

Meeting: Executive
Date: 18 March 2014
Subject: Determination on Admission Arrangements 2015/16
Report of: Cllr Mark Versallion, Executive Member for Children's Services
Summary: The report seeks Executive approval to determine the Admission Arrangements for 2015/16, specifically the Council's co-ordinated admissions scheme and the Council's admission arrangements for Community and Voluntary Controlled Schools.

Advising Officer: Edwina Grant, Deputy Chief Executive/Director of Children's Services
Contact Officer: Karen Oellermann, Assistant Director - Commissioning & Partnerships
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes

CORPORATE IMPLICATIONS

Council Priorities:

The Council's admission arrangements and co-ordinated admissions scheme supports the Medium Term Plan priority to improve educational attainment.

Financial:

1. Not applicable.

Legal:

2. Regulations contained within the School Admissions Code set out the requirement for the Council to have a co-ordinated admissions scheme for the area. Admission Authorities must also determine their admissions arrangements by the 15 April each year, for implementation in September of the following year. If an Admissions Authority proposes to make amendments to their arrangements they must consult between the 1 November and the 1 March for a minimum of 8 weeks of the year before the arrangements apply.
3. For Community and Voluntary Controlled schools the admissions authority is the Council. Academies, Foundation, Trust and Voluntary Aided schools are their own admission authority and are therefore responsible for their admission arrangements.

4. The Council fulfils its statutory responsibilities by consulting within the timescales set out above with the relevant parties on changes to admission arrangements for Community and Voluntary Controlled schools. Comments from all consultees are then reported back to Executive in order for the arrangements to be determined by the 15 April 2014 as required by law.

Risk Management:

5. This report sets out the statutory requirement for the Council to have a co-ordinated admissions scheme and admission arrangements for Community and Voluntary Controlled schools which are compliant with the School Admissions Code, in place for the area. The risk of not having a co-ordinated scheme and lawful admission arrangements in place for Central Bedfordshire would include:

- Failure to discharge statutory duty.
- Failure to comply with legislation and the School Admissions Code.
- Failure to provide an admissions process which allows parents to state preferences and apply by the national closing dates.
- Failure to allocate school places for the normal year of entry by the national offer dates.

All of the above would be non-compliance with the law on School Admissions and possible legal challenge which would be a reputational risk for the Council.

Staffing (including Trades Unions):

6. Not applicable.

Equalities/Human Rights:

7. The School Admissions Code sets out the duty on Local Authorities and Admission Authorities to produce admission arrangements which are fair, clear and objective, which can be easily understood by parents. Admission arrangements must comply with regulations and legislation including the Equality Act 2010 and the Human Rights Act 1998.
8. Public authorities have a statutory duty to advance equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. As part of the development of the Admissions Arrangements the Council has carried out an equality impact assessment to check that the proposed changes do not have a disproportionate or negative impact on vulnerable groups and has assessed the responses given as a result of the consultation.

Public Health:

9. Not applicable.

Community Safety:

10. Not applicable.

Sustainability:

11. Not applicable.

Procurement:

12. Not applicable.

Overview and Scrutiny:

13. The Admission Arrangements were considered by the Children's Services Overview and Scrutiny Committee on 13 December 2013. Members supported the proposals for the nursery criterion to be included in the admissions criteria for Hawthorn Park and Tithe Farm. Members queried the conversion of the catchment areas from lower to primary for the Houghton Regis area, requesting that catchment areas be reviewed for future years.

