

**Report for:** Cabinet – 10 November 2020

**Item number:** To be added by the Committee Section

**Title:** Determination of the Council’s School Admission Arrangements for the academic year 2022/23 – Consultation

**Report authorised by:** Eveleen Riordan, Assistant Director for 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 This report and the attached appendices set out:

- The proposed admission arrangements for entry to school in the academic year 2022/23 for Haringey’s community<sup>1</sup> and voluntary controlled (VC), nursery, infant, junior, primary, secondary and sixth form settings.
- Haringey’s proposed scheme for in-year admission for the academic year 2022/23. In-year admission relates to applications which are received at any point throughout the year other than for reception or secondary school transfer.
- Haringey’s proposed In-Year Fair Access Protocol (IYFAP) for the year starting 1 March 2021 which all Haringey schools and academies must follow.
- The co-ordinated scheme<sup>2</sup> for the admission of children to maintained primary and secondary schools and academies for the 2022/23 year of entry.

## 2. Cabinet Member Introduction

2.1 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 places at the school. Admission arrangements are proposed and determined by admission authorities. The local authority is the admission authority for the borough’s community and VC schools.

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<sup>1</sup> A community school in England and Wales is a type of state-funded school in which the local education authority (LEA) employs the school’s staff, is responsible for the school’s admissions and owns the school’s estate.

<sup>2</sup> The scheme which each Local Authority is required to formulate in accordance with the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, for co-ordinating arrangements for the admission of children to maintained primary and secondary schools and academies. The co-ordinated scheme has been successful in meeting its main aim of eliminating or greatly reducing multiple offers of school places.

2.2 Every local authority must also publish a co-ordinated scheme which sets out the procedures all schools and academies must follow to co-ordinate the admission process for the reception and secondary transfer admissions round to ensure that all residents are offered a school place.

2.3 This approval of Cabinet is sought to commence a six-week period of statutory consultation. The details of the proposed consultation is set out in paragraph 3 below.

### 3. Recommendations

3.1 Cabinet is asked to:

- agree to commence consultation on the proposed admission arrangements, including the proposed in-year admissions scheme for the academic year 2022/23;
- agree to commence consultation on the proposed In-Year Fair Access Protocol which will be referred to as IYFAP in this report which, if agreed by Cabinet on 10 November 2020, will come into force on 1 March 2021;
- agree that the co-ordinated scheme for the admission of children to maintained primary and secondary schools as set out in Appendix 8 of this report can be published on the Haringey website on 1 January 2021;
- note that the proposed consultation on the proposed admission arrangements is proposed to take place between **24 November 2020 and 5 January 2021 as scheduled**;
- note that following the consultation, a report will be prepared summarising the representations received from the consultation and a decision on the final admission arrangements and the In-Year Fair Access Protocol will be taken by Cabinet in February 2021.

### 4. Reasons for decision

4.1 The purpose of the proposed consultation is to ensure that our proposed admission arrangements for 2022/23 are consulted upon and the co-ordinated scheme is set in accordance with the mandatory provisions of the School Admissions Code 2014.

4.2 The School Admissions Code (2014) requires all admission authorities to publicly consult on their admission arrangements where changes are being proposed. The Code stipulates that if no changes are made to admission arrangements, they must be consulted on at least once every 7 years.

4.3 We consult on our admission arrangements annually irrespective of whether or not there is a proposed change to the arrangements<sup>3</sup>. This is to ensure transparency and openness on the contents of our arrangements and to allow parents, carers and other stakeholders who might not have previously been interested in admission

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<sup>3</sup> The Schools Admission Code 2014 (para 1.42) sets out that when changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school 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.

arrangements (perhaps because they have no children of school age) to make a representation which can then be considered as part of the determination of the arrangements.

## 5. Alternative options considered

- 5.1 We are required by the School Admissions Code 2014 (para 1.42 – 1.45 of the Code) to carry out any consultation on our admission arrangements between 1 October and 31 January each year for a minimum period of six weeks. We are not proposing any changes to the proposed admission arrangements for the year 2022/23. As set out in para 4.3 above, we consult annually on our arrangements irrespective of whether we are proposing any changes, to allow transparency and openness in the process.
- 5.2 This year we are not proposing a change to the oversubscription criteria for community and VC schools. 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, identified feeder schools or giving priority in our oversubscription criteria to children eligible for the early years premium/ pupil premium) no alternative option is being considered at the time of writing this report.

## 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 around school uniform or school trips do not discourage parents from applying for a place for their child.
- 6.2 The Council is the admission authority for community and voluntary controlled (VC) schools within the borough and is therefore responsible for determining the admission arrangements for these schools.
- 6.3 Academies, foundation schools and voluntary aided (VA) schools are their own admissions authority; they must consult on and then determine their own admissions arrangements by 28 February 2021. 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, foundation or voluntary aided schools.
- 6.4 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 places at the school.
- 6.5 Admission authorities are responsible for admissions and must act in accordance with the School Admissions Code (2014), the School Admission Appeals Code (2012), other laws relating to admissions, and relevant human rights and equalities legislation.

