also aware that it could also potentially influence a family's decision to move home for other more personal reasons such as a preference for a smaller or larger home. An equalities impact assessment (EqIA) is included at Appendix 8 and has ascertained that the proposed change will be likely to have an impact on protected group of race and sets out whether there are steps that can be taken to mitigate against such an impact. The findings of the EqIA are summarised below in paras 6.42 to 6.45.

## **5. Alternative options considered**

- 5.1. Consultation on the proposed change to the sibling criterion arises as a result of views from parents and carers in the borough that local places should, as far as possible, be retained for families that continue to live locally to a school after their first child has been admitted on roll at that school. We have heard a number of concerns over several years from families who have told us that they have been unable to access a local school under the distance criterion because a proportion of its roll is filled with children of families who no longer live locally but who have benefited from the sibling criteria which prioritises admission for their second and any subsequent children.
- 5.2. So as to seek wider views on whether a change to the sibling criterion should be made a decision was taken in October 2015 (via a Cabinet Member signing) to consult on a change that would ensure some retention of local places for local families by limiting admission of siblings when the family no longer lives in the area local to the school. We undertook to consider representations received through this consultation and to balance these alongside other material considerations, including the findings of an Equalities Impact Assessment (EqIA) and the continued supply of and demand for school places across the borough and any other measures we could enhance or introduce that would support the offer of places to families whose only or main residence is a local one.
- 5.3. While there are other ways admission arrangements can influence the allocation of school places set out in the Schools Admissions Code 2014 (e.g. designated catchment areas or identified feeder schools) no alternative criterion were being considered at the time of the consultation or when writing this report.
- 5.4. There is a statutory requirement on all admission authorities to determine their admission arrangements each year and for those arrangements to be consulted on if there is a proposed change or at least once every 7 years if there has been no change in that period.

## **6. Background information**

- 6.1. For ease of reference the following information is included in paragraph 6:

Introduction	Paragraphs 6.2 – 6.8
Nursery	Paragraph 6.9
Secondary transfer	Paragraph 6.10
In Year applications	Paragraph 6.11
Sixth form	Paragraph 6.12
In Year Fair Access Protocol (IYFAP)	Paragraph 6.13
Proposed change to the sibling oversubscription criteria	Paragraphs 6.14 to 6.41 inclusive and referred to in other paragraphs
Equalities Impact Assessment (EqIA)	Paragraphs 6.42 – 6.45 and referenced throughout the report
How we seek to ensure places are allocated fairly	Paragraph 6.46
Address verification procedures	Paragraph 6.47 – 6.57
Conclusion	Paragraphs 6.58 – 6.74

- 6.2. Ensuring there is a transparent and objective school admissions process is a statutory and integral part of the Council’s work. Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies do not discourage parents from applying for a place for their child.
- 6.3. The council is the admissions authority for community and voluntary controlled (VC) schools within the borough and so is responsible for determining the admission arrangements for these schools.
- 6.4. Academies, foundation schools and voluntary aided schools are their own admissions authority; they must consult on and then determine their own admissions arrangements by 28 February 2016. The council has a statutory duty to monitor the arrangements determined by own admitting authority schools to ensure compliance with the School Admissions Code 2014. This report does **not** deal with admission arrangements for any academies, foundations or voluntary aided schools.
- 6.5. All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than there are places at the school.
- 6.6. Admission authorities are responsible for admissions and must act in accordance with the School Admissions Code 2014 (hereafter referred to as

the Code), the School Admission Appeals Code (2012), other laws relating to admissions, and relevant human rights and equalities legislation.

- 6.7. The proposed arrangements for the following settings are the same as those arrangements agreed for the school year 2016/17 (agreed 2014):
- Nurseries
  - Secondary transfer
  - In-year admissions for Haringey community and VC schools
  - Sixth Form

### **Consultation**

- 6.8. We received a limited number of representations in respect of the proposed arrangements for the settings in para 6.7 above when compared with the representations received in respect of a change to the sibling criterion. A summary of the representations is set out below.

### **Nurseries**

- 6.9. The representations received in respect of nurseries were broadly in agreement with the admission arrangements. Several representations said that nursery and reception arrangements should be the same so that children could move from nursery to reception within the same school. Reference was made to the lack of funding and enormous cuts that Children's Centres have been subjected to. One representation wanted more nurseries to be opened that are attached to schools while one representation argued that full time working parents don't use school nurseries because of the need for a greater number of hours a week child care.

### **Secondary transfer - (community schools)**

- 6.10. Representations received to the admission arrangements for our community secondary schools were broadly supportive with some parents and carers asking that a revised sibling criterion (for families that move) be applied to secondary schools too. One representation argued that a sibling criterion shouldn't apply at all to secondary schools because children of this age are more independent, including in travel to school. One representative said that Haringey residents should be given priority (which would be illegal) while another said that catchment areas should be designated. There are also a representation asking for priority to siblings of sixth formers and siblings of former pupils.

### **In year arrangements**

- 6.11. One representation argued that families should not take their child out of a local school if they moved as it was destabilising for school and pupil. There were other representations seeking clarity on the in year admissions and any sibling criterion; otherwise the representations generally made no comment on this part of our arrangements.

