

Report for: Cabinet - 13 February 2018

Item number:

Title: Determination of the Council's School Admission Arrangements for the academic year 2019/20

Report authorised by: Eveleen Riordan, Joint 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. To continue to meet statutory requirements Cabinet are requested to determine the proposed admission arrangements for the school year 2019/20. These arrangements are in respect of the borough's community and voluntary controlled (VC) schools. Recommendations below (paragraph 3) also ask Cabinet to agree to their publication on or before 15 March 2018 on the Council's website, such details to include advice on the right of objection to the Schools Adjudicator.
- 1.2. This year the proposed admission arrangements for community and voluntary controlled (VC) schools included a proposal to introduce an additional oversubscription criteria for children of staff to follow after the sibling criterion (such a criterion to be limited to permanent teaching staff who have been employed at the school for at least two years at the time of application, and limited to one place for each form of entry in any year).
- 1.3. On 17 October 2017 the Cabinet Member for Children and Families agreed that statutory consultation is carried out on the proposed admission arrangements between 27 October and 8 December 2017.
- 1.4. This report provides details on and an analysis of the representations received on all of our admission arrangements and makes recommendations on those proposed admission arrangements at paragraph 3 below.

2. Cabinet Member Introduction

- 2.1 As a result of a very full consideration of all this, the paper recommends that Cabinet agree to the proposal of introducing an additional oversubscription criterion to prioritise children of staff. The full range of reasons for agreeing to the proposal are set out below from para 6.8 – para 6.23.

3. Recommendations

3.1 Cabinet are asked to:

- Consider and take into account the feedback from the consultation undertaken which is set out in summary at paragraphs 6.6-6.23. All the representations are set out in Appendix 8 of this report.
- Consider and take into account the equalities impact assessment of the proposals on protected groups at appendix 7.
- Agree the recommendation set out in this report to proceed with 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.
- Determine the Council's admission arrangements for the academic year 2019/20 as set out in Appendices 1 – 4.
- Agree the in-year fair access protocol (IYFAP) as set out in Appendix 5 to come into force from 1 March 2018.
- Agree that the determined arrangements for all maintained primary and secondary schools in the borough are published on the Council's website by 15 March 2018 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.

4. Reasons for decision

- 4.1. The School Admissions Code 2014 requires all admission authorities to determine admission arrangements every year, even if they have not changed from previous years. Regulation 17 of the School Admissions Regulations 2012 also requires admission authorities to determine admission arrangements by 28 February in the determination year.

¹ Paragraphs 19 – 24 of the Regulations

- 4.2. In addition, the Regulations require the admission authority (in this case the local authority) to publish on its website by 15 March in the determining year the determined arrangements of all maintained primary and secondary school and academies in the borough, advising the right to object to the Schools Adjudicator, where it is considered that the arrangement do not comply with the mandatory provisions of the School Admissions Code 2014.
- 4.3. 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 of the arrangements.
- 4.4. 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 of 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.
- 4.5. The Council consulted on a proposal to introduce an additional oversubscription criterion to prioritise children of staff after the sibling criterion. The proposed change to the criterion 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 right staff for their school in the current competitive recruitment climate.
- 4.6. Before deciding to publicly consult 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. The results from the informal consultation indicated that the majority of Haringey community and VC schools support an additional oversubscription criterion which gives priority to children of staff.
- 4.7. In beginning the public consultation we were aware of the risk that the change might bring i.e. 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.
- 4.8. Research from a neighbouring borough (Enfield) who introduced a children of staff criterion in their primary community school's oversubscription criteria in 2013 showed that fewer than one percent (1%) of places have been offered each year under this criterion. In the Cabinet Member signing

report (October 2017) that recommended this consultation, we undertook some comparative modelling for Haringey community and VC schools and our analysis shows that we could expect a similar proportion of offers to be made under this criterion. It was concluded that the number of children falling under this criterion is likely to be very small and there is no evidence to suggest that the number will be anything other than single figures across the borough's community schools in the coming years.

- 4.9. An equalities impact assessment (EqIA) is included at Appendix 7 and has identified a disproportionate impact on the basis of gender and ethnicity, likely to favour women and white staff members. However the overall impact would be low because of the very small proportion of offers likely to be made under this criterion.

5. Alternative options considered

- 5.1. Consultation on the proposed change to the oversubscription criterion was carried out in response to a small number of representations received last year from schools and teachers through our statutory public consultation on the proposed admission arrangements for community and VC schools for the academic year 2018/19. These representations all focused on introducing an additional oversubscription criterion that gives priority to children of teaching staff employed at the school.
- 5.2. While there are other ways admission arrangements can influence the allocation of school places set out in the Schools Admissions Code 2014 (e.g. designated catchment areas or identified feeder schools) no alternative criterion were being considered at the time of the consultation or when writing this report.
- 5.3. There is a statutory requirement on all admission authorities to determine their admission arrangements each year and for those arrangements to be consulted on if there is a proposed change or at least once every 7 years if there has been no change in that period.

