

Report for: Council's Cabinet on 9 November 2021

Title: Admission to Schools – Proposed Admission Arrangements for 2023/24

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Ward(s) affected: All

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

1. Describe the issue under consideration

- 1.1. The Local Authority has a vital role in determining admission arrangements for our community and voluntary controlled schools and the initial report is brought to the Cabinet every November. I am pleased to bring the 2023/2024 paper seeking Cabinet agreement to consult on admission arrangement to this Cabinet meeting. It is a requirement 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. These arrangements are proposed and determined by admission authorities.
- 1.2. This year there are no proposed alterations to the existing admission arrangements or Pan-London co-ordinated admission schemes¹ for Haringey primary, junior and secondary schools for 2023/24. The only changes to the admission arrangements are those reflected in the mandatory requirements that came into effect from September 2021 because of the Department of Education's (DfE) new School Admissions Code (2021)². The 2021 Admissions Code is hereafter referred to as 'the Code'. These changes do not present significant changes to the 2014 Code but are outlined in Appendix 10 to this report for reference only.

¹ 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 adopted from the PAN London scheme has been successful in meeting its main aim of eliminating or greatly reducing multiple offers of school places.

² <https://www.gov.uk/government/publications/school-admissions-code--2>

2. Cabinet Member Introduction

- 2.1. The Local Authority has a vital role in determining admission arrangements for our community and voluntary controlled schools and the initial report is brought to the Cabinet every November. I am pleased to bring the 2023/2024 paper seeking Cabinet agreement to consult on admission arrangement to this Cabinet meeting. It is a requirement 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. These arrangements are proposed and determined by admission authorities.
- 2.2. In addition, along with all local authorities we are required to publish a co-ordinated scheme setting out the procedures all schools and academies must follow to co-ordinate the admission process for the reception and secondary transfer admissions round. This is to ensure that all residents are offered a school place.
- 2.3. Cabinet approval is sought to commence a six-week period of statutory consultation. The detail of the proposed consultation is set out at paragraph 3 below.

3. Recommendations

- 3.1. Cabinet is asked to:
 - 3.1.1 **Agree** to consult on the proposed admission arrangements, including the co-ordinated schemes for admission of children to schools for the academic year 2023/24.
 - 3.1.2 **Agree** to consult on the proposed fair access protocol³ which, if agreed at Cabinet in February 2022, would come into force from 1 March 2022;
 - 3.1.3 **Agree** that the co-ordinated schemes 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 2022;
 - 3.1.4 **Note** that the proposed consultation on the proposed admission arrangements is scheduled to take place between 25 November 2021 and 6 January 2022;
 - 3.1.5 **Note** that following the consultation, a report will be prepared summarising any representations received and a decision on the final admission arrangements for 2023/24 will be taken by Cabinet in February 2022.

³ In line with para. 3.14 of the Code each local authority must have a fair access protocol to ensure that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.

4. Reasons for decision

- 4.1. **Why do we consult?** - This report and the consultation that will flow from it will ensure that our proposed admission arrangements for 2023/24 are consulted upon and the co-ordinated scheme is set in accordance with the mandatory provisions of the School Admissions Code 2021 (the Code).
- 4.2. The Code requires all admission authorities to publicly consult on their admission arrangements. If no changes are made to admission arrangements, they must be consulted on at least once every 7 years. 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.
- 4.3. Ensuring there is a transparent and objective school admissions process is a statutory requirement and an 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.
- 4.4. Schools that are their own admission authority (academies, foundation schools and voluntary aided⁴) must consult on, and then determine their own admission arrangements by 28 February each year. The Council has a statutory duty to monitor the arrangements determined by schools that are their own admission authority to ensure compliance with the Code.
- 4.5. 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 places at the school.

Oversubscription criteria

- 4.6. 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. Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.
- 4.7. 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 need, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child.

In Year Fair Access Protocol

⁴ Voluntary-aided (VA) schools are local-authority-maintained schools, and often, but not always, have a religious character.

- 4.8. An in-year fair access protocol has been agreed with all schools in Haringey to ensure unplaced children, especially the most vulnerable, are offered a school place without delay. This is a statutory requirement set out in the Code. In using the protocol, Haringey ensures that these children and young people are shared fairly across all Haringey schools and that this process is open and transparent.
- 4.9. All Haringey schools, including schools that are their own admission authority continue to support the principles and approach of the fair access protocol. Paragraph 3 at Appendix 5 sets out that “it is essential to the success of the fair access protocol that all headteachers and governing bodies agree to the aims, principles and procedures and give their fullest support.” As part of this consultation, we ask key stakeholders (headteachers and governing bodies) to review the protocol in order to make an assessment of its effectiveness. In line with para. 3.30 (b) of the Code, there is a requirement on all Local Authorities to assess their effectiveness of fair access protocols including how many children were admitted to each school under it. An annual report is produced and sent to the Office of the Schools Adjudicator with this information.