### **Sixth form**

- 6.12. Some representations asked that those who have previously attended the school at years 7 – 11 should be given priority to the sixth form if they

achieve the required GCSE or other grades. A representation said that children should have access to a local school and one representative asked for the admission arrangements for sixth forms to be in plain English.

### **IYFAP**

- 6.13. We also consulted on our in year fair access protocol (IYFAP). The protocol seeks to ensure vulnerable children without a school place are placed quickly and equitably across all of the borough's schools and primary and secondary IYFAP panels meet regularly to implement the protocol and place children. There is one change proposed for the protocol – at paragraph 23 it states that in cases where a child does not return to their previous Haringey school, that school will have the value of one child debited from their comparative IYFAP statistics, to reflect the loss of that child from the school's roll. A small number of representations were received in respect of the protocol. This is set out in Appendix 5 to this report but in summary the representations support the provisions of the protocol and acknowledges that it works well in supporting a swift entry of hard to place and vulnerable young people onto a school roll.

### **Proposed change to the primary sibling oversubscription criterion**

- 6.14. The increase in Haringey's population and the rising popularity of some Haringey schools has meant there has been a rising pressure for places at some of our primary schools. In some oversubscribed schools there are a minority of parents moving away from the local area after their first child has been admitted to a local school but subsequently gaining admission for their younger children under the current sibling admissions criterion, thereby reducing the number of places available for local applicants when their first child is due to start reception.
- 6.15. We have consulted on limiting prioritisation under the sibling criterion to those families who continue to live locally **after** their first child has been admitted to the school. Under this change families who move away (further than 0.5 miles) from the local area once they have secured a place for their first child would not gain priority for any subsequent child(ren) under the new criterion.
- 6.16. The proposed change to this criterion included an exemption for children who already have sibling(s) at a community or voluntary controlled school as of 31 August 2017. The proposed criterion would allow for siblings of existing pupils at oversubscribed schools not to be affected as the council recognises that the decision to change address was made on the basis that under the existing criterion places for younger siblings were secure. This criterion, if agreed, would therefore only take effect where the first child in the family joins a school on or after 1 September 2017.
- 6.17. The change was proposed with the aim of providing a better balance between maintaining a family link for families with children already at Haringey schools and ensuring as far as possible that there continues to be places available for local families at local schools.

- 6.18. Some families in the borough believe that introducing a maximum home to school distance linked to siblings (which is a criterion already evidenced in other authorities' admission arrangements e.g. Wandsworth and Hackney, and with Waltham Forest<sup>2</sup> consulting on a similar change for 2017/18), will ensure the ongoing availability of places for local families and act as a deterrent to any short-term rental to gain access to a particular school.
- 6.19. Following the Cabinet Member for Children and Families' approval on the 29 October 2015, a statutory consultation was carried out from the 13 November 2015 to 31 December 2015 to invite views on all proposed arrangements including the proposed change to the primary sibling criterion. Representations received as part of the consultation are set out below. These representations are balanced against other material considerations including the potential impact of a change on the protected groups<sup>3</sup>, demand for and supply of school places and any other admission procedures that might have an impact on how applications are processed.

**Proposed admission arrangements for community primary and VC schools 2017/18<sup>4</sup>**

- 6.20. We have received a total of 239 representations both for and against the community primary and VC arrangements, with a greater proportion of the responses supporting a change to the sibling criterion. Headline information shows that the responses can be broadly categorised into the following three groups:

<b>In favour of change</b>	<b>Opposed to change</b>	<b>Neutral</b>
56% <sup>5</sup>	44%	1%

- 6.21. Below is a summary of what the representations told us, depending on whether the representation was in favour of, opposed to or neutral in respect of the proposed criterion change. A comprehensive report setting out the representations received can be viewed at Appendix 9. It is the information contained in this Consultation Report that has been used to inform this Cabinet report and the information in paras 6.22 to 6.24 below contains only a summary of these representations.

- 6.22. In favour of the proposed change to the criterion  
 Those stakeholders who supported a change to the criterion made a number of representations. There was an agreement that the criterion change would help to secure local places for local children and was fair; that the criterion change would tackle fraudulent applications and that older siblings should be offered a school place in a new school local to the family's new address. Stakeholders told us that parents who move out of a local area should have to reapply for their school places and that local children shouldn't be denied a school place in favour of siblings living much further away. It was felt that

<sup>2</sup> Waltham Forest is consulting on a criterion that proposes that children with a brother or sister on roll in Reception to Year 6 at the time of the proposed admission up to a distance of 0.5 miles from the school if the family has moved since the last sibling was offered a place.

<sup>3</sup> Protected groups or "characteristics are set out in The Equalities Act 2010

<sup>4</sup> Appendix 8 of this report provides a full analysis of the representations received.

<sup>5</sup> Numbers rounded up



local pupils and families can contribute more to a school and local families would alleviate traffic issues and encourage walking to school. some parents and carers felt that the sibling criterion should also apply to secondary schools, that the distance defined as “local” should be reduced to 0.3miles, and that the policy should be applied retrospectively i.e. should apply to families with a child in the school before 2017. Finally some stakeholders put forward information that they knew of many families who had engaged in fraudulent activity although no further evidence on this was submitted as part of their submission.

