

Report for: Cabinet Member Signing 17 October 2017

Title: Proposed Admission Arrangements 2019/20

Report authorised by: Eveleen Riordan, Joint Assistant Director, Schools and Learning

Lead Officer: Carlo Kodsi, 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 This report and the attached appendices set out:

- The proposed admission arrangements for entry to school in the academic year 2019/20 for Haringey's community and voluntary controlled (VC), nursery, infant, junior, primary, secondary and sixth form settings. It is proposed that a new category giving priority for children of staff form part of the oversubscription criteria for all Haringey community and VC schools for the 2019/20 year of entry. This category will follow after siblings.
- Haringey's proposed scheme for in-year admission for the academic year 2019/20. 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 1st March 2018 which all Haringey schools and academies must follow.
- The co-ordinated scheme¹ for the admission of children to maintained primary and secondary schools and academies for the 2019/20 year of entry.

2. Cabinet Member Introduction

2.1

3. Recommendations

3.1 The Cabinet Member for Children and Families is asked to:

- Agree to consult on the proposed admission arrangements, including the proposed in-year admissions scheme for the academic year 2019/20;

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 has been successful in meeting its main aim of eliminating or greatly reducing multiple offers of school places.

- Agree to consult on the proposed IYFAP which, if agreed at Cabinet in February 2018, would be used from 1 March 2018;
- Agree that the co-ordinated scheme for the admission of children to maintained primary and secondary schools as set out in Appendices 2 and 3 of this report can be published on the Haringey website on 1 January 2018.
- Note the proposed change to the Council's oversubscription criteria for community and VC schools for the 2019/20 year of entry as set out in paragraphs 4.4 of this report;
- Note that consultation on the proposed admission arrangements is scheduled to take place between 8 November 2017 and 13 December 2017;
- 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 on 13 February 2018.

4. Reasons for decision

- 4.1 **Why do we consult?** - This report and the consultation that will flow from it *if* the report's recommendations are agreed will ensure that our proposed admission arrangements for 2019/20 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. This is to ensure transparency and openness on the contents of our arrangements and to allow parents, carers and other stakeholders who might not previously been interested in 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.
- 4.4 **What is the change and potential risk to the arrangements being consulted on for 2019 entry?** - Para 3.1 above sets out that we are consulting on a material change to the oversubscription criteria for all Haringey community and VC schools for the 2019/20 year of entry. This change proposes an additional oversubscription criterion to prioritise children of staff after the sibling criterion. Further information on this criterion is set out in paras 6.9 to 6.22 below.
- 4.5 This change seeks to assist schools in recruiting and retaining staff by prioritising the admission of child(ren) of staff to the school. Some local academies and a voluntary aided school as well as schools in neighbouring boroughs currently give priority to children of staff and extending this to Haringey community schools may help the schools to compete for the best staff in the current competitive recruitment climate. It will also provide schools with

the ability to retain and recruit staff to areas where there is a demonstrable skills shortage such as maths and science.

- 4.6 Before deciding to consult on a staff criterion, the Council carried out an informal consultation with all Haringey community and VC schools earlier this year to explore whether or not there was support from these schools for an additional oversubscription criterion for staff children. This informal consultation was carried out in response to a small number of representations received last year from schools and from teachers through our statutory public consultation on the proposed admission arrangements for community and VC schools for the academic year 2018/19. The representations received from last year's public consultation are included at Appendix 9 of this report.
- 4.7 The results from the informal consultation carried out earlier this year indicated that the majority of Haringey community and VC schools support an additional oversubscription criterion which gives priority to children of staff. We are therefore now consulting more widely as part of our annual public consultation to gather views from all stakeholders. Detailed analysis of the results of the informal consultation is included at Appendix 8 of this report.
- 4.8 The risk that any staff criterion might bring is that it *may* disadvantage a small number of families by limiting the number of places that can be offered to local residents at Haringey's oversubscribed community and VC schools.
- 4.9 Research from a neighbouring borough (Enfield Council) who introduced a children of staff criterion in their primary community school's oversubscription criteria in 2013 shows that fewer than 1 per cent of places have been offered each year under this criterion. More detailed analysis and other comparative modelling is set out in paras 6.9 to 6.22 below.
- 4.10 An Equalities Impact Assessment (EqIA) will form an important part of the consultation and will seek to ascertain whether the proposed change *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. Such an impact will be also balanced against the impact of the criterion as it currently exists against these protected groups.

5. Alternative options considered

- 5.1 We are required by the School Admissions Code 2014 (para 1.42 – 1.45 of the Code) to consult on our admission arrangements between 1 October and 31 January each year for a minimum period of six weeks. As we are proposing to include an additional oversubscription criterion for all our community and VC schools this consultation is a statutory requirement for us. 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.
- 6.1 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.
- 6.2 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 2018. 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.
- 6.3 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.
- 6.4 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

- 6.5 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.
- 6.6 Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.
- 6.7 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 needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child.
- 6.8 Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.