### Oversubscription criteria

- 6.6 The admission authority for the school must set out in their arrangements the criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied.

- 6.7 Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.
- 6.8 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 around school uniform or school trips do not discourage parents from applying for a place for their child.
- 6.9 Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

#### In Year Fair Access Protocol (IYFAP)

- 6.10 An In-Year Fair Access Protocol (IYFAP) has been agreed in Haringey to ensure unplaced children, especially the most vulnerable, are offered 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). In using the Protocol, it ensures that these children and young people are shared fairly across all Haringey schools and that this process is open and transparent. Haringey's Protocol is consulted on annually and para 3 of the Protocol in Appendix 5 sets out that "it is essential to the success of IYFAP that all Headteachers and governing bodies agree to the aims, principles and procedures and give their fullest support."
- 6.11 This year key stakeholders (panel members such as headteachers or their designated representative who enforce the protocol) will be consulted on a minor alteration to the protocol in relation to managed moves<sup>4</sup>. Managed moves can be arranged for children at the risk of permanent exclusion and will be agreed between the substantive and receiving school and the family outside the panel.
- 6.12 The change to the protocol proposes a more robust system of tracking so an accurate record of managed moves currently in progress can be maintained by the local authority. All schools would be expected to inform the Admissions Service when a managed move has been instigated and also the outcome i.e. when a pupil moves permanently to their new school or that it is determined that they should remain at their original school.

#### Consultation

- 6.13 Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. The Code stipulates that if no changes are made to admission arrangements, they must be consulted on at least once every 7 years. Consultation must be for a minimum of 6 weeks and must take place between 1 October and 31 January in the year before those arrangements are to apply.
- 6.14 This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- 6.15 Admission authorities **must** consult with:

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<sup>4</sup> The term managed move refers to the transfer of a pupil who is at serious risk of permanent exclusion from one school to another. Managed moves are intended to provide a way to avoid the need for permanent exclusion in cases where a full range of inclusion strategies have been applied and these have not been lastingly effective.

- a. parents of children between the ages of two and eighteen;
- b. other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- c. all other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
- d. whichever of the governing body and the local authority who are not the admission authority;
- e. any adjoining neighbouring local authorities where the admission authority is the local authority; and
- f. in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.

6.16 This report will ask for approval from Cabinet to consult on our proposed admission arrangements between 24 November 2020 – 5 January 2021.

Proposed consultation and determination timetable

Stage	What happens	Dates and timescales
1	Consultation on admission arrangements which includes: <ul style="list-style-type: none"> <li>• Nursery arrangements</li> <li>• Reception class and junior admissions</li> <li>• Secondary admissions</li> <li>• In-year admissions</li> <li>• In year fair access protocol</li> <li>• Sixth form admissions</li> </ul>	24 November 2020 to 5 January 2021
2	Cabinet to: <ul style="list-style-type: none"> <li>• determine the admission arrangements for Haringey community schools, nursery classes, primary, infant, junior and secondary schools and St Aidan’s voluntary controlled School.</li> <li>• determine the admission arrangements for students starting sixth form.</li> <li>• determine the In-Year Fair Access Protocol (IYFAP).</li> </ul>	February 2021
3	Last date by which all admission authorities, including academies, can determine admission arrangements	28 February 2021
4	Determined admissions arrangements must be published on LA website	15 March 2021

6.17 To ensure as wide a consultation as possible we intend to provide details of the proposed admission arrangements in the following ways:

- through the Schools Bulletin which is distributed to the headteacher 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 online primary and secondary admissions page
- via information in all libraries across the borough
- to all councillors
- to both MPs with constituencies in Haringey
- to the diocesan authorities
- to neighbouring authorities
- other groups, bodies, parents and carers as appropriate

### Co-ordinated scheme

- 6.18 Each year all local authorities must formulate and publish on their website a scheme by 1 January in the relevant determination year to co-ordinate admission arrangements for all schools within their area.
- 6.19 All admission authorities must participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. Local authorities must make application forms available to parents who wish to apply to a school in a neighbouring area which operates a different age of transfer (e.g. middle schools), and process these as it would in its normal admissions round.

## **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)**

- 8.1 Below are financial, governance and legal and equality comments.

### **Comments of the Chief Finance Officer and financial implications**

- 8.2 The Chief Financial Officer has been consulted in the production of this report and confirms that there are no direct financial implications as a result of the consultation proposals.