6.23. Opposed to the proposed change to the criterion

Those opposed to the criterion change have said that it is impractical, that it will penalise those who want to move to a larger property, that it will lead to multiple drop offs for parents and that the distance of 0.5 miles should be increased. We have been told that only the wealthy can afford family homes in the “right catchment area” and that it is unfair to parents that divorce/spilt up and are forced to move or who have to rent or are in temporary accommodation. Stakeholders have told us that a change would penalise families who have based decisions on existing rules and that it won’t help prevent people to deliberately make a temporary move. It will disadvantage families who are forced to move through unreasonable landlords, rising rents or when they are given notice to move. There has also been concern expressed that families are forced to move because of expanding families, domestic violence and rising rents/house prices. There is concern that the criterion will inflate house prices close to (0.5 miles) oversubscribed schools, that faith schools will continue to take the siblings of local families, that faith schools are maintained but exclude some, that 0.5 miles is too random and should be linked to demand for an individual school and that the proposal is too blunt. A one mile distance has been suggested and there is concern that the proposal discriminates against larger families and is unfair to those who don’t already live near a school. Finally we have been told that Siblings should always get priority and that the criterion would result in indirect discrimination as those less established communities in the borough are likely to rent and those who rent are more likely to be from ethnic minority backgrounds.

Neutral to the change to the criterion

6.24. Neutral representations included a plea that it shouldn’t apply to secondary schools, that 0.5 miles was too generous, that the criterion change doesn’t go far enough and doesn’t tackle “previous fraudsters”. We also received representations that the stopping of renting a second home should be a priority, that the criterion should only apply to out of borough moves, that exceptions should be made for children from vulnerable families and that there should be priority catchment areas for those parts of the borough where fewer families get their first preference.

6.25. Below is a consideration of whether the benefits of the proposed change outweigh the potential disadvantages that might be caused to impacted families. The proposed change would significantly reduce the likelihood of younger siblings gaining admission to a school where the family have subsequently moved some distance away from the school following the admission of the older sibling(s) where the older sibling was admitted after

September 2017. However, if the existing policy is retained, some local families will continue to be disadvantaged by families who retain sibling priority for places at local schools despite having moved away.

- 6.26. In determining whether or not to proceed with a change to the criterion relating to siblings the consultation carried out provides one of a number of material considerations. The consultation provided the opportunity to seek stakeholder views on changing the sibling criterion to limit admission where a change of address occurs between the admission of siblings.
- 6.27. Paragraphs 6.22 to 6.24 above set out the representations received categorised into those supporting, those against and the neutral representations we received. Appendix 9 to this report contains a more detailed analysis of the representations. Below is a headline analysis of those representations followed by an analysis of other material considerations including the findings from the EqIA, the demand for and supply of places in the borough including furthest distance offered, location of oversubscribed schools, council strategies and policies, and consideration of the benefits and losses if the change to criterion is made.
- 6.28. A greater proportion of respondents (56%) were in favour of a change to the criterion but there were a significant proportion of respondents who opposed the change (44%).
- 6.29. The highest return rate for the consultation came from those living in N8. 31% (74) of the 239 respondents live in N8, while 22% of the respondents live in N10. Together these postcodes make up 53% of the returns. The third highest return was from N22 (39 responses – 16%) raising the percentage of representations from these three postcodes to 69% of the overall responses.
- 6.30. Our records show that the following schools are our most heavily oversubscribed (i.e. year on year over a five year period there has consistently been more first place preferences for the school than there are places available in the reception year (published admission number or PAN):

Planning Area	Schools
1	Rhodes Avenue Primary N22, Coldfall Primary N10, Muswell Hill Primary N10
2	Coleridge Primary N8, Weston Park Primary N8, St Aidan's VC Primary N4, St Michael's CofE Primary N6
3	Chestnuts Primary N15, South Haringey Infant N4, St John Vianney RC Primary N15
4	Lea Valley Primary N17
5	Belmont Infant N22

Table 1: Schools oversubscribed year on year based on first place preferences only

- 6.31. We have a number of other schools that are very popular and are consistently oversubscribed when taking into account total preferences made, but the schools set out above have been oversubscribed for the last five years in every single year, taking into account first place preferences only.
- 6.32. The location of our oversubscribed schools reflects very broadly the location of our highest number of responses from a postcode perspective. This is not unexpected as it will be families in those areas that feel the greatest pressure in securing a school place or preference given the popularity of the schools local to their home address.
- 6.33. An analysis of responses by postcode shows a split between those from the same postcode with no consensus of opinion on the criteria in discrete areas across the borough. Table 2 below sets this out.

Respondent	Strongly agree	Agree	No opinion / No	Disagree	Strongly disagree	Total
E2	-	-	-	1	-	1
N10	20	7	1	7	18	53
N11	3	1	1	-	4	9
N15	4	-	-	-	-	4
N17	2	-	-	1	1	4
N19	3	1	-	1	-	5
N2	6	1	-	-	1	8
N22	12	7	-	2	11	32
N4	2	1	-	2	2	7
N6	3	2	-	2	-	7
N8	37	8	1	6	22	74
No response	8	3	2	7	15	35
<b>Total</b>	<b>100</b>	<b>31</b>	<b>5</b>	<b>29</b>	<b>74</b>	<b>239</b>

Table 2 - Source: Haringey Education Services 2015

6.34. The responses by postcode show that in those areas where our most heavily oversubscribed schools are (N10, N8, N22, N15 and N4) the responses are split:

Postcode	Number of heavily oversubscribed schools	For	Neutral	Against
N10	2	27	1	25
N8	2	45	1	28
N22	2	19	0	13
N15	2	4	0	0
N4	1	3	0	4
N17	2	2	0	2
N6	1	5	0	2

Table 3: For and against change to the sibling criterion by postcode (Source: Haringey Education Services 2015)

6.35. The above table shows that it is primarily in the N8 area where the proportion of respondents in favour of the proposal is significantly higher than those against the proposal – 45 respondents in favour (60% of the total N8 respondents) compared with 28 against (38%). To a lesser extent there is also disparity in the representations coming from an N22 postcode – 19 supporting the proposal and 13 against it.