Change to the oversubscription criterion for all Haringey community and VC schools

- 6.9 The School Admissions Code 2014 permits all admission authorities to include priority for children of staff in their oversubscription criteria, following the appropriate consultation process. At paragraph 1.39 the Code confirms that oversubscription criteria to children of staff can apply in two circumstances –
- a) where the member of 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 , and/or
 - b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.
- 6.10 Given the challenge faced by some schools in recruiting and retaining staff resulting in staff shortages, it is proposed to consult on a proposal to introduce an additional oversubscription criterion for children of staff to follow after siblings.
- 6.11 Appendices (1-4) to this report contains the proposed admission arrangements for all community and VC schools across all relevant settings for the 2019/20 year of entry and shows the level of proposed priority that would be afforded to this new category of applicant in relation to other priority criteria, if, following the consultation, this new oversubscription criterion were approved.

Proposal for consultation

- 6.12 It is recommended that the Council undertakes a statutory consultation on a proposal to introduce an additional oversubscription criterion for children of staff to follow after siblings:

Children of staff “Children whose parent is a member of staff who has been employed at the school for two or more years at the time of application or has been recruited to fill a vacancy for which there is a demonstrable skill shortage.”

- 6.13 With the current staff shortages a number of community schools and teachers have enquired about the introduction of children of staff criterion to assist in recruiting and retaining staff. This is evidenced from the representations received from last year’s public consultation which is included at Appendix 9. The proposed change aims to address this and provide schools with the ability to retain and recruit staff for areas where there is a demonstrable skills shortage.
- 6.14 Many own admission authority schools in London (academies and voluntary aided schools) have this as a criterion. An informal consultation was carried out with all Haringey community schools to seek views on introducing a criterion for children of staff. The majority of schools that responded welcomed the opportunity to be awarded the same flexibility as own admission authority schools.

Enfield Council – children of staff criterion

6.15 We have looked at data from Enfield Council who have been operating a children of staff oversubscription criterion in their community schools since 2013 to determine the possible impact that any change in criterion might have.

6.16 Enfield Council introduced a children of staff criterion in their community schools oversubscription criteria in 2013 and have offered fewer than 1 per cent of places each year under this criterion. Table A below outlines the number and percentage of offers of Reception places made under children of staff criterion at oversubscribed Enfield community primary schools since September 2013.

Table A

Children of Staff admissions to oversubscribed Enfield community primary schools

Year of entry to Reception	Number of offers made on the basis of children of staff criterion at oversubscribed community primary schools	Total number of offers made at oversubscribed community primary schools	Percentage of offers made on the basis of children of staff criterion
September 2013	0	1810	0%
September 2014	5	1780	0.3%
September 2015	7	1840	0.4%
September 2016	5	1728	0.3%
September 2017	10	1158	0.9%

6.17 This table shows that the percentage of offers made under the children of staff criterion has been fewer than 0.5% from 2013 to 2016 and increased slightly to 0.9% for entry in September 2017.

6.18 If we were to use this data as a comparative model for Haringey community schools, we could expect approximately a similar proportion of offers to be made under this criterion as summarised below in Table B (assumption that 0.5% or as many as 1% of offers would be made under this criterion).

Table B

Projected Children of Staff admissions to oversubscribed community primary schools (assuming 0.5% or as many as 1% of offers would be made under this criterion)

Year of entry to Reception	Projected number of offers made on the basis of children of staff criterion at oversubscribed community primary schools (0.5%)	Projected number of offers made on the basis of children of staff criterion at oversubscribed community primary schools (1%)	Total number of offers made at oversubscribed community primary schools
September 2016	7	14	1370
September 2017	6	11	1136

Haringey own admission authority schools – children of staff criterion

- 6.19 One Haringey Voluntary Aided (VA) primary school has adopted the children of staff criterion, however, there were no applications made under this criterion for entry in September 2016 and 2017 nor was the school oversubscribed in these years.
- 6.20 Only two secondary schools in Haringey have adopted the children of staff criterion (1 Academy and 1 Foundation). Tables C and D shows the number of places offered under children of staff criterion at Fortismere and Alexandra Park Secondary schools for entry in September 2016 and 2017.

Table C

Children of Staff admissions to Fortismere Secondary School (Foundation)

Year of entry	Places offered under children of staff criterion	Total number of offers made
September 2016	2	270
September 2017	7	270

Children of Staff admissions to Alexandra Park Secondary School (Academy)

Year of entry	Places offered under children of staff criterion	Total number of offers made
September 2016	n/a	232
September 2017	2	232

*Alexandra Park introduced this criterion for entry in September 2017.

