

Report for: Cabinet – 13 November 2018

Title: Determination of the Council's School Admission Arrangements for the academic year 2020/21 – Consultation

Report authorised by: Eveleen Riordan, Assistant Director, 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 2020/21 for Haringey's community and voluntary controlled (VC), nursery, infant, junior, primary, secondary and sixth form settings.
- The proposal to reduce the published admission number (PAN) for Welbourne and Tiverton Primary Schools by one form of entry (1FE) – 30 Reception pupils each from September 2020 as part of the community and voluntary controlled (VC) schools' published admission arrangements.
- Haringey's proposed scheme for in-year admission for the academic year 2020/21. 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 2019 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 2020/21 year of entry.

2. Cabinet Member Introduction

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.

- 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.
- 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 report seeks Cabinet approval to commence a six week period of statutory consultation. The details of what is being consulted on is set out in paragraph 3 below.

3. Recommendations

3.1 Cabinet is asked to:

- 3.1.1 Agree to consult on the proposed admission arrangements, including the proposed in-year admissions scheme for the academic year 2020/21;
- 3.1.2 Agree to consult on the proposed IYFAP which, if agreed at Cabinet in February 2019, would be come into force from 1 March 2019;
- 3.1.3 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 2019.
- 3.1.4 Note the proposal to reduce the PAN for Welbourne and Tiverton Primary Schools by one form of entry (1FE) – 30 Reception pupils each from September 2020 as part of the community and voluntary controlled (VC) schools' published admission arrangements.
- 3.1.5 Note that consultation on the proposed admission arrangements is scheduled to take place between 26 November 2018 and 7 January 2019;
- 3.1.6 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 2019.

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 2020/21 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 2020 entry?** - Para 3.1 above sets out that we are proposing to reduce the PAN for Welbourne and Tiverton Primary Schools by one form of entry (1FE) – 30 Reception pupils each from September 2020. The School Admissions Code (2014) sets out the requirement for all admission authorities to undertake statutory consultation where they propose a decrease to the PAN of a school.
- 4.5 Tiverton Primary is a community school located at Pulford Road, London N15 6SP and sits within planning area 3 (see map of planning areas on page 7 below). The school normally admits 2 classes (60 Reception pupils) per year. However, due to a decrease in the demand for school places, we are proposing to reduce the school's PAN to 60 for the 2020/21 academic year.
- 4.6 Welbourne Primary is a community school located at Stainby Road, London N15 4EA and sits within planning area 4 (see map of planning areas on page 7 below). The school normally admits 3 classes (90 Reception pupils) per year. However, due to a decrease in the demand for school places, we are proposing to reduce the school's PAN to 60 for the 2020/21 academic year.
- 4.7 Planning areas 3 and 4 in which these schools are located show the most significant surplus of places. Both Tiverton and Welbourne Primary schools have vacancies across all year groups and our projections show that demand is likely to continue to decrease. Current school roll projections for planning area 3 (where Tiverton is located) suggest a surplus of school places of between 1-2 forms of entry between now and 2026/27. Current school roll projections for planning area 4 (where Welbourne is located) suggest a surplus of school places of between 3-4 forms of entry between now and 2021/22.
- 4.8 Approval was sought from the Schools Adjudicator for a temporary reduction in PAN for Tiverton Primary School for entry in September 2018. A reduction by 1 form of entry was agreed and it is likely that a similar request will be made for entry in September 2019 due to the lack of demand. Our projections show that demand is likely to continue to decline and the school will struggle to fill beyond 1 form of entry.
- 4.9 Welbourne Primary School has the highest number of vacancies across all year groups compared to other schools in Planning Area 4. It is likely that this will have had a ripple effect locally as falling demand is rarely evidenced at just one school but is often felt across several. A benefit of planning places judiciously is

that it keeps rolls relatively buoyant across and beyond any planning area as surplus places are reduced.

- 4.10 We are proposing to reduce the number of available places at these schools to enable them to operate more efficiently and cost effectively. The proposed reduction of PANs for these schools will allow better alignment of PANs with actual number of pupils on roll, leading to cost savings.
- 4.11 Consulting on our admission arrangements for entry in September 2020 gives these schools sufficient time to review their internal structure so that any potential impact on staff reorganisation can be minimized. It will allow the school leadership teams in offering a more accurate number of places and also help with long term planning.
- 4.12 Equality consideration was given to the selection of these specific schools for a reduction in PANs to help frame any potential impact on protected groups. Our proposal will not adversely impact on families trying to access their local school with high quality provision. A projected surplus of school places in the planning areas where these schools are located means that we expect sufficient places to still be available for local children if the PANs are reduced at Welbourne and Tiverton Primary School for entry in September 2020.
- 4.13 All local schools are rated 'Good' or 'Outstanding' by Ofsted and are able to support children with a wide range of abilities, special needs, disabilities and learning difficulties, from able, gifted and talented pupils to those with multiple and significant disabilities, medical conditions and learning difficulties. Welbourne and Tiverton do not offer any specific provision that is not provided elsewhere and we believe that the needs of the community can be met at other local schools and this will be tested during the consultation process. We will closely monitor the number of primary applications received at the time and in the event there is an increase in demand for primary school places and additional places are required, these schools can revert to their original PAN.