### **Comments of the Assistant Director of Corporate Governance and legal implications**

- 8.3 The Assistant Director of Corporate Governance has been consulted on the contents of this report and comments as follows: The current School Admissions Code ('the Code') came into force in 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 Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (“ the Regulations”). The Code and the Regulations apply to admission arrangements determined in 2015 and later years. In determining its admission arrangements for

2022-2023 the Council has a statutory duty as an admissions 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 Paragraph 15 of the Code states that 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 places at the school. As part of determining its admission arrangements, the Council must set an admission number (called the Published Admission Number or PAN) 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 School admission arrangements are determined by admission authorities. Generally, the admission authority for community and voluntary controlled schools is the local authority. Admission authorities must set ('determine') admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. If no changes are made to the admission arrangements, they must be consulted on at least once every 7 years. Consultation must be for a minimum of 6 weeks to take place between 1 October and 31 January of the determination year. The Code also requires the admissions authority for the duration of the consultation to publish a copy of the full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admissions authority to whom comments may be sent and the areas on which comments are not sought. Consultation must be undertaken when proposals are still at a formative stage. It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, adequate time must be given for this purpose and the product of the consultation must be conscientiously taken into account when the ultimate decision is taken.
- 8.6 In relation to consultation the Council 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 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 arrangements, the authority must ensure that the practices and criteria used are reasonable, fair, clear and objective and comply with the relevant legislation including equalities legislation. Parents should be able to look at the set of arrangements and understand easily how places will be allocated. It is for the authority to decide which criteria would be the most suitable according to local circumstances.
- 8.8 Each year all local authorities must formulate and publish on their website a
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scheme by 1 January in the relevant determination year to co-ordinate admission arrangements for all publicly funded schools within their area. All admission authorities must participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. There is no requirement for local authorities to co-ordinate in-year applications, but the authority must provide information in a composite prospectus as to how in-year applications can be made and how they will be dealt with.

- 8.9 The Code requires that the Council must have an In Year 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 Members will see the Proposed In-Year Fair Access Protocol at Appendix 5.
- 8.10 The proposed admission arrangements for 2022-2023, the proposed co-ordinated scheme, the proposed IYFAP and the proposed consultation on the proposed admission arrangements for 2022-2023 would appear to be in compliance with the Code and the Regulations.

### **Equalities and Community Cohesion Comments**

- 8.11 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 under the Act
  - 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.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 8.12 The proposed admission arrangements set out in this report comply with the public sector equality duty and ensures that, as an admission authority, the Council's arrangements do not directly or indirectly unfairly disadvantage a child or adult that possesses any of the characteristics protected under sections 4-12 of the Equality Act 2010.
- 8.13 An Equalities Impact Assessment (EqIA) has been carried out to ascertain whether the proposed Admission Arrangements for entry to school in the academic year 2022/23, including in-year admissions, Haringey's In-Year Fair Access Protocol, and the co-ordinated scheme for the admission of children to maintained primary and secondary schools, and academies, could have an impact on protected groups and whether there are steps that can and/or should be taken to mitigate against such an impact.
- 8.14 While the proposed admission arrangements for 2022/23 do not differ materially from the arrangements for previous years, the EqIA highlighted the potential for a disproportionate impact for migrant children. It is recognised that Haringey's in-year admissions could mean that migrant children arriving in the borough after 11th December 2020 (Secondary Transfer) and 12th February 2021 (Starting Reception) could have their applications dealt with as a late application. To mitigate potential



inequalities, Haringey will accept late applications and process them as on time only if they are late for a good reason and supported by written independent evidence. Upon receipt of the written independent evidence, each case will be decided on its own merits. This approach is seen as fair and necessary, and in line with the Pan London co-ordinated scheme and the School Admissions Code (2014) which defines the application deadlines as 'closing dates' at paragraph 1.32C. The proposed decision, therefore, represents a proportionate means of achieving a legitimate aim.

- 8.15 The consultation process on the proposed admission arrangements is scheduled to take place for six weeks between 24 November 2020 and 5 January 2021 and will be used to help populate and inform the final version of the updated EqIA which decision-makers will consider. The consultation will be available online and in paper format, accessible in public buildings such as libraries, translated on request, and available in large print on request to ensure accessibility.
- 8.16 The Head of Admissions and School Organisation at Haringey Council will be responsible for monitoring. They will produce an annual report on admissions for all schools in Haringey, which will be sent to the Office of the Schools Adjudicator which monitors the fairness of the admission arrangements. This information will be reported to the DfE and the OSA annually.

## **9. Use of Appendices**

9.1 The following appendices support this report:

- Appendix 1** Proposed admission criteria for nursery 2022
- Appendix 2** Proposed admission criteria for reception and junior admissions 2022
- Appendix 3** Proposed admission criteria for secondary 2022
- Appendix 4** Proposed admission criteria for in-year admissions 2022
- Appendix 5** Proposed In-Year Fair Access Protocol for Haringey schools
- Appendix 6** Proposed admission criteria for Sixth Form 2022
- Appendix 7** EqIA
- Appendix 8** Co-ordinated admissions scheme 2022-23

9.2 The full papers for this report can be viewed electronically on the Council's website at or in paper form at 8<sup>th</sup> Floor, River Park House, 225 High Road, London, N22 8HQ.

## **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).