- 6.21 In summary, it is concluded from our analysis that the number of children falling under this criterion has historically been small and there is no evidence to suggest that the number is likely to be in anything other than single figures across the borough's community schools in the coming years.
- 6.22 The Cabinet Member for Children and Families is asked to agree to consult on the proposal to include an additional oversubscription criteria for children of staff. The numbers of children securing a place under this criterion are likely to be low, but it is expected to assist with staff recruitment and retention in Haringey community and VC schools. A decision on whether or not to include a children of staff criterion will be taken early in 2018 through full Cabinet.

In Year Fair Access Protocol (IYFAP)

- 6.23 An In-Year Fair Access Protocol (IYFAP) has been agreed in Haringey to ensure 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). 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 Head teachers and governing bodies agree to the aims, principles and procedures and give their fullest support."

Consultation

- 6.24 Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. 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.
- 6.25 This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- 6.26 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 arrangements;
 - 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 faith schools, the body or person representing the religion or religious denomination.

6.27 This report will ask for approval from the Cabinet Member for Children and Families to consult on our proposed admission arrangements, including the proposal to introduce an additional oversubscription criterion for children of staff, such consultation to take place between 27 October 2017 and 08 December 2017 inclusive.

Proposed consultation and determination timetable

Stage	What happens	Dates and timescales
1	Consultation on admissions arrangements which includes: <ul style="list-style-type: none"> • Nursery arrangements • Reception class and junior admissions • Secondary admissions • In-year admissions • In year fair access protocol • Sixth form admissions 	27 October 2017 to 8 December 2017
2	Cabinet to: <ul style="list-style-type: none"> • determine the admission arrangements for Haringey community schools, nursery classes, primary, infant, junior and secondary schools and St Aidan's voluntary controlled School. • determine the admission arrangements for students starting sixth form. • determine the In year Fair Access Protocol (IYFAP) 	13 February 2018
3	Last date by which all admission authorities, including academies, can determine admission arrangements	28 February 2018
4	Determined Admissions Arrangements must be published on website	15 March 2018

6.28 As the proposed admission arrangements contain a change to the oversubscription criteria for all community and VC schools it is important that such arrangements are consulted on as widely as is possible, having particular regard to those parents and carers, including those with the protected characteristics as outlined by the Equalities Act 2010, who might be affected by the change. In order to ensure the consultation reaches all potentially affected

stakeholders we have prepared an Equalities Impact Assessment (EqIA – see Appendix 7) which seeks to establish whether or not, if adopted, the introduction of an additional oversubscription criteria for children of staff would have an impact on any one or more of the protected groups.

6.29 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 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 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 all residents’ groups that the Council hold information for
- to all women’s groups that the Council hold information for
- other groups, bodies, parents and carers as appropriate

Co-ordinated scheme

6.30 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.

6.31 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. 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 2019-2020 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 01 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 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.

- 8.7 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 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.
- 8.8 Each local authority 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.
- 8.9 The proposed admission arrangements for 2019-2020, the proposed co-ordinated scheme, the proposed IYFAP and the proposed consultation on the proposed admission arrangements for 2019-2020 would appear to be in compliance with the Code and the Regulations.

Equalities and Community Cohesion Comments

- 8.10 The Council has a public sector equality duty under the Equalities Act (2010) to have due regard to the need to:
- Eliminate the discrimination, harassment and victimisation of persons that share the characteristics protected under sections 4-12 of the Act. These are the characteristics of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex (formerly gender) and sexual orientation;
 - Advance equality of opportunity between people who share those protected characteristics (with the exception of marriage and civil partnership) and people who do not;
 - Foster good relations between people who share those characteristics (with the exception of marriage and civil partnership) and people who do not.
- 8.11 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.

- 8.12 A full Equality Impact Assessment (EqIA) will be undertaken to help inform decision makers over the possible impact of the proposed changes on different groups of residents and families.
- 8.13 The EqIA will also identify mitigating actions/measures which the Council could put in place to help limit any disproportionate impact which the changes may have on particular groups and to advance equality of opportunity and good relations (e.g. identify acceptable exceptions to the criteria, a fair appeal process, ongoing monitoring and engagement arrangements).
- 8.14 The consultation process will be used to help populate and inform the final version of the EqIA which decision makers will consider.

9. Use of Appendices

- 9.1 The following appendices support this report:

Appendix 1 Proposed admission criteria for nursery 2019

Appendix 2 Proposed admission criteria for reception and junior admissions 2019 (including the co-ordinated scheme)

Appendix 3 Proposed admission criteria for secondary 2019 (including the co-ordinated scheme)

Appendix 4 Proposed scheme for in-year admissions 2019

Appendix 5 In-Year Fair Access Protocol for Haringey schools

Appendix 6 Proposed admission criteria for Sixth Form 2018

Appendix 7 EqIA

Appendix 8 Results of the informal consultation

Appendix 9 Representations from last year's statutory consultation

- 9.1 The full papers for this report can be viewed electronically on the Council's website at www.haringey.gov.uk/local-democracy or in paper form at School Admissions Service, 4th Floor, Alexandra House, 10 Station Road, N22 7TR.

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).