

Central Bedfordshire Council

EXECUTIVE MEETING: 14 October 2014

Consultation on Central Bedfordshire's Admission Arrangements 2016/17

Report of Cllr Versallion, Executive Member for Children's Services
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Key Decision

Purpose of this report

1. To seek approval of the Council's Executive to commence consultation on the proposed Co-ordinated Admissions Scheme for the academic year 2016/17 and of the proposed admission arrangements for Community and Voluntary Controlled Schools for the academic year 2016/17. Final approval is to be sought from the Council's Executive on 10 February 2015

RECOMMENDATIONS

The Executive is asked to:

1. **approve the commencement of consultation for Central Bedfordshire's proposed admission arrangements for Community and Voluntary Controlled Schools for the academic year 2016/17 noting specific changes to existing admission arrangements including:**
 - i. **Revised wording on the Council's admission arrangements to make it clearer how places for pupils with a statement of Special Education Needs or Education, Health and Care Plan are allocated, how the Fair Access Protocol works, and the addition of foster siblings in the sibling definition.**
 - ii. **In response to the recommendations made in the annual report of the Chief Schools Adjudicator published in November 2013, the removal of nursery, pre-school and other childcare criteria from those school admission policies which currently contain them.**

iii. A revised catchment area for Russell Lower School in Ampthill.

2. approve the commencement of consultation for Central Bedfordshire's co-ordinated admissions scheme for the academic year 2016/17.

The Council's statutory duties regarding school admissions

2. The Council has a statutory duty to ensure that admissions are co-ordinated for all admission authorities in their area for all children being admitted into the normal year of entry and only one offer of a school place is made. The Council publishes a Co-ordinated Admissions Scheme for each academic year to fulfil this requirement, setting out the timeframes for processing admission applications. The Scheme for 2016/17 must be the subject of consultation before final approval by Executive in February 2015.
3. In addition, as the Council is the admission authority for Community and Voluntary-Controlled schools, it must also undertake consultation on its own admission arrangements where changes are proposed. The admission policy for these schools sets out the criteria in which applications will be considered if the school is oversubscribed. This report explains the rationale for a number of proposed changes to existing admissions criteria for some Community and Voluntary Controlled schools in 2016/17.
4. These changes include:
 - i. Revised wording on the Council's admission arrangements to make it clearer how pupils with a statement of Special Education Needs or Education, Health and Care Plans (EHC Plan) are allocated a place at schools in the co-ordinated admission rounds ahead of those without a statement or plan. The purpose of the Fair Access Protocol is explained and how it is operated to make this clearer. Also the addition of foster siblings in the sibling definition of the oversubscription criteria to make this criterion more inclusive for families in Central Bedfordshire.
 - ii. In response to the recommendations made in the annual report of the Chief Schools Adjudicator published in November 2013, the removal of the priority given to children attending a nursery, pre-school or a child care setting from the 16 admission policies of Community and Voluntary Controlled schools which contain these,
 - iii. The revision to Russell Lower School's catchment area from September 2016 to include the area known as the Warren Farm housing development following expansion of the school.

Academies, Foundation, Trust and Voluntary Aided schools are their own admissions authorities and are therefore responsible for their own admission arrangements and for consultation on proposed changes to them for 2016/17.

Central Bedfordshire Council's Co-ordinated Admissions Scheme **Academic Year 2016-17**

5. Legislation contained within the School Standards and Framework Act 1998 requires Local Authorities to have a co-ordinated admissions scheme for their area where parents can apply on a common application form for a place in the normal year of entry at a school or an academy. The Council is required to co-ordinate the admissions for children in their area so that only one offer of a school place is made per prospective pupil. The co-ordinated admissions scheme must be formulated by 1 January in the relevant determination year and must be consulted on with the relevant bodies.
6. Central Bedfordshire's Co-ordinated Admissions Scheme for the academic year 2016/17 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.
7. The Council acting as the local authority must have a co-ordinated admissions scheme in place for all maintained schools and academies in the area.
8. Admissions for the normal year of entry for Secondary schools (which in Central Bedfordshire includes Upper and Secondary schools) are subject to a national closing date of 31 October for receipt of applications and a national offer date of 1 March.
9. Admissions for the normal year of entry for Primary schools (which in Central Bedfordshire include Lower, Primary and Middle schools) are subject to a national closing date of 15 January and a national offer date of 16 April.
10. The co-ordinated scheme is attached for Lower, Primary and Middle at Appendix 1 and the co-ordinated scheme is attached for Secondary, Upper and the University Technical College at Appendix 2.