RECOMMENDATIONS:**The Executive is asked to:**

1. **approve the Council's co-ordinated admissions scheme as attached at Appendix 1 and 2 to this report;**
2. **note the findings of the Annual Report of the Office of the Schools Adjudicator which has upheld over 20 objections to Nursery criteria and how this can be unfair and disadvantageous to children as well as the two responses to the consultation which were not supportive regarding the inclusion of this criterion;**
3. **note that the proposed inclusion of the nursery criteria for Hawthorn Park and Tithe Farm Lower School will not be implemented in line with the responses and report of the Office of the Schools Adjudicator;**
4. **note the conversion of lower catchment areas in Houghton Regis to Primary catchment areas as set out in section 31 of the report;**
5. **approve the implementation of a catchment area for Greenleas Kestrel Way but not the inclusion of Nursery criteria for this site as per the revised admissions policy for the school as set out in section 34 to 37 of the report;**
6. **approve the implementation of a catchment area for the second site of St. Andrew's Lower School, Biggleswade including the admissions policy; and**
7. **note that the published admission number at Watling Lower School will remain at 45 for admissions in the academic year of 2015/16.**

*Reason for
Recommendations:*

To enable the Council to meet its statutory obligations to determine its admission arrangements by 15 April 2014 for admissions in the academic year of 2015/16.

Executive Summary

14. The Council has a statutory duty to ensure that admissions are co-ordinated for all admission authorities in their area at academies and schools in the normal year of entry. Co-ordination ensures that only one offer is made to each child. The Co-ordinated Admissions Scheme for the academic year 2015/16 fulfils this requirement, setting out the timeframes for processing admission applications.
15. In addition, as the Council is the admission authority for Community and Voluntary-Controlled schools, it is responsible for the admission arrangements, including determination of the admissions criteria in the event of oversubscription to these schools.
16. The consultation on the proposed admission arrangements for the academic year 2015/16 closed on the 20 January 2014 and responses and comments have been considered. This report sets out the key findings from the consultation and the process which needs to be followed for the Council to determine its admission arrangements. This requires the recommendations for the co-ordinated admissions scheme and the admission arrangements for Community and Voluntary Controlled schools to be approved by the Council's Executive.

Introduction

17. The School Standards and Framework Act 1998 requires the Council to consult on its co-ordinated scheme and to consult on admission arrangements for Community and Voluntary Controlled schools where changes are proposed. The consultation must be conducted for a period of 8 weeks, commencing no earlier than 1 November and concluding by 1 March the following year. Arrangements must then be determined by the 15 April each year.
18. The Council's Executive approved a recommendation on the 5 November 2013 to commence a consultation on the Council's admission arrangements which included the co-ordinated admissions scheme and the admission arrangements for Community and Voluntary Controlled schools.
19. The consultation commenced on the 11 November 2013 and concluded on the 20 January 2014, which allowed over 8 weeks for all interested parties to respond in order to take into account the end of the Autumn term break.
20. Legislation prescribes that the consultees must include the following:
 - a) Parents of children between the ages of two and eighteen.
 - b) Other persons in the relevant area who in the opinion of the Admissions Authority have an interest in the proposed admissions.
 - c) All other admission authorities within the relevant area.
 - d) The Governing Bodies of Community and Voluntary Controlled schools.
 - e) Adjoining neighbouring local authorities.
 - f) The body or person representing religious denomination schools.

21. The consultation was publicised via the following methods:

A letter was sent to:

- Headteachers and Chairs of Governors of Community and Voluntary Controlled schools in Central Bedfordshire.
- Headteachers/Principals of Academies, Foundation, Trust and Voluntary Aided schools in Central Bedfordshire, with a copy of the letter being sent to the Roman Catholic Diocesan Board and the Church of England Diocesan Board.

22. The consultation was also publicised through the academies and schools newsletters, Central Essentials and Governors Essentials.

Posters to publicise the consultation, detailing the website address to access information were sent to:

- Schools and academies in Central Bedfordshire
- Nurseries and Children's Centre
- Town and Parish Councils
- Community Centres
- Supermarkets.

An email was also sent to neighbouring local authorities to inform them of the consultation and a press release was sent to the local newspapers.

Response to the Council's Consultation on Admission Arrangements for 2015/16

23. Sixteen responses were received in total from interested parties to the Council's consultation on admission arrangements. 47% of those who responded agreed with the proposed admission arrangements and 27% disagreed, with 26% neither agreeing or disagreeing.