6.36. Balanced against the responses below is:

- a) An analysis of the current availability of places in the borough, including those areas where schools are popular and oversubscribed, and
- b) the distance that local families are being allocated a school place. In terms of supply of reception places, as of 8 January 2016 the following reception places were available in the following post codes (where schools are oversubscribed).

Postcode	Reception Vacancies as at January 2016	Vacancies as at National Offer Day - after all preferences had been offered	Vacancies as at National Offer Day - after both preferences and allocations had been offered
N4	4	0	0
N6	0	0	0
N8	2	7	0
N10	6	15	0
N11	0	0	0
N15	23	96	70
N17	83	185	153
N22	28	63	2
<b>Grand Total</b>	<b>146</b>	<b>366</b>	<b>225</b>

Table 4: Reception vacancies in oversubscribed postcodes in the borough (source: Education Services data as of January 2016)

- 6.37. Given the above vacancies which although concentrated in the east of the borough, do show some capacity in those areas where pressure is high, it does suggest that the dissatisfaction expressed from families is not that they cannot get a local school places, but rather that they cannot get a school place in a particular school.
- 6.38. In terms of furthest distance offered, table 5 below sets out the furthest distance offered for our most oversubscribed schools as well as the distance offered to the furthest sibling. These figures are also categorised into Planning Areas.

Most heavily oversubscribed schools (Oversubscribed from only 1st preferences for the past 5 years)	Planning Area	Average distance of children offered under Sibling criterion (miles)	Distance of furthest offer under Sibling criterion (miles)	Number of children offered under Sibling criterion living further than 2 miles from the school
Coldfall	PA1	0.5636	3.361	2
Muswell Hill		0.3580	1.7139	0
Rhodes Avenue		0.4232	0.7817	0
Coleridge	PA2	0.6014	3.6932	4
St Aidan's VC		0.4738	1.7169	0
St Michael's CofE (N6)		0.5227	1.8443	0
Weston Park		0.4479	1.2789	0
Chestnuts	PA3	0.5003	1.5763	0
South Harringay Infant		0.5498	2.087	1
St John Vianney RC		0.6930	1.9052	0
Lea Valley	PA4	0.6395	3.5823	1
Belmont Infant	PA5	0.2768	1.4206	0

Table 5: further distance offered (source – Education Services data)

6.39. The final column in table 5 above also sets out the number of families where the sibling being offered a place lives more than 2 miles from the school. A reasonable home to school walking distance is set out in the Education Act 1996 (section 444). The Act defines walking distance as: “in relation to a child who is under the age of eight, means 3.22 kilometres (two miles). This distance is measured “by the nearest available route” while the distances we have quoted above are as the crow flies. Nonetheless the above table gives a very good indication of the small number of families who live more than two miles from the school their children attend and are hence no longer considered to live within a reasonable walking distance of the school.

6.40. In the Cabinet Member signing report (October 2015) that recommended consultation on the sibling criterion we set out the number of places per planning area that would have become available *if* the sibling criterion had been applied to reception admissions for September 2015 entry. The total was 88 places across the borough, with 29 of those places being made available in Planning Area 2 (Crouch End/Highgate/Hornsey/Stroud Green). The report set out the necessary health warning to the 88 places figure – that we aren’t able to ascertain the reason for each of the 88 moves and whether there is an element of choice, necessity, a result of changes beyond the family’s control or if any of the moves was based on using an address to secure an advantage in accessing a school place.

6.41. The paragraphs below under the subheading “Address verification” (para 6.44 onwards) sets out enhanced measures we are seeking to introduce to remove any ways in which families might try to use an address to gain an advantage. These measures are part of our ongoing work in Education

Services to ensure that every single school place in the borough is offered based on the highest standards of fairness and equity.

### **EqIA**

- 6.42. The EqIA concluded that race would be the protected characteristic that would be most impacted upon by any change to the criterion. We know that there could be a number of reasons for a change of address between admission of first child and subsequent sibling (list not exhaustive):
- Downsizing or upsizing through choice or circumstance
  - Relationship breakdown
  - Move to secure an improvement in living conditions
  - Changes in private rental agreement
  - Economic changes
  - Temporary housing change
  - Move to gain advantage to a school place
- 6.43. Whilst a change in the sibling criterion might address those who secure an address solely for access to a school place, such a change in criterion would also place restrictions on those who want to move for family and personal reasons as well as for those for whom a move is outside or limited by their control.
- 6.44. Most critically there would be an impact on those families in the rented sector where tenure is not wholly controlled by the tenant and where a sudden move can be enforced as opposed to chosen. Using Household reference persons data from the 2011 Census we can determine the type of housing tenure by ethnicity within Haringey. From this we can conclude that the most vulnerable group with regards to security of housing tenure are likely to be “Other White”. Over 50% (or 11,640) of the “Other White” households in Haringey are in privately rented accommodation. This is a far higher percentage than those in the other ethnic categories. This category has the highest representations in the following groups - Polish (9,179), Turkish (7,359), Other Western European (6,337), European Mixed (5,946) and Other Eastern European (5,156). Also included are Kurdish (2,045) and Baltic States (1,013).
- 6.45. There is little mitigation that could be carried out to lessen or remove the impact on this protected characteristic save for the use of a social criterion to allow admission of a child to a particular school where it can be shown that a change in home address was enforced by circumstances outside the family’s control. The reality and time constraints of applying this criterion in a fair and consistent way however would be considerable and open to both abuse and to unfairness in its application.