The Council's admission arrangements for Community and Voluntary Controlled schools for the Academic Year 2016/17

11. Regulations require Admission Authorities to consult on their admission arrangements if changes are proposed and they must do so for a minimum period of 8 weeks, commencing no earlier than 1 November, with consultation concluding by 1 March. Arrangements then must be determined by 15 April to take effect from the academic year following the next (i.e. arrangements will be determined by 15 April 2015 to take effect from the academic year of 2016).
12. Admission arrangements are the procedures and processes that determine how children will be admitted to any given school and include the admission criteria which will be applied if more applications are received than there are places available.
13. Appendix 3 entitled 'Proposed Community and VC Schools Admissions Policy and PANs 2016-17', details the Community and Voluntary Controlled schools in the Central Bedfordshire Council area and the proposed admissions criteria and published admissions number for admissions from September 2016. This document has been slightly revised from the previous year's to amend wording to explain further the Fair Access Protocol, allocation of places to children with a statement of Special Educational Needs or EHC Plan and include foster siblings in the sibling definition (see Appendix 6).

Removal of nursery, pre-school and child care criteria from the admission policies of Community and Voluntary Controlled schools

14. Central Bedfordshire Council is the admissions authority for Community and Voluntary controlled schools, of which there are 58 schools in total, with 55 being Lower and Primary Schools where children enter at the Reception year (Year R) and continue until Year 4 in the case of a Lower school or Year 6 in the case of a Primary school.
15. Sixteen of these Lower and Primary schools currently prioritise children who attend a nursery, pre-school or child care setting as part of their admissions criteria and are the following schools:
 - Aspley Guise Lower School
 - Dovery Down Lower School
 - Dunstable Icknield Lower School
 - Dunton VC Lower School
 - Everton Lower School
 - Greenleas School, Derwent Road
 - Hockliffe Lower School
 - Houghton Regis Primary School
 - Lancot Primary School

- Linslade Lower School
 - Ramsey Manor Lower School
 - Silsoe Lower School
 - Studham Lower School
 - Thomas Johnson Lower School
 - Thornhill Primary School
 - Wrestlingworth Lower School
16. Each year the Chief Schools Adjudicator from the Office of the Schools Adjudicator (OSA) publishes their annual report, usually in November, to comment on the effectiveness of admission arrangements in England and recommends actions to ensure admission authorities comply with the legislation within the School Admissions Code which is to ensure fairness.
 17. The last OSA annual report was published in November 2013 and one of the main findings was that the practice of some primary schools giving priority for admissions to the reception year to children who have attended a particular nursery provision was deemed to be unfair to other local children.
 18. The report commented that over 20 objections had been received concerning the prioritisation of children who attend a particular nursery provision and all objections were upheld. The Chief Schools Adjudicator commented that, ‘...the current Code is silent on priority for admissions to the reception year for attending named nursery provision. Silence means neither permissions nor prohibition, but does mean that the arrangements must therefore be tested against the general requirements of the code...’.
 19. These general requirements of the code, when considering if a certain criterion within an admissions policy is unfair or not compliant could include that admission to the nursery was on the basis of arrangements that would not be lawful if used for admission to the reception year. For example if the child gained a place in the nursery on a first come first served basis or gained a place due to the virtue of their date of birth (i.e. being born in Autumn/Winter could give the child priority for a nursery place) this would be unlawful and therefore unfair that a child could gain a place in the Reception year at the beginning of their statutory schooling based on the decisions used for nursery admission.
 20. The report highlighted that “action is required to ensure fair access to all children on reaching Reception Year in order that children are not disadvantaged by any decisions their parents make about the care of their children prior to compulsory school age or by access to specific child care.”