Consultation Responses – Co-ordinated Scheme for Admission

24. The co-ordinated scheme for admission to lower, primary and middle and the scheme for admission to secondary, upper and the university technical college forms part of the Council's admission arrangements. Central Bedfordshire's Co-ordinated Admissions Scheme for the academic year 2015/16 sets out the scheme and timetable in which applications will be processed. The scheme details the processes and procedures that the Council and other admissions authorities need to work to in order to process the applications by the offer date for the normal year of entry at a school or academy. No responses were received concerning the co-ordinated schemes during the Council's consultation on admission arrangements for 2015/16.

Consultation Responses to Individual Admissions Arrangements

25. The Council consulted on changes to admission arrangements for five schools in Central Bedfordshire for implementation in September 2015. The consultation on admission arrangements for Hawthorn Park and Tithe Farm Primary schools was to mirror their admission arrangements with those of the other primaries within Houghton Regis. As the area is completely two-tier with primary and secondary schools, the catchment areas in existence are for the former three tier system and therefore the lower catchment areas will be converted to primary school catchment areas. Other changes proposed were changes to catchment areas in Leighton Buzzard and Biggleswade and a decrease in the published admissions number for a school in Dunstable.

Prioritisation of Children Attending Nurseries and Pre-Schools

26. The annual report of the Office of the Schools Adjudicator (OSA) was published at the end of November 2013. The purpose of the report is to comment on the effectiveness of admission arrangements in England and recommend actions to ensure admission authorities comply with the legislation contained within the School Admissions Code. One of the main findings of the latest annual report found that the practice of some primary schools of giving priority for admission to the reception year to children who have attended a particular nursery provision was found to be unfair to other local children.
27. The Council needs to ensure that its admission arrangements are compliant with the School Admissions Code and to be responsive to recommendations made by the Chief Schools Adjudicator whereby Local Authorities were urged in the latest annual report to ensure fair access to schools for all children reaching compulsory school age.
28. Fifteen Community and Voluntary Controlled schools prioritise children who have attended a nursery or pre-school. This criterion has been in school policies for a number of years prior to the inception of Central Bedfordshire Council. It has given parents and carers in the area the expectation that if their child attends the named nursery or pre-school within a school's criteria that this will ensure admission to the school if they are outside of the catchment area or do not have siblings attending the school.
29. It is therefore recommended that the Community and Voluntary Controlled school policies which currently give priority to children who attend a nursery or pre-school are retained for admissions in September 2015. However the Council will consult in the next academic year for removal of this criterion for admissions from September 2016, in order to meet the recommendations made by the Chief Schools Adjudicator, made in the Office of the Schools Adjudicator Annual Report.

Hawthorn Park Primary School and Tithe Farm Primary, Houghton Regis

30. The consultation on admission arrangements for Hawthorn Park Primary School and Tithe Farm Primary School proposed that the admissions criteria for the schools be amended to give priority to children attending the nursery school and for this criterion to be inserted to the school's policy as number five above the last criterion of those to be prioritised on straight line distance. This was to provide the two schools with parity amongst their neighbouring schools in Houghton Regis who have this criterion of children attending nursery provision as the penultimate criterion already.
31. In addition to this proposal to amend the admissions criteria for these two schools in Houghton Regis, the catchment areas for the primary schools in Houghton Regis will be converted from lower catchment areas to primary catchment areas now that the area is following a two tier of primary and secondary provision since changing from three tier of lower, middle and upper.
32. Two responses were received concerning the inclusion of the nursery criterion within the admissions criteria for Hawthorn Park Primary and Tithe Farm Primary. One of the consultees disagreed in giving priority to children attending nursery provision and stated, '...parents choose to send their children to other nurseries or childcare for important reasons, either they feel other nurseries suit their child better or suits their working situation better...'. Another consultee commented on the inclusion of this criterion for these two schools and the existence of this criterion in the other community and voluntary controlled school policies as not being compliant with the School Admissions Code. The consultee cited the recent publication of the annual report of the Office of the Schools Adjudicator, whereby admission arrangements which included nursery criteria were found to be unlawful and not compliant with the code.
33. It is recommended that Executive approve to retain the current admission policy for Hawthorn Park Primary and Tithe Farm and not to implement the proposed policy which was consulted upon to include a nursery criterion. This is to ensure that the policy is not changed for one year prior to consulting on its removal for the following year.