### **How we seek to ensure school places are allocated fairly and transparently**

6.46. 26 of the 236 responses we received to the consultation told us that they were concerned that applicants were gaining places through the use of a short-term rental address. In recent years Admissions have also been made aware of representation from residents that priority of admission should be given on the basis of length of residence or a minimum period of residence. It is not currently proposed to make any revisions to give priority to an applicant based on the time spent at an address and there would be concerns about the legality of such practice in relation to the Code as well as the potential to discriminate against those for whom a move is forced, as well as against the freedom of families to move within or outside of a local area to satisfy their own lifestyle requirements. New arrivals in the area should not be disadvantaged from having equal access to a local school place and it is considered that the council's enhanced processes to verify permanent addresses as set out below in para 6.48 (address verification) will significantly address the concerns about the alleged practise of short term rentals.

#### **Address verification procedures**

6.47. Haringey Council must operate an equitable address verification policy for all school admission applications. Haringey's policy is set out on page 11 of our Primary Admissions Booklet and includes an explicit warning that rigorous checks are carried out to verify the information provided on an application form and that if any conflicting information comes to light later in the process that the offer of a place may be withdrawn. Parents must sign a declaration on the application form confirming the accuracy of the information they have provided and Haringey must be satisfied that the address given is the family's permanent home address<sup>6</sup>.

6.48. The issues of short term renting and/or giving potentially false or misleading information to secure a school place are not new to Haringey or to any admission authority. However, there have been increased concerns raised about these matters over the past year, albeit almost exclusively from N8 residents in the area of heavily oversubscribed schools such as Coleridge and Rokesly Infants. These schools have seen a reduction in their cut off distance<sup>7</sup> primarily because the area immediately surrounding these schools has become more densely populated with families of reception aged children requesting a place at their local school. Another contributing factor has been the small rise in the number of children with siblings attending these schools.

6.49. These factors together with postings on social media regarding sufficiency in the N8 area has caused concern amongst parents, including parents of pre-school aged children, in the area aiming to seek access to local school places.

6.50. There has been an increasing amount of anecdotal evidence submitted to the council on the alleged practise of moving temporarily to gain access to a preferred school. All allegations from the public are investigated within the constraints of the information made available and the contingencies of

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<sup>6</sup> Home address is defined as the child's only or main address.

<sup>7</sup> Cut of distance is defined as the distance of the last child offered a place at the school



Education Services. However on many occasions such evidence is anecdotal and is not backed up by information that means that further investigation can be carried out. Further it is not always apparent (and nor should it be) that allocation of a school place may not be based on a sibling of on home to school distance but rather on the higher criteria of special needs (SEN), looked after children (LAC) or social/medial criterion.

6.51. The council aims to secure the highest verification procedures and to continually strengthen practise and wording to secure this. Currently the council includes wording in the Admissions Booklet (page 11) to emphasise that only a permanent home address will be used, specifically that:

- a) The address given on the application form must be the one at which the child is living permanently on the closing date for applications
- b) Parents are not permitted to use a temporary address to secure a school place for the school. An address of another family member or another adult such as a childminder will not be accepted. Proof of address will be sought if there is any doubt about the validity of the address given and may be the subject of further investigation
- c) If a family move into a property temporarily to increase the chances of gaining a school place, Haringey will use the permanent residence for the purpose of the application.

6.52. In acknowledgement of the concerns raised from local residents on the issue of short term rentals, Haringey Council will ensure that officers will continue to work closely with and seek to enhance practices with the school admission staff in our schools to ensure additional address verification processes continue after places have been offered. Where discrepancies arise after offers have been made, officers will provide assistance to schools in advising on the sufficiency of evidence for the withdrawal of a school place.

6.53. For any oversubscribed school(s) where the issue of short term rentals or the false use of addresses is considered to be a particular risk, officers will use information from schools about commonly used addresses and will interrogate council tax records to determine where families may have moved into a property in recent months. Checks are already run across addresses to see if they have been used by families in previous years and to understand if applications from such addresses are likely to be the subject of legitimate applications or the use of an address to secure advantage. Such applications will be subject to more intensive scrutiny with detailed enquiries about the address history of a family as appropriate. The actions outlined above, whilst constituting a continuing strengthening of practice, do not represent a change in admissions policy and do not require formal consultation.