5. Alternative options considered

- 5.1. Haringey consults on its admission arrangements annually irrespective of whether there is a proposed change. This is to ensure transparency and openness of the arrangements and to allow parents, carers and other stakeholders who might not previously have been interested in the admission arrangements (perhaps because they didn’t have a child of school age) to make a representation which can then be considered as part of the determination of the arrangements.
- 5.2. We are not proposing a change to the oversubscription criteria for community and VA schools for 2023/24. Whilst there are other ways admission arrangements can influence the allocation of school places set out in the Code (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. 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. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.

Consultation

- 6.2. Admission authorities **must** consult with:
- 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.

6.3. This report will ask for approval from Cabinet to consult on our proposed admission arrangements between 25 November 2021 – 6 January 2022.

Proposed consultation and determination timetable

Stage	What happens	Dates and timescales
1	Consultation on admission arrangements which includes: <ul style="list-style-type: none"> • Nursery • Reception class and junior • Secondary transfer • In-year co-ordinated scheme • In year fair access protocol • Sixth form admissions 	25 November 2021 to 6 January 2022
2	Cabinet to: <ul style="list-style-type: none"> • determine the admission arrangements for Haringey community and VC schools 	22 February 2022
3	Last date by which all admission authorities, including academies, can determine admission arrangements	28 February 2022
4	Statutory deadline for Local Authorities to publish on their website	15 March 2022

6.4. 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 schools in the borough
- through direct emails to head teachers and Chairs of Governors
- 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

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

8.1 Comments of the Chief Finance Officer and financial implications

- 8.1.1 The Chief Financial Officer has been consulted in the production of this report and confirms that apart from a small administrative cost there are no direct financial implications as a result of the consultation and engagement proposals.

8.2 Comments of the Head of Legal & Governance (Monitoring Officer)

- 8.2.1 The Head of Legal and Governance (Monitoring Officer) has been consulted on the contents of this report and comments as follows: The current School Admissions Code ('the Code') came into force in September 2021 and was 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'). In determining its admission arrangements for 2023-2024 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 that 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.
- 8.2.2 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.

8.1.

- 8.2.3 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. Generally, 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 and must take place between 1 October and 31 January of the school year before those arrangements are to apply (the determination year). 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.
- 8.2.4 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.
- 8.2.5 It is the responsibility of the authority to ensure that admission arrangements are compliant with the Code and relevant legislation. 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.
- 8.2.6 Each year all local authorities must formulate and publish on their website a scheme by 1 January in the relevant determination year, a scheme to co-ordinate admission arrangements for the normal admissions round and late applications 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, however, Haringey centrally co-ordinates for the vast majority of schools and has safeguarding protocols in place for tracking pupils admitted directly by some schools that administer their own in-year admissions

8.2.7 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 Members will see the Proposed In-Year Fair Access Protocol at Appendix 5.

8.2.8 The proposed admission arrangements for the academic year 2023/24, the proposed co-ordinated scheme, the proposed fair access protocol and the proposed consultation on the proposed admission arrangements for 2023/24 are in compliance with the Code and the Regulations.

8.3 Equalities and Community Cohesion Comments

8.3.1 The Council has a public sector equality duty under the Equalities Act 2010 ('the 2010 Act') 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 those 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.

8.3.2 The proposed admission arrangements set out in this report comply with the public sector equality duty and ensure that as an admission authority, the Council's arrangements do not directly or indirectly unfairly disadvantage an individual or group that possesses any of the characteristics defined in sections 4-12 of the 2010 Act.

8.3.3 An Equalities Impact Assessment (EqIA) was previously undertaken and the proposed admission arrangements for 2023/24 do not differ materially from the arrangements for previous years. We therefore do not consider that another full equality impact assessment is necessary for our admission arrangements at this stage. We have continued to monitor and assess the impact of any changing trends as part of the EqIA at Appendix 7.

8.3.4 The consultation process will be used to help populate and inform the final version of the EqIA which decision makers will consider in February 2022.

9. Use of Appendices

9.1 The following appendices support this report:

Appendix 1 Proposed admission criteria for nursery 2023

Appendix 2 Proposed admission criteria for reception and junior admissions 2023

Appendix 3 Proposed admission criteria for secondary 2023

Appendix 4 Proposed admission criteria for in-year admissions 2023

Appendix 5 Proposed In-Year Fair Access Protocol for Haringey schools

Appendix 6 Proposed admission criteria for Sixth Form 2023

Appendix 7 EqIA

Appendix 8 Co-ordinated admissions scheme 2023-24

Appendix 9 Summary of changes and compliance with Code

- 9.2 The full papers for this report can be viewed electronically on the Council's website.

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 (September 2021)
6. School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012
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)