Greenleas Lower School, Kestrel Way site, Leighton Buzzard

34. Greenleas School in Leighton Buzzard became a two site school in September 2013 with the new site located on Kestrel Way within the Sandhills development in Leighton Buzzard. The main site is located on Derwent Road in Leighton Buzzard and operates an admissions policy based on a catchment area for the school. The Kestrel Way site currently operates an admissions policy based on straight line distance after giving priority to 'looked after' children and siblings.
35. The Kestrel Way site currently sits within the catchment area for Stanbridge Lower School and children local to the school who are living on the development that the new school serves are within the catchment area to a school over 2 miles away.

36. A catchment area for the Greenleas Kestrel Way site was proposed which took a proportion of the current Stanbridge Lower School catchment area and proposed a shared area with Clipstone Brook, Leedon and Mary Bassett. The admissions criteria for Greenleas Lower School, Kestrel Way was detailed in the proposed admission arrangements for Community and Voluntary Controlled schools for 2015/16 and the criteria was proposed as follows:
- 1) All 'looked after' children or children who were previously 'looked after'.
 - 2) Children living in the catchment area with siblings at the school.
 - 3) Children living in the catchment area.
 - 4) Other children with siblings at the school.
 - 5) Children attending the Nursery at Greenleas School, Kestrel Way.
 - 6) Children who live nearest to the school determined by straight line distance from the school site to the child's home address.
37. No responses were received in relation to the proposal to define a catchment area for the school or in relation to the proposed admissions criteria. It is therefore recommended that the following admissions arrangements for Greenleas Kestrel Way be approved by Executive, with the deletion of the nursery criterion to ensure that this is not included in the policy for one year prior to consulting on its removal for the following year, as detailed previously in the report:
- 1) All 'looked after' children or children who were previously 'looked after'.
 - 2) Children living in the catchment area with siblings at the school.
 - 3) Children living in the catchment area.
 - 4) Other children with siblings at the school.
 - 5) Children who live nearest to the school determined by straight line distance from the school site to the child's home address.

St. Andrew's Lower School, Biggleswade

38. St. Andrew's Lower School is one of three lower schools in the town of Biggleswade and is a Voluntary Controlled school. On the 10 December, Executive agreed the expansion of the school from three forms of entry to five forms of entry per year group, over two sites. This followed a statutory consultation which was undertaken in the summer of 2013.
39. It was proposed that the admission arrangements for the new site mirrored those of the existing site. As such, a catchment area was proposed for the second site which encompasses the new development on land east of Biggleswade, which the expansion is being built to provide lower school provision for. The creation of the catchment area necessitates a change to the current catchment areas of Lawnside and Southlands Lower Schools, both of which have supported the proposal.
40. Two responses were received from parent/carers of children at St. Andrew's Lower School in Biggleswade, with one agreeing with the proposal and one neither agreeing nor disagreeing. No other comments were made and it is recommended that Executive approve the admission arrangements for St. Andrew's Lower School including the catchment area for the second site which is to be built in September 2015.

Watling Lower School, Dunstable

41. Watling Lower School is currently a one and a half form entry lower school, which has a published admissions number (PAN) of 45 per year group. The consultation on the Council's admission arrangements proposed a decrease in the PAN to 30 from September 2015. This was to enable the school to organise classes more effectively without the inconsistency currently experienced with a one and a half form of entry intake as a result of fluctuations in the school's intake numbers.
42. No responses were received in relation to the proposed reduction in Watling Lower School's admission number. However having considered the reduction in the admissions number of 45 to 30 per year group the Governors and Headteacher at Watling Lower would like the current published admissions number of 45 to remain in place.
43. The School Organisation, Admissions and Capital Planning service has considered this revision of keeping the current number in place and recommends that Executive approve the retention of a published admissions number of 45 at Watling Lower School.