6.54. It should be noted that an objection to another London borough authority's rejection of the use of a temporary address was referred to the Schools

Adjudicator<sup>8</sup> who rejected the appeal and upheld the local authority's stance on not accepting a temporary address for the purposes of allocating a school place. The council takes its responsibilities in seeking to ensure fairness in the school admissions process very seriously and is doing all it can to discourage the actions of a small minority of applicants that seek to use methods that secure an advantage in accessing a school place.

- 6.55. The Schools Adjudicator has recently published her report for the period September 2014 to August 2015. The report records the progress made by admission authorities in England in complying fully with the School admissions code on consulting, determining and publishing their arrangements to promote fair access for all children. Paras 166 – 168 of the report are concerned with fraudulent applications. The report, while acknowledging that the number of known fraudulent cases across England remains very small in terms of reported numbers of cases, does set out a 53% increase in the number of offers withdrawn across the country when compared with previous years.
- 6.56. Haringey's verification checks are an ongoing process from the point at which an application is made and we are able to address suspected fraudulence at this early stage before the offer of a place is made. The view of the local authority remains that one school place fraudulently offered is one school place too many and we have set out above how we intend to continue to look at and strengthen procedures with the aim of eradicating the success of any application that is fraudulently made.
- 6.57. The Schools Adjudicator (para 167) makes reference to the range of measures local authorities use to check for fraudulent applications and refers to "at least one local authority having established a protocol that includes a formal referral form for use by any member of the public, anonymously if they wish". In addition to all of the checks we carry out and which have been referenced above, we will look at whether a formal referral form (sometimes referred to as an 'address of convenience referral form') would be of benefit to supplement the whistle blowing advice we currently set out in page 11 of the Primary Admissions Booklet (2016) and develop such a form if appropriate. Such a form may help to meet the gap between anecdotal evidence we receive in writing and verbally from parents on possible fraudulence (but where no evidence to substantiate this is provided to us) and the hard evidence we need to investigate those instances where potential fraudulent applications have been able to pass our other verification checks.

### **Conclusion**

- 6.58. Having listened to parents and carers setting out their concerns on the availability of local school places and how those places are offered a decision was taken (October 2015) to consult on a change to the sibling oversubscription criterion that would limit admission of sibling(s) to a school in cases where the family have moved out of the local area (0.5 miles was

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<sup>8</sup> Case reference ADA2584 – parent objection to admission arrangements in Richmond upon Thames

determined as local having used an average distance of the furthest distance offered for all of our oversubscribed schools). We wanted to gather views from families about whether or not there should be a control on sibling admissions in instances where the family had moved and to hear views on how such a change might impact on families both in terms of the offer of a school place for their child and the impact on those families who move for reasons other than seeking to secure an advantage in accessing a particular school.

- 6.59. The representations received from this consultation form an important consideration in whether or not a change to the sibling criterion. A greater proportion of the respondents were in favour of a change – 56% supported the change while 44% opposed it. The greatest proportion of respondents came from the two parts of the borough where families are most vocal about the ability to access a local school – N8 and N10. However, despite this, there are, as of January 2016, reception vacancies in almost of those parts of the borough where our schools are oversubscribed, including N10 and N8. Only in N6 and N11 are there currently (January 2016) no reception places available but there is easy access from these postcodes to areas where there are places available and where the distance is significantly below the 2 miles reasonable travelling distance as set out in the 1996 Education Act (see para 6.36 above). The availability of these places suggests that the dissatisfaction families are telling us about is more focused on accessing particular schools more than it is about accessing local schools.
- 6.60. Further, detail on distance offered shows that local families are able to access local school places. For example, if we take N8 as an example we find the following - our records show that of the 472 on time applicants living in N8, only 26 were not offered one of their preferences on National Offer Day 2015. In accordance with our published admissions arrangements, these children were allocated places at the closest schools to their homes with available places. The furthest distance at which places were allocated was 1.51 miles and the average distance at which N8 residents were allocated places was 0.89 miles. These distances drop between national offer day (16 April) and the commencement of the autumn term for the reception intake. As at 23 November 2015 the furthest distance allocated for N8 residents is 0.54 miles and the average is 0.37 miles
- 6.61. The inability to offer a place at oversubscribed schools to all those families who want a place cannot on its own be viewed as a failure in how school places are provided across the borough.
- 6.62. Consideration has also been given to what the impact on protected groups would be if a change to the sibling criterion was adopted. The EqIA accompanying this report concludes that race and would be the group that would be most impacted upon by a change to the criterion. Those living in rented and temporary accommodation are the group least likely to be able to control their home address over a long period and 2011 Census information shows that the most vulnerable group with regards to security of housing tenure are likely to be “Other White”.

