

Central Bedfordshire Council

Executive

4 December 2018

Consultation on the Council's Admission Arrangements for the Academic Year 2020

Report of: Cllr Steven Dixon, Executive Member for Families, Education and Children
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Responsible Director: Sue Harrison, Director of Children's Services
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This report relates to a decision that is Key

Purpose of this report

1. To approve the commencement of the Council's consultation on admission arrangements to ensure the statutory requirement for admissions consultation is met. The Council is the admissions authority for Community and Voluntary Controlled schools.
2. Outline the proposed changes to the admission arrangements for all Central Bedfordshire Community and Voluntary Controlled schools.

RECOMMENDATIONS

The Executive is asked to:

1. **approve the commencement of consultation for the proposed changes to the Council's admission arrangements for the academic year 2020/21:**
 - **include priority to children of staff to the following schools' oversubscription criteria; Dunstable Icknield Lower, Fairfield Park Lower, Greenleas School, Heathwood Lower, Shefford Lower, Southcott Lower and Thomas Johnson Lower; and**

- **include priority for children previously in state care outside of England for all community and voluntary controlled schools**

2. **delegate authority to the Director of Children's Services with the Executive Member for Families, Education and Children to determine the Council's admission policy for 2020, which they would do so by 28 February 2019, as required by legislation.**

Overview and Scrutiny Comments/Recommendations

3. The Council's proposed Admission Arrangements for the academic year 2020-21 will be considered by the Children's Services Overview and Scrutiny Committee on 22 January 2019 as a consultee to the process if the Executive approve the recommendations of this report.

Issues

4. The Council has a statutory duty to ensure that admissions are co-ordinated for all admission authorities in the local authority's area for all children being admitted into the normal year of entry, and only 1 offer of a school place is made.
5. The Co-ordinated Admissions Scheme for the academic year 2020/21 fulfils this requirement, setting out the timeframes for processing admission applications.
6. 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 the proposed changes for seventeen Community and Voluntary Controlled schools' admission criteria.

Central Bedfordshire Council's Co-ordinated Admissions Scheme Academic Year 2020-21

7. Legislation contained within the School Standards and Framework Act 1998 and the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements (England) Regulations 2012 ("the School Admissions Regulations") 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 mainstream maintained school or academy.
8. The Council is required to co-ordinate the admissions for children in their area so that only 1 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 admission authorities in the area if it is substantially different from the previous year.

9. Central Bedfordshire's Co-ordinated Admissions Scheme sets out the arrangements and timetable by 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.
10. The Council acting as the local authority must have a co-ordinated admissions scheme in place for all mainstream maintained schools and academies in the area.
11. 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.
12. 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.
13. The proposed co-ordinated scheme for 2020/21 is attached for Lower, Primary and Middle at Appendix 1 and the proposed co-ordinated scheme is attached for Secondary and Upper at Appendix 2.
14. The proposed co-ordinated scheme is not substantially different from the previous year's, and has been updated with the relevant dates for the academic year 2020/21. This scheme therefore is not subject to formal consultation as per the requirements of the School Admissions Regulations but will be circulated for information to all relevant parties.

Admission Arrangements for Community and Voluntary Controlled schools

15. Admission arrangements are the procedures and processes that determine how children will be admitted to a school and include the oversubscription criteria which will be applied if more applications are received than there are places available.
16. The School Admissions Regulations require Admission Authorities (i.e. the Council in relation to Community and Voluntary Controlled schools in its area, the governing bodies of Foundation and Voluntary Aided schools and the relevant Academy Trust in relation to academies) to consult where changes are proposed on their admission arrangements, including any supplementary information form that will apply for admission applications for the following academic year. The confirmation of Religious Affiliation form is a supplementary form to the Council's common application form for point of entry admissions and is attached at Appendix 4 for information. The Religious Affiliation form is for all Central Bedfordshire schools who prioritise applicants on faith grounds for both Voluntary Controlled and Voluntary Aided schools.