Published Admission Numbers - Increases

44. Although an admission authority is not required to consult on any proposed increases to a school's published admissions number (PAN), the following are to be noted as changes to admissions arrangements from September 2015:
 - Dunton VC Lower School – increase to PAN from 12 to 15, in order to increase the offer of places the school can make.
 - Russell Lower School – increase to PAN from 60 to 90, due to an expansion of the school from two forms of entry to three due to be implemented in September 2015.
 - St. Andrew's Lower School – increase to PAN from 90 to 150 (over two school sites), due to an expansion of the school from three forms of entry to five due to be implemented in September 2015.
45. Two comments were received in relation to the increase in the PAN at Russell Lower School and expressed the following points:
 - Increase in traffic in the area at the beginning and end of the school day which was dangerous for all children.
 - Out of catchment children could gain places if the school was undersubscribed.
 - The Warren Farm development which the school is being expanded to serve is in the catchment area of The Firs Lower School.

46. The school travel plan, including the arrangements for dropping off and collecting children at the school have been addressed in the planning process for the expansion of the school. The issue regarding children outside of the catchment gaining admission is one which the Council and school have no control over. If the school is undersubscribed with applications, then all children who have requested a place are required to be offered one and failure to comply with this would be unlawful. Places cannot be reserved for possible catchment applicants and all places must be offered in accordance with legislation and the admissions criteria for the school. The point raised regarding the Warren Farm development being in The Firs catchment area and the fact that Russell Lower School is being expanded on the basis of this development is currently being addressed with both Lower schools in Ampthill. A proposal for changing the school's catchment area will be brought forward next year for implementation in September 2016.

Method of Determination

47. Central Bedfordshire Council, acting as the local authority is required to determine the co-ordinated admissions scheme and admissions arrangements for Community and Voluntary Controlled schools by 15 April 2014. The appropriate bodies must therefore be notified upon determination which are:
- a) Parents of children between the ages of two and eighteen.
 - b) Other persons in the relevant area who in the opinion of the admissions authority have an interest in the proposed admissions.
 - c) All other admission authorities within the relevant area.
 - d) The Governing Bodies of Community and Voluntary Controlled schools.
 - e) Adjoining neighbouring local authorities.
 - f) The body or person representing religious denomination schools.
48. A copy of the determined arrangements for Community and Voluntary Controlled schools must be published on the Council's website. The Council also has a duty to publish of admission arrangements for Academies and own Admission Authority schools by 1 May in the determination year, via the Council's website.

Conclusion and Next Steps

49. The Council, acting as the Local Authority, has conducted a consultation on the co-ordinated scheme for admissions and the admission arrangements for Community and Voluntary Controlled schools according to regulations. The Council has sought and considered responses from all consultees and considered the arrangements against legislation contained within the School Admissions Code and the recent findings of the annual report of the Office of the Schools Adjudicator. It is recommended that the co-ordinated scheme and admission arrangements are approved by Executive in order for the Council to determine its admission arrangements by 15 April 2014 as required by legislation.

Appendices:

Appendix 1 – Determined Lower, Primary and Middle 2015/16 co-ordinated admissions scheme

Appendix 2 – Determined Secondary, Upper and University Technical College 2015/16 co-ordinated admissions scheme

Appendix 3 – Community and Voluntary Controlled schools determined admissions arrangements 2015/16.

Appendix 4 – Greenleas School, Kestrel Way – determined catchment area

Appendix 5 – St. Andrew's Lower School, second site – determined catchment area

Background Papers:

1. Equality Impact Assessment