- 6.63. Over 50% (or 11,640) of the “Other White” households in Haringey are in privately rented accommodation. This is a far higher percentage than those in the other ethnic categories. As at the 2011 Census “Other White” residents in Haringey constituted some 58,552 people. The most prevalent ethnicities were Polish (9,179), Turkish (7,359), Other Western European (6,337), European Mixed (5,946) and Other Eastern European (5,156). Also included are Kurdish (2,045) and Baltic States (1,013). Figure 8 of the EqIA shows that the highest proportion of Other White residents are in east of borough wards, but that they are represented across all wards. A further breakdown shows the following - data from the 2011 census sets out that Haringey’s Other White population ranges from 1,739 in Muswell Hill to 4,369 in Seven Sisters and is 2,165 in Crouch End, N8.
- 6.64. In conclusion, the greatest impact of a sibling criterion change would be likely to be on this group within which there will be a proportion of families who through economic circumstance, choice, family separation or evicted though no fault of their own are some of the most vulnerable families in the borough and who could be further disadvantaged in being able to access school places at a single primary school for all of their children. This will inevitably lead to further stress and destabilisation for these families and for their children for whom a school community represents a critical constant and a supportive environment at a time when other aspects of their lives are less settled.
- 6.65. Current school roll projections show a flattening in demand for places in the coming years, although demand is not evenly spread across the borough and those parts of the borough where regeneration will come forward in the next ten years will continue to see a rise in reception place demand. In contrast some parts of the borough that have seen rising rolls for the last ten years are projected to begin to see an overall flattening and then decline in the demand for reception places. This factor is likely to contribute to a reduction in the oversubscription pressure felt on some of our most oversubscribed schools in recent years, more specifically in N8, N22 and N10.
- 6.66. Early figures for reception entry in September 2016 (based on figures taken at January 2015 and January 2016 from the data we hold in Education Services) do appear to show a very slight decrease in the number of applications we have received for the 3350 reception places we have available each year. However, this early indication comes with a note of caution as at the time of writing this report the deadline for submission of reception applications had only just passed (15 January 2016) and data upon which we have based this conclusion needs to be verified and the number of out of borough applications for Haringey reception places established. We also remain mindful of the “late” applications that we inevitably receive between 15 January and 1 September 2016 as families move into the borough and seek a school place.
- 6.67. The borough’s Corporate Plan sets out (Priority 1) that every child and young person should have the best start in life with high quality education. In Haringey we have made enormous strides in supporting this priority

evidenced by the number of our schools that are good or outstanding and the results that our children and young people achieve at the end of each key stage through the primary and secondary phases. This report has set out the potential impact of a sibling criterion change on those families who are forced to move between admission of children to school and the impact that this is likely have on either a) parents/carers being expected to drop off and pick up at two schools, and the resultant potential watering down of the level of commitment that a family can give to a school when their primary aged children are in more than one setting, or b) the impact of uprooting a settled child from a primary school to move them to a school nearer to a new home address to ensure that siblings are kept together. Such an impact doesn't support Priority 1 of the Corporate Plan and could potentially affect the desired outcomes of this priority for a small number of our most vulnerable families.

- 6.68. Finally, at the end of August 2015 the Minister of State for Schools, Nick Gibb, declared his intention that said he wants to give siblings an automatic right to attend the same state school for the first time. Mr Gibb told The Sunday Telegraph that he wanted to make the sibling rule mandatory so that local authorities would have to offer places to brothers and sisters. While no further announcement on how this commitment might be taken forward in an enforceable way under the provisions of the Admissions Code, it does provide evidence that the direction of travel for future revisions to the Admissions Code would be to place siblings in one school and so an adoption of a criterion that sought otherwise would need rethinking at the point when such an amendment is made.
- 6.69. Taking all these factors into account, it is recommended Cabinet determine the school admission arrangements for 2017/18 without the proposed changes to the sibling admission criterion for community and voluntary controlled (VC) primary schools. This would mean that the sibling criterion would remain the same as it has been for the years 2015/16 and as is proposed for 2016/17.
- 6.70. These admission arrangements, with particular reference to the sibling criterion, will be kept under review and data gathered as part of Education Services work to monitor offer to siblings where the address has changed and to seek to ascertain the impact of the measures set out in paras 6.47 – 6.54 above. The full arrangements are set out in full in Appendices 1- 4 of this report.
- 6.71. In addition, Cabinet is recommended to determine the schemes for co-ordination of Reception and Year 7 admissions for 2017/18, which remain unchanged from those determined for 2016/17.
- 6.72. Cabinet is also recommended to agree the in-year fair access protocol to come into force from 1 March 2016. The protocol ensures hard to place children are given a school place without delay and is a statutory requirement set out in the School Admissions code 2014 (paras 6 and 3.9 – 3.15 of the Code).

## **Academies**

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6.73. The governors of the following academies have set out they would like to follow the admission arrangements determined by the Local Authority:

**Primary**

- Noel Park
- Harris Academy Phillip Lane
- Trinity Primary Academy
- Brooke House Primary

**Secondary**

- Heartlands High School
- Woodside High School

6.74. Up until the academic year 2016/17 Alexandra Park School follows the admission arrangements for the borough's secondary community schools. However, the governors at the school have consulted on their own admission arrangements for the academic year 2017/18 as they wanted to seek views on a criterion for children of staff and look at extending their year 7 – 11 admission arrangements to years 12 and 13. Once the school's governors have agreed their admission arrangements these will be published on the council's admission web pages along with the admission arrangements of all free schools, academies and voluntary aided schools.

## **7. Contribution to strategic outcomes**

7.1. Ensuring we have a transparent and objective school admissions process with oversubscription criteria that is reasonable, clear, objective and compliant with all relevant legislation, including equalities legislation, underpins Priority 1 in the Corporate Plan which seeks to enable every child to have the best start in life with access to high quality education.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Finance and Procurement**

8.1. There are no direct financial implications as a result of this report. Following Schools Forum and the Cabinet decisions last year a centrally retained budget for IYFAP placements in years 10 and 11 has been created by reducing secondary school budget shares.