6. Background information

- 6.1. 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 voluntary controlled (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 admissions authority; they must consult on and then determine their own admission 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, foundations 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 there are places at the school.
- 6.5. Admission authorities are responsible for admissions and must act in accordance with the School Admissions Code 2014 (hereafter referred to as the Code), the School Admission Appeals Code (2012), other laws relating to admissions, and relevant human rights and equalities legislation.

Consultation responses

- 6.6. Of the representations we received, most were focused on the proposal to introduce an additional oversubscription criterion giving priority to staff children. All the representations are set out in Appendix 8 of this report and, in summary, were largely in agreement with the proposed admission arrangements.
- 6.7. We also consulted on our in year fair access protocol (IYFAP). The protocol seeks to ensure vulnerable children without a school place are placed quickly and equitably across all of the borough's schools and primary and secondary IYFAP panels meet regularly to implement the protocol and place children. A small number of representations were received in respect of the protocol. Again this is set out in Appendix 8 to this report but in summary the representations support the provisions of the protocol and acknowledges that it works well in supporting a swift entry of hard to place and vulnerable young people onto a school roll.

Proposed change to the oversubscription criterion – children of staff

- 6.8. We received a total of 75 representations both for and against the proposed change to introduce an additional oversubscription criterion giving priority for children of staff. Headline information shows that the responses can be broadly categorised into the following three groups:

In favour of change	Opposed to change	Neutral
89%	8%	3%

- 6.9. Below is a summary of what the representations told us, depending on whether the representation was in favour of or opposed to the proposed criterion change. A comprehensive report setting out the representations received can be viewed at Appendix 8. It is the information contained in this Consultation Survey report that has been used to inform this Cabinet report

and the information in paras 6.10 and 6.11 below contains only a summary of these representations.

6.10. In favour of the proposed change to the criterion

Overall there were a significantly larger number of representations from stakeholders who supported a change to the criterion. There was a general agreement that the criterion change would help in the recruitment and retention of staff and it was considered that it would enable schools to retain committed teachers in an increasingly competitive climate. Stakeholders also told us that introducing this criterion would ease the burden on teachers by creating access to more flexible childcare arrangements. Others said this incentive would help schools attract the best calibre of staff and ward off competition from schools in neighbouring authorities such as Enfield and Barnet who have already introduced this criterion. A single representation remarked that staff children should be given even higher priority than those children with a sibling already attending the school.

6.11. Opposed to the proposed change to the criterion

Those opposed to the criterion change have said that it disadvantages local families seeking a local school place. A small number of stakeholders raised concerns that children already struggle to obtain a place at their local school and a further criterion giving priority to children of staff would marginalise local residents even further. A single representation said that this criterion would work against the ethos of community schools by reducing places for local children. There were also concerns that all working parents face the same issues - teachers working at a Haringey school may not necessarily live in the same borough and should not have an unfair advantage over other working parents living locally. Another stakeholder argued that the additional oversubscription criterion should only be introduced for primary schools as secondary aged children can travel to school independently. There was also a request that the proposed change should only apply to teachers employed full time at a school. We also received representation that the requirement of having worked at the school for 2 years would not help in recruitment whilst some others said it was a good idea as it would restrict movement of staff.

6.12. Below is a consideration of whether the benefits of the proposed change outweigh the potential disadvantages that might be caused to impacted families. The proposed change may reduce the number of children gaining admission under the distance criterion. If the children of staff criterion is introduced, some local families may be disadvantaged by other families who qualify for places under the children of staff criterion despite living further away or in other boroughs.

6.13. In the Cabinet Member signing report (October 2017) that recommended this consultation, we set out that the number of children falling under the children of staff criterion is likely to be very small and there is no evidence

to suggest that the number will be anything other than single figures across the borough's community schools in the coming years.