5. Background information

- 5.1 Following many years of rising demand due to the growth in Haringey's population, the Council are now in a position of needing to reduce capacity as a result of a flattening birth rates and a higher than projected increase in out-migration. This has contributed to a higher than necessary level of surplus places in some educational planning areas where supply is predicted to outstrip demand by more than 2 forms of entry in some planning areas, including the planning areas where these schools are located.
- 5.2 A large portion of funding received by schools is directly related to the number of pupils attending the school. Too many vacancies in schools mean that schools will not receive the maximum revenue possible.
- 5.3 A surplus of more than 2% across our school estate is not recommended as it can lead to financial pressures within schools. Schools running class sizes below 24 pupils may become financially unsustainable in the long-term as they may not be able to fund a classroom teacher. We are therefore proposing to

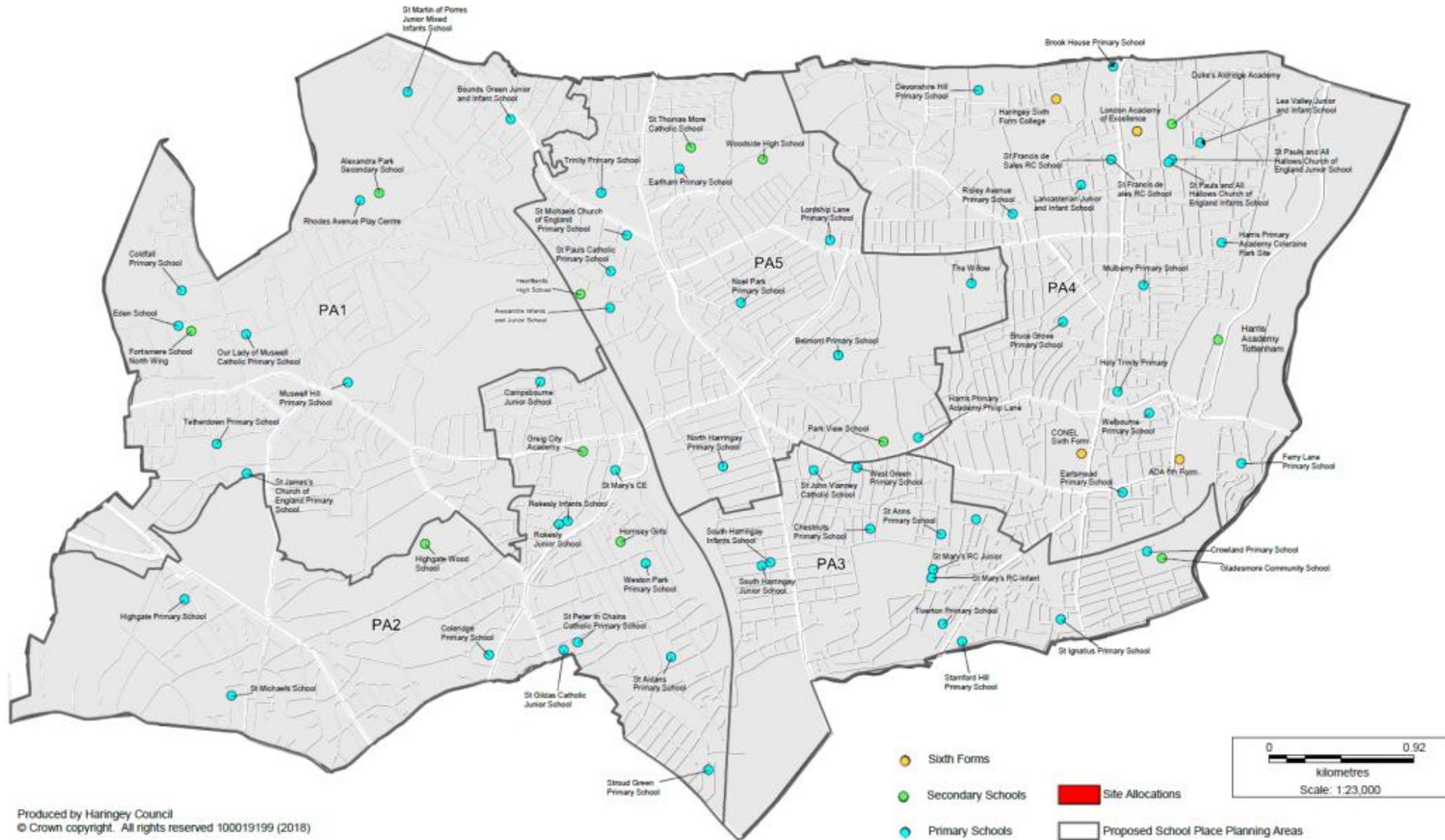
reduce the number of available places at Tiverton and Welbourne Primary Schools to enable them to operate more efficiently and cost effectively.

