

Report for: Cabinet Member Signing - February 2017

Item number: 4

Title: Determination of the Council's School Admission Arrangements for the academic year 2018/19

Report authorised by: Rory Kennedy, Assistant Director Schools and Learning

Lead Officer: Carlo Kodsi, Team Leader Admissions - ext. 1823,
carlo.kodsi@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non Key Decision:** Key

1. Describe the issue under consideration

- 1.1. On 18 October 2016 Cabinet agreed that statutory consultation is carried out between 27 October 2016 and 8 December 2016 on the proposed admission arrangements for the academic year 2018/19.
- 1.2. This report provides details on an analysis of the representations received on all of our admission arrangements and makes recommendations on those proposed admission arrangements at paragraph 3 below.
- 1.3. To meet the Council's statutory requirements the Cabinet Member for Children and Families is requested to determine the proposed admission arrangements for the academic year 2018/19. These arrangements are in respect of the borough's community and voluntary controlled (VC) schools. Recommendations at para 3 below also ask the Cabinet Member to agree to the publication of the arrangements on the Council's website on or before 15 March 2017, such details to include advice on the right of objection to the Schools Adjudicator.

2. Cabinet Member Signing Introduction

- 2.1. I am satisfied that the proper procedures have been followed and that the arrangements comply with our statutory responsibilities.

Recommendations

- 2.2. The Cabinet Member for Children and Families is asked to:
 - I. Determine the Council's admission arrangements for the academic year 2018/19 as set out in Appendices 1- 5;

- II. Agree that the in-year fair access protocol (IYFAP) set out in Appendix 6 comes into force from 1 March 2017;
- III. Agree the determined admission arrangements for all maintained primary and secondary schools in the borough are published on the Council's website by no later than 15 March 2017 with an explanation of the right of any person or body, under the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, to object to the Schools Adjudicator in specified circumstances¹.

3. Reasons for decision

- 3.1. The School Admissions Code 2014 ("the Code"), requires all admission authorities to determine admission arrangements every year, even if they have not changed from previous years. Regulation 17 of the School Admissions Regulations 2012 also requires admission authorities to determine admission arrangements by 28 February in the determination year.
- 3.2. In addition, the Regulations require the admission authority (in this case the local authority) to publish on its website by no later than 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 arrangements do not comply with the mandatory provisions of the Code.
- 3.3. The Code sets out that if no changes are made to admission arrangements, they must be consulted on at least once every 7 years. The Council 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 all stakeholders to make representations which can then be considered as part of the determination process. Representations may also result in consideration being given to proposed changes in the future to admission arrangements.

4. Alternative options considered

- 4.1. There is a statutory requirement on all admission authorities to determine their admission arrangements each year and as set out above 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.
- 4.2. We are not proposing any changes to the proposed admission arrangements for the year 2018/19 apart from a small number of minor technical changes:
 - Appendix 1 – Nursery admission arrangements, criterion 3: minor technical alteration providing clarity on the Council's already well

¹ Paragraphs 19 – 24 of the Regulations

established practise of giving priority to children with a sibling attending the associated **infant or junior school** as well as to children with a sibling at a primary school. There are five infant and junior community schools with nurseries in Haringey – Belmont, Rokesly, South Haringay, Campsbourne and Bounds Green.

- Appendix 2 – Reception and Junior admission arrangements, note 2: minor technical alteration providing clarity on the Council’s already well established practise of **not** giving priority in reception to children with a sibling attending the nursery. The Council has been mindful that it must not give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation. Such support may be given where parents pay optional fees to the school-run nursery for additional hours on top of their 15-hour funded early education for the sibling . This is set out in paragraph 1.9(e) of the Code. The Council also considers that giving such a priority is not fair to local parents who choose not to send their children to nursery and such arrangements would be vulnerable to an objection to the Schools Adjudicator - if very few or no places are available to other parents once those with siblings attending the nursery have been admitted to reception.
- Appendix 5 – Sixth Form admission arrangements: minor technical alternations to some of the entry requirements and pathways set by sixth form providers who manage their own sixth form admissions. There are also some minor textual changes in view of the statutory changes to GCSE gradings (previously lettered, now numerical). All changes made at Appendix 5 are compliant with the Code.
- Appendix 6 – In-year fair access protocol (IYFAP) - a) that the required number of primary heads needed to sit on the Primary IYFAP panel shall be no less than 3, and b) that all year 6 in-year applications will be offered through the Primary IYFAP once the October school census of the same year has taken place (first Thursday of October). More detailed information on the changes to Appendix 6 is set out at paras 6.19 and 6.20 below.