- 6.14. An analysis of admissions in our neighbouring borough Enfield (which currently operates this criterion) shows that the number of places offered to children of staff each year at Enfield primary community schools has been fewer than 0.5% from 2013 to 2016 and increased slightly to 0.9% for entry in September 2017. One Haringey Voluntary Aided primary school and two Haringey Secondary Academies have adopted the children of staff criterion and the number of places offered each year has most commonly been between zero and two children each year.
- 6.15. On balance, given the support by 89% of respondents for the request by Haringey community and VC schools to address an increasing recruitment and retention issue by offering priority for children of staff, it is recommended that Haringey adopts this proposal. This will bring the admission policy for community schools in line with neighbouring authorities such as Enfield and Barnet and those of some voluntary aided schools and Academies in Haringey that already incorporate this priority.
- 6.16. Based on our analysis the impact is expected to be negligible and it is considered that the perceived benefits to schools and the local community in recruiting and retaining staff are likely to outweigh any disadvantage that *may* be caused to a small minority of local families not being able to access their most local school place. The Council is still committed to offering all of our children and young people a school place within a reasonable travelling distance².
- 6.17. In relation to the feedback set out above to restrict the proposal to permanent staff, and in line with the Code, we will set the requirement for the child's parent 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 made³. However, it is important to clarify that the criteria would apply to teaching staff only as this is where the skill shortage is being experienced and the driving force originally behind the consultation.
- 6.18. In acknowledgement of the concerns raised from some stakeholders regarding the availability of local places for local families we have also proposed a restriction on the number of children admitted to any one school in any given year (September to August) – priority will be limited to one place for each form of entry in any year across all primary and

² There is no definition of reasonable travelling distance within current legislation. The Department of Education's 'Home to School Travel and Transport Guidance (July 2014)' states that Local Authorities have a duty to offer free transport to and from school for all pupils of compulsory school age (5-16) under specific circumstances. To be eligible, a child under eight would have to walk over 2 miles to the nearest suitable school or need to spend over 45 minutes travelling there. A child aged between 8 and 16 would have to walk over 3 miles to the nearest suitable school or need to spend over 75 minutes travelling there.

³ For the avoidance of doubt, for reception this will be 15 January and for secondary transfer (move into year 7) this will be 31 October).

secondary community and VC schools. A caveat will be added to include the exception for children born in the same academic year and multiple births.

- 6.19. This category would follow after priority to siblings. The proposed wording is as follows:

Children of teaching staff of the school where the member of staff has been employed at the school for two or more years at the time of application and/or children of a member of staff who has been recruited to fill a vacancy for which there is a demonstrable skill shortage.

Priority will be limited to one place for each form of entry in any year. Exception to this will apply to children of multiple birth or those born in the same academic year.

All such applications must be submitted to the local authority and must be accompanied with the relevant paperwork supporting an application on these grounds. The applicant must take sole responsibility to provide such paperwork. Without the provision of the relevant papers, priority will not be given on these grounds.

- 6.20. It is recommended Cabinet determine the school admission arrangements for 2019/20 including the proposed change to introduce an additional oversubscription criteria prioritising children of staff for publication by 15th March 2018 in accordance with Regulations 17 of the School Admissions Regulations 2012.
- 6.21. Cabinet is recommended to agree the proposed wording above which includes restrictions to ensure community schools continue to allocate the majority of places to local residents. The arrangements are set out in full in Appendices 1-4 of this report.
- 6.22. If priority for the children of staff is given it will alleviate difficulties experienced by some schools in recruiting and retaining excellent teaching staff, especially in certain subjects like Maths & Science where there is a national shortage. Prioritising staff children will improve the ability to retain staff or recruit those from an area where there is a demonstrable skill shortage. The number of children that would qualify under this criterion will be minimal, if any at all in some years.
- 6.23. In addition, Cabinet is recommended to agree the in-year fair access protocol to come into force from 1 March 2018. The protocol ensures hard to place children are given a school place without delay and is a statutory requirement set out in the School Admissions code 2014 (paras 6 and 3.9 – 3.15 of the Code).

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:

8.4. 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.

8.5. 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.

8.6. 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.

- 8.7. 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.
- 8.8. 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 criteria used to decide the allocation of school places 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.
- 8.9. 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.
- 8.10. 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.

- 8.11. 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 Comments

- 8.12. 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.

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

- 8.14. The 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 an individual or group that possesses any of the characteristics defined in sections 4-12 of the Equality Act 2010.

- 8.15. An equality impact assessment (EqIA) has been carried out to help inform decision makers over the potential impact of introducing an additional oversubscription criterion giving priority to children of staff. The EqIA highlighted the potential for a disproportionate impact on the basis of gender and ethnicity, likely to favour women and white staff members. There is however an appreciation that the the overall impact would be low because of the very small proportion of offers likely to be made under this criterion.

- 8.16. The change in criteria is a reasonable and proportionate response to the issue of staff recruitment and retention in the borough, and will have wider positive benefits for the educational outcomes of Haringey’s children and young people.

8.17. 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 - Nursery 2019
- Appendix 2 - Reception and Junior 2019
- Appendix 3 - Secondary Transfer 2019
- Appendix 4 - In-year Admissions 2019
- Appendix 5 – In Year Fair Access Protocol
- Appendix 6 - Starting Sixth Form
- Appendix 7 - EqIA
- Appendix 8 - Consultation Survey

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