- 5.4 The high number of vacancies (224) in the Reception year group at the beginning of the 2018/19 academic year across many schools in Haringey is indicative of the projected decrease in demand for Reception places. This has been an ongoing trend across many London authorities, including neighbouring boroughs and is forecasted to continue over the next few years. We expect sufficient places to still be available for local children if the PANs are reduced at Welbourne and Tiverton Primary Schools for entry in September 2020.
- 5.5 This change seeks to assist the school governing bodies to plan for long-term stability, a consistent structure and a sustainable financial position, providing a secure foundation for high quality educational outcomes for all pupils.
- 5.6 We have written to the London Diocesan Board for Schools and to our Academy/Free schools setting out the fall in demand and the need to rationalise the number of schools available. We expect that our Church of England and Catholic schools *may* also be seeking to reduce capacity to match actual and projected rolls (one Church of England School has already reduced capacity), and that our Academy/Free schools will be looking at their own capacity too.
- 5.7 **What is the potential risk?** The proposed reduction in PAN at these schools *may* disadvantage a small number of families by limiting the number of places that can be offered to local residents. However, we expect that there will be sufficient places at other local schools. As set out above, in the event there is an increase in demand for primary school places and additional places are required, these schools will revert to their original PAN.
- 5.8 An Equalities Impact Assessment (EqIA) will form an important part of the consultation and will seek to ascertain whether the proposed reduction in PAN *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.

6. Alternative options considered

- 6.1 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. Last year, the consultation on 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. Cabinet agreed to the proposal in February last year which means the children of staff criterion will come into effect from September 2019.
- 6.2 This year we are not proposing a change to the oversubscription criterion 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.

Map of Haringey Planning Areas



7. Consultation and determination of admission arrangements

- 7.1 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.
- 7.2 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.
- 7.3 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 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.
- 7.4 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.
- 7.5 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
- 7.6 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.
- 7.7 Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.
- 7.8 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.
- 7.9 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)

- 7.10 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 Head teachers and governing bodies agree to the aims, principles and procedures and give their fullest support."

Consultation

- 7.11 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.
- 7.12 This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- 7.13 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.

7.14 This report will ask for approval from Cabinet to consult on our proposed admission arrangements, including the proposal to decrease reduce the PAN for Welbourne and Tiverton Primary Schools by one form of entry (1FE) – 30 Reception pupils each from September 2020 as part of the community and voluntary controlled (VC) schools’ published admission arrangements.

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 arrangements • Reception class and junior admissions • Secondary admissions • In-year admissions • In year fair access protocol • Sixth form admissions | 26 November 2018 to 7 January 2019 |
| 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) | February 2019 |
| 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 |

7.15 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

- 7.16 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.
- 7.17 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.

8. Contribution to strategic outcomes

- 8.1 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.

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

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

Comments of the Chief Finance Officer and financial implications

- 9.2 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

- 9.3 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 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.

- 9.4 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.
- 9.5 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.
- 9.6 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.

- 9.7 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.
- 9.8 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.
- 9.9 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
- 9.10 The proposed admission arrangements for 2020-2021, the proposed co-ordinated scheme, the proposed IYFAP and the proposed consultation on the proposed admission arrangements for 2020-2021 would appear to be in compliance with the Code and the Regulations.

Equalities and Community Cohesion Comments

- 9.11 The Council has a public sector equality duty under the Equalities 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 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.
- 9.12 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 an individual or group that possesses any of the characteristics defined in sections 4-12 of the Equality Act 2010.

- 9.13 An Equalities Impact Assessment (EqIA) will form an important part of the consultation and will seek to ascertain whether the proposed reduction in PAN at the schools mentioned previously 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.
- 9.14 The consultation process will be used to help populate and inform the final version of the EqIA which decision makers will consider.

10. Use of Appendices

10.1 The following appendices support this report:

Appendix 1 Proposed admission criteria for nursery 2020

Appendix 2 Proposed admission criteria for reception and junior admissions 2020 (including the co-ordinated scheme)

Appendix 3 Proposed admission criteria for secondary 2020 (including the co-ordinated scheme)

Appendix 4 Proposed scheme for in-year admissions 2020

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

Appendix 6 Proposed admission criteria for Sixth Form 2020

Appendix 7 EqIA

10.2 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 7th Floor, River Park House, 225 High Road, London, N22 8HQ.

11. Local Government (Access to Information) Act 1985

11.1 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).