### **Assistant Director of Corporate Governance**

8.2. The Assistant Director of Corporate Governance has been consulted on the production of this report and comments as follows;

8.3. The current School Admissions Code ("the Code") came into force on 19 December 2014 issued by the Department for Education under section 84 of the School Standards and Framework Act 1998. The Code is to be read alongside the School Admission Appeals Code, as well as the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 ("the Regulations") as amended

by the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014 (“the Amendment Regulations”). The Regulations came into force on the 1st February 2012 and the Amendment Regulations came into force on the 19th December 2014. The Code and the Regulations and the Amendment Regulations apply to admission arrangements determined in 2014 and later years. In determining its admission arrangements for 2017/2018 the council has a statutory duty as an admission authority to act in accordance with the Regulations and with the relevant provisions of the Code. It must also as a result of its duty under section 149 of the Equality Act 2010 have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited by or under the Act, 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.

- 8.4. As part of determining its admission arrangements, the council must set an admission number for each school’s “relevant age group” i.e. the age group at which pupils are or will normally be admitted to the school.
- 8.5. Where changes are proposed to admission arrangements, the Code requires the admission authority to consult for a minimum of 6 weeks between 1st October and 31st January on their admission arrangements that will apply for the following academic year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.
- 8.6. In relation to consultation the authority must consult with parents of children between the ages of two and eighteen; other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; all other admission authorities within the relevant area; whichever of the governing body and the local authority who are not the admission authority; any adjoining neighbouring local authorities where the admission authority is the local authority and in the case of faith schools, the body or person representing the religion or religious denomination. The authority must also for the duration of the consultation publish a copy of the full proposed admission arrangements (including the proposed PAN) on its website together with details to whom comments should be sent and the areas on which comments are not sought.
- 8.7. It is the responsibility of the authority to ensure that admission arrangements are compliant with the Code. Arrangements mean overall procedures, practices, criteria and supplementary information to be used in deciding on the allocation of school places. In drawing up the admission arrangements, the authority must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective and comply with the relevant legislation including equalities legislation. Members' attention is drawn to the Equality and Community Cohesion Comments at section 8.4 of the report. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. It is for the authority to decide which criteria would be the most suitable according to

local circumstances. The proposed admission criteria for 2017 -18 for Nursery, Reception and Juniors, Secondary Transfer and Sixth Form can be found at Appendices 1, 2, 3 and 6 to this report respectively.

- 8.8. The Code requires that the council must have a Fair Access Protocol, agreed with the majority of schools in its area to ensure that – outside the normal admissions round- unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. Members will see the Proposed Fair Access Protocol at Appendix 5
- 8.9. The proposed admission arrangements and the consultation undertaken on them would appear to be in compliance with the Code and the Regulations.

### **Equality**

- 8.10. The council has a public sector equality duty under the Equalities Act (2010) to have due regard to:
- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
  - advance equality of opportunity between people who share those protected characteristics and people who do not;
  - foster good relations between people who share those characteristics and people who do not
- 8.11. An equality impact assessment (EqIA) has been carried out to help inform decision makers over the potential impact of maintaining the existing primary school oversubscription for 2017/18, and not proceeding with the proposal to change the criterion that was consulted upon back in the autumn.
- 8.12. The EqIA highlighted the potential for a significant adverse impact for some groups of residents if the criterion was changed, in particular:
- Larger sized families with multiple children could have been negatively affected by no longer being guaranteed entry for all their children in the same school.
  - Impact particularly among those families who rent as opposed to own their property, who are likely to move location more regularly. This includes those groups in temporary accommodation and the high representation of some ethnic groups in the rented housing market.
- 8.13. There is however an appreciation of the current anxiety felt by (in particular parents and carers in N8) many families in Haringey about accessing a local school place that led to this consultation proposal in the first place. The EqIA identifies that this should be reduced whilst maintaining the existing criteria through:



- projected school rolls that show a decline in demand for school places in some of the currently most oversubscribed parts of the borough leading to a potential increase in furthest distance offered;
- the local authority's commitment to strengthen and supplement the measures it takes to identify potential fraudulent applications.

## 9. Use of Appendices

9.1. The following appendices support this report:

- Appendix 1** Admission criteria for nursery 2017
- Appendix 2** Admission criteria for reception and junior admissions 2017
- Appendix 3** Admission criteria for secondary transfer 2017
- Appendix 4** In-year admissions 2017
- Appendix 5** In-year Fair Access Protocol
- Appendix 6** Admission criteria for sixth form 2017
- Appendix 7** EqlA admission arrangements 2017
- Appendix 8** EqlA primary sibling oversubscription criterion
- Appendix 9** Consultation report

## 10. Local Government (Access to Information) Act 1985

10.1. This report contains no exempt information.

## Background

1. The Schools Standards and Framework Act 1998.
2. The Education Act 2002.
3. The Education and Inspections Act 2006.
4. Education and Skills Act 2008.
5. The School Admissions Code (December 2014).
6. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014
7. The School Admissions (Infant Class Sizes) (England) Regulations 2012.
8. The School Admissions (Appeals Arrangements) (England) Regulations 2012.
9. The Education Act 2011.
10. The School Admissions Appeals Code (2012).
11. School roll projections sourced from the GLA
12. School roll information, including admission information from data held within Education Services