21. The Council needs to ensure its admission arrangements for all Community and Voluntary Controlled schools are lawful and fully compliant with the School Admissions Code and be responsive to the recommendations made by the Chief Schools Adjudicator whereby Local Authorities were urged in the most recent OSA report to ensure fair access to schools for all children reaching compulsory school age.

Extension of the catchment area for Russell Lower School, Ampthill from September 2016.

22. From September 2015, Russell Lower School will be a three form entry Lower School with a published admissions number of 90. This follows its expansion by the Council to accommodate a new housing development in Ampthill known as Warren Farm which is off the Flitwick Road.
23. The school was previously a two form entry lower school and in the summer of 2013, the Council conducted a statutory consultation proposing to expand the school. The decision to expand the school was made by the Council's Executive in December 2013 and this is due to be completed in September 2015 when the school will take its first three form entry cohort into the Reception Year.
24. At the public consultation in the Summer of 2013, where it was proposed to expand Russell Lower School, queries were raised by consultees as to why the catchment area for the school was not being amended to incorporate the housing development on the former Warren Farm into the school's catchment area.
25. The catchment area issue has now been reviewed as Russell Lower School was being expanded in order to accommodate a new housing development, which wasn't in the school's catchment area and located in The Firs Lower School's catchment area and this has created confusion for those residents moving into the new housing development.
26. Following consultation with both the Headteacher's and Chairs of Governors of Russell Lower School and The Firs Lower School in Ampthill it was agreed to consult on amendments to remove the Warren Farm housing development from the catchment area of The Firs Lower School and placing this in the catchment area of Russell Lower School.
27. The Firs Lower School is an Academy and therefore independent of the Local Authority and responsible for its own admission arrangements. The Firs Lower School has indicated that it too will consult on this amendment to remove the Warren Farm housing development from its catchment area to provide consistency across the lower school catchment areas in Ampthill as a whole.

28. It is therefore recommended that the Council consult on this change to the catchment area of Russell Lower School to include the Warren Farm development as depicted in Appendix 4.

Published admission numbers

29. In line with the regulations contained within the School Admissions Code, any proposal to decrease a published admissions number is required to be consulted upon during the admissions consultation timeframe, before being determined on the 15 April for admissions in the academic year before they apply.
30. An admission authority is required to consult with at least the governing body of the school but is not required to consult more widely 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 2016:
- Edward Peake Middle School – increase to PAN from 120 to 150, following a one form of entry expansion to the school from September 2016.
 - Roecroft Lower School – increase to PAN from 60 to 90, following a one form of entry expansion to the school, subject to approval by Executive on 9 December 2014.
 - Silsoe VC Lower School – increase to PAN from 27 to 45, following a half form of entry expansion to the school from September 2016.

Method of Consultation

31. Admission authorities are required to consult on their admission arrangements if changes are proposed and to conduct this for a minimum period of 8 weeks commencing no earlier than 1 November, with the consultation concluding by 1 March. It is proposed that the consultation period will commence from 3 November 2014 and conclude on 19 January 2015, permitting over 8 weeks to allow for the Christmas school holiday break. This will provide time for analyses of the responses before Executive approve the admission arrangements on 10 February 2015 for the admission arrangements to be determined by 15 April 2015.
32. Central Bedfordshire Council is the admission authority for Community and Voluntary Controlled schools and therefore must conduct its consultation in line with legislation, with the following parties:
- 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.
33. The Council will publish the Co-ordinated Admissions Scheme and the proposed admission arrangements for Community and Voluntary Controlled schools on the Central Bedfordshire Council website and advertise the consultation as widely as possible to the relevant parties in order to gather their views. The Council will contact the Governing Bodies of Community and Voluntary Controlled schools, all other admission authorities in the area, neighbouring local authorities and the Church of England and Catholic diocese with details of the consultation and how they can contribute their opinion.