5.

- 5.1. While there are other ways admission arrangements can influence the allocation of school places set out in the Code (e.g. designated catchment areas or identified feeder schools) no alternative criteria were being considered at the time of the consultation. Responses to the consultation which proposed a significant change to the proposed admission arrangements outside the current format consulted on will not result in any alterations at this time, as proper consideration must be given to all material facts and the potential impact on any protected groups must be fully explored before any change can occur. Further comment is made on this in para 6.12 below.

6. Background information

- 6.1. 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.
- 6.2. The Council is the admission authority for community and VC schools within the borough and so is responsible for determining the admission arrangements for these schools.
- 6.3. Academies, foundation schools and voluntary aided schools are their own admission authority; they must consult on and then determine their own admission arrangements by 28 February 2017. The Council has a statutory duty to monitor the arrangements determined by own admission authority schools to ensure compliance with the Code. This report does **not** deal with admission arrangements for any Academies, foundation schools or voluntary aided schools. These arrangements are determined by the individual admission authority despite the duty on the LA to publish the admission arrangements for all maintained schools in Haringey on the Council's website.
- 6.4. All schools must have admission arrangements that clearly set out how children will be admitted, including the oversubscription criteria that will be applied if there are more applications than there are places at the school.

Consultation

- 6.5. On 18 October 2016 Cabinet agreed that statutory consultation should be carried out between 27 October 2016 and 8 December 2016 on the proposed admission arrangements for the academic year 2018/19.
- 6.6. The consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements
- 6.7. To ensure as wide a consultation as possible we provided details of the proposed admission arrangements in the following ways:
 - through Haringey's Schools Bulletin which is distributed to the head teacher and chair of governors of every school in the borough;
 - to all children's centres in the borough;
 - to all registered nurseries and child minders and any other early years providers;
 - on the Council's admissions Webpage;
 - to all councillors;
 - to both MPs with constituencies in Haringey;
 - to the diocesan authorities;

- other groups, bodies, parents and carers as appropriate.

Responses to the consultation

- 6.8. Four representations evidenced in Appendix 8 were received in total, all advocating a change to the oversubscription criteria that is applied if the local authority receives more applications than there are places available for admission to Haringey's community and VC schools.
- 6.9. The four representations all focused on introducing an additional oversubscription criterion that gives priority to children of teaching staff employed at the school.
- 6.10. The Council is aware that some academies and voluntary aided schools within Haringey as well as schools in neighbouring boroughs already give priority to children of staff within their admission arrangements to aid in the retention and recruitment of staff.
- 6.11. Both Enfield and Hackney Councils currently give priority to children of teaching staff in their community schools where the member of teaching staff has been employed at the school for two or more years at the time at which the application for admission to the school is made. Barnet Council is currently proposing a similar change to their oversubscription criteria for community schools for 2018/19 and as well as meeting the requirement to have been employed at the school for two or more years at the time at which the application for admission to the school is made, has proposed that priority is only given where the teacher is still in employment when their child starts at the school.
- 6.12. The Council recognises that in common with many schools in London, some Haringey community schools may be experiencing challenges in recruiting and retaining teaching staff. In response to the 3 written representations received and the fourth verbal representation from a Haringey Secondary community school made to Education Services outside of the consultation process, we are proposing to make contact with **all** Haringey community and VC schools to explore whether introducing an additional oversubscription criterion will help to tackle this issue. This will constitute an informal consultation in early 2017 to gather wider views regarding priority given to staff children.
- 6.13. Any addition to the oversubscription criterion in respect of staff children would be subject to a statutory consultation from 1 October 2017 to gather views from all stakeholders and, if determined, will be implemented for the 2019/20 admission arrangements and not for the 2018/19 arrangements before you now for determination. An equalities impact assessment (EqIA) will also be included to assess whether an addition to the oversubscription criteria will have any impact on protected groups.