Reasons for decision

34. To enable the Council to meet its statutory obligations to consult on admission arrangements.

Council Priorities

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

Corporate Implications

Legal Implications

36. The School Admissions Code sets out requirements for the Council to have a co-ordinated admissions scheme for the area. This must be formulated each year and published on its website by 1 January. Where the scheme is substantially different from the scheme adopted for the previous academic year or the local authority has not consulted on a scheme in the previous seven years, the authority must consult the other admission authorities in the area and any other local authorities it determines. Any consultation must be undertaken with a view to ensuring the admission of pupils in different local authorities is, as far as reasonably practicable, compatible with each other. Following any consultation, the local authority must determine the qualifying scheme and must take all reasonable steps to secure its adoption. A local authority must inform the Secretary of State whether they have secured the adoption of a qualifying scheme by 15 April.

37. Admission Authorities must also determine their admissions arrangements by the 15th 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.
38. The Council will fulfil its statutory responsibilities by consulting within the timescales set out above and conducting a consultation with the relevant parties on changes to admission arrangements for Community and Voluntary Controlled schools. Feedback from all consultees will be reported to Executive in February 2015 when the admissions arrangements for September 2016 will be determined.
39. All admission authorities must determine admission arrangements by 15 April every year even if they have not changed from previous years and a consultation has not been required. Once admission authorities have determined their admission arrangements, they must notify the appropriate bodies and must publish a copy of the determined arrangements on their website. Local authorities must, by 1 May publish on their website the proposed admission arrangement for any new school or Academy which is intended to open within the determination year.
40. The Schools Adjudicator must consider whether admission arrangement referred to the Adjudicator comply with the Code and the law relating to admissions. The admission authority must where necessary, revise their admission arrangements as quickly as possible, but no later than 15 April following the decision, to give effect to the Adjudicator's decision. An Adjudicator's determination is binding and enforceable. Objections are to be sent to The Schools Adjudicator by 30 June deadline.
41. The proposal to extend the catchment area for Russell Lower School, Ampthill is included in the consultation being undertaken by the Council and is a result of the Warren Farm housing development in Ampthill. In line with the Admissions Code, catchment areas must be designed so that they are reasonable and clearly defined
42. With regard to the removal of nursery, pre-school and child care criteria from the admission policies of Community and Voluntary Controlled schools, the Admissions Code states that admission authorities may wish to name a primary or middle school as a feeder school. There is no provision for naming nursery, pre-school and child care as an over subscription criterion. To remove prioritisation of children who attend a particular pre school arrangement avoids possible unfairness.

Financial Implications

43. Not applicable

Equalities Implications

44. 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.
45. 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 will carry out an equality impact assessment to check that the proposed changes do not have a disproportionate or negative impact on vulnerable groups.

Conclusion and next steps

46. The Department of Education have recently conducted a public consultation on a small number of amendments to the current School Admissions Code. The outcome of this is expected in early December 2014, and the results of this will be considered for the admission arrangements of 2017/18.
47. The next steps are for the Council to undertake the consultation within the statutory timeframes engaging with all the relevant parties to ascertain views on the proposed admission arrangements for Community and Voluntary Controlled schools for which the Council is the admissions authority.. Responses to the consultation will then be considered and reported back to Executive in February 2015. Following this meeting the Council's admission arrangements will then be determined before 15 April 2015 as required by legislation.

Appendices:

Appendix 1 – Lower, Primary and Middle 2016/17 co-ordinated admissions scheme

Appendix 2 – Secondary and Upper 2016/17 co-ordinated admissions scheme

Appendix 3 – Proposed Community and VC schools Admissions policy and PANs 2016/17.

Appendix 4 – Russell Lower School - proposed catchment area from September 2016.

Appendix 5 - Schools affected by proposed removal of nursery/preschool criterion

Appendix 6 - Revised wording on the Council's admission arrangements

Background Papers: Equality Impact Assessment