In-year admission scheme

- 6.14. From September 2013 the requirement for local authorities to centrally co-ordinate in-year admissions was removed. In Haringey, following consultation, the Council retained central co-ordination of in-year admissions to keep the application process simple for parents and to ensure that in the event a school of preference could not be offered, an alternative place could be offered without delay. The in-year scheme at Appendix 4 for the admission arrangements for 2018/19 was consulted on between 27 October and 28 December 2016.
- 6.15. The scheme does not differ materially from those consulted on and determined for previous years. The oversubscription criteria set out at Appendix 2 and 3 for primary and secondary community and VC schools will be applied for in-year admissions.
- 6.16. The scheme includes a joint working protocol agreed with Harris Federation following their request to manage their own in-year admissions in 2014. The protocol continues to ensure that all applicants are offered a place quickly and that all mandatory requirements of the School Admissions Code in relation to in-year Admissions are fulfilled (Admissions Code 2014, paragraphs 2.21 and 2.22).
- 6.17. There were no representations received in respect of the scheme which continues to work well in ensuring that a place can be quickly offered to families who move into the area or wish to transfer their child to another school.

In-year fair access protocol (IYFAP)

- 6.18. 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 maintained schools in Haringey. The Primary and Secondary IYFAP panels meet 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.
- 6.19. Apart from a minor technical alteration to the number of Primary heads required to sit on the Primary IYFAP panel (no less than 3) there was only one change proposed to the protocol – that all year 6 in-year applications be allocated through Primary IYFAP once the October school census of the same year has taken place (first Thursday of October each year). The proposed change was discussed and agreed at a Primary Heads meeting in the 2016 summer term.
- 6.20. The Council is mindful of the additional support schools provide to year 6 pupils admitted following the October school census and the potential impact on their SATs results. The proposed change is therefore intended to ensure a fair and equitable distribution of year 6 pupils across all schools.
- 6.21. There were no representations received in respect of the protocol. The protocol continues to work well in supporting the swift entry of hard to place and vulnerable young people onto a school roll.

Academies

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

Primary

- Noel Park (Academy)
- Trinity Primary (Academy)
- Brooke House Primary (Academy)

Secondary

- Heartlands High School (Academy)
- Woodside High School (Academy)

7. Contribution to strategic outcomes

- 7.1. Ensuring we have a transparent and objective school admissions process with oversubscription criteria that are 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.

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 2018/2019 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. The Cabinet Member's attention is drawn to the Equality and Community Cohesion Comments at paragraphs 8.10 to 8.13 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 2018- 2019 for Nursery, Reception and Juniors, Secondary Transfer and Sixth Form can be found at Appendices 1, 2, 3 and 5 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. The Cabinet Member will see the Proposed Fair Access Protocol at Appendix 6.

- 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 Equality Act 2010 to have due regard to the need to :

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act ;
- Advance equality of opportunity between people who share a “relevant protected characteristic” and people who do not share it;
- Foster good relations between people who share a “relevant protected characteristic” and people who do not share it.

A “relevant protected characteristic” is age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation.

- 8.11. An Equalities Impact Assessment (EqIA) was previously undertaken and the admission arrangements for 2018/19 do not differ materially from the arrangements for previous years. We therefore consider that another full equality impact assessment is not necessary at this stage and we have continued to monitor and assess the impact of any changing trends – please see updated information in the EqIA at Appendix 7.

- 8.12. The admission arrangements set out in this report comply with the public sector equality duty and ensures that as an Admissions Authority, the Council’s arrangements do not directly or indirectly unfairly disadvantage a child or group that possess any of the relevant characteristics defined in sections 4 – 12 of the Equality Act 2010.

- 8.13. The publication of clear admission arrangements for all of our schools (a statutory requirement) ensures that admission to schools is a clear and transparent process and that parents and carers are able to select preferences for a school place with full knowledge of how admission to their local school(s) is determined.

9. Use of Appendices

- 9.1. **The following appendices support this report:**

Appendix 1 Admission criteria for nursery 2018

Appendix 2 Admission criteria for reception and junior admissions 2018

Appendix 3 Admission criteria for secondary transfer 2018

Appendix 4 In-year admission scheme 2018

Appendix 5 Admission criteria for sixth form 2018

Appendix 6 In-year Fair Access Protocol

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