17. For admission arrangements determined in 2019 for entry in September 2020, consultation must be for a minimum of 6 weeks and must take place between 1 October 2018 and the 31 January 2019. The Admission Arrangements must then be determined by 28 February 2019. The Council will conduct its consultation between the 5 December 2018 and 29 January 2019 to gather the views of all consultees.
18. Admissions Authorities are required to consult with the following parties:
 - i. Parents of children between the ages of 2 and 18 who are resident in the relevant area;
 - ii. Other persons in the relevant area who in the opinion of the admissions authority have an interest in the proposed admission arrangements;
 - iii. All other admission authorities within the relevant area;
 - iv. The Governing Bodies of Community and Voluntary Controlled schools;
 - v. Adjoining neighbouring local authorities;
 - vi. The body or person representing religious denomination schools.
19. From 2020/21 changes are proposed to the admissions criteria of all Community and Voluntary Controlled schools in Central Bedfordshire.
20. As part of the Schools for the Future programme, the Council is currently working with each cluster to co construct a cluster plan for each area which will outline the shape of education provision for the next 15-20 years in line with housing and population growth. Until each plan is finalized and agreed, the Council is not seeking to make any significant changes to admission arrangements for Community or Voluntary Controlled schools.

Including priority for children previously in state care outside of England

21. School admission authorities have been required to give looked after children highest priority in their oversubscription criteria since 2007, and this was extended to previously looked after children in 2012.
22. The Minister of State for School Standards wrote to all Local Authorities and admissions authorities in December 2017 encouraging them to give children who have been adopted having been in state care from outside of England to have the second highest priority for admission to school as soon as possible.
23. The Minister has stated that it is his intention to propose further changes to the School Admissions Code to amend the current mandatory highest priority criterion so that this also includes children who have been in state care outside of England and have since been adopted. Any changes to admissions legislation are subject to national consultation and the will of Parliament, which would result in a new School Admissions Code being issued. Prior to that taking place he is keen for all admission authorities to include this as the second highest priority in the interim as soon as possible.

24. The majority of local authorities in the area will be consulting on implementing this change to the admission arrangements for community and Voluntary Controlled schools in their authority and are encouraging own admission authority schools within their area to do the same.
25. Applicants applying under this criterion will be required to provide documentation to evidence that their child meets this criterion. The School Admissions Team would liaise with the Virtual School to determine if applicants meet the criterion based on the evidence provided by parent. The Department for Education has stated that the number of pupils who will meet this criterion is small so it is not anticipated that many applications will be considered under this priority.
26. The proposed oversubscription criteria for all community and Voluntary Controlled schools in Central Bedfordshire would have the following first two criteria, the first being mandatory and the second in response to the Minister's request;
 - 1) All 'looked after' children and children who were previously 'looked after'
 - 2) Children who appear to the Local Authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.
27. It is therefore proposed that the Local Authority consults on including priority to these pupils, as requested by the Minister of State for School Standards, ahead of the planned change to the admissions legislation so that the Local Authority is ahead of national policy change.

Including priority for children of staff

28. The Governing Bodies of the following schools have requested that children of staff be given priority within their oversubscription criteria; Greenleas School, Southcott Lower, Heathwood Lower, Dunstable Icknield Lower, Fairfield Park Lower, Thomas Johnson Lower and Shefford Lower.
29. Many schools have had difficulty recruiting and retaining staff, and therefore wish to include the priority as an incentive to attract high quality staff.
30. The School Admissions Code, the statutory code which underpins the admission process, permits admission authorities to give priority to children of staff within a school's oversubscription criteria in either or both of the following circumstances; where the member of staff has been employed at the school for at least two years when the application is made and/or where they have been recruited to fill a vacant post for which there is a demonstrable skill shortage.
31. The proposed oversubscription criteria for the schools that wish to include this priority is:
 - 1) All 'looked after' children and children who were previously 'looked after'
 - 2) Children who appear to the Local Authority to have been in state care outside of England and ceased to be in state care as a result of being adopted
 - 3) Children living in the catchment with siblings at the school

- 4) Children living in the catchment area
- 5) Other children with siblings at the school
- 6) Children of staff*
- 7) Any other children

For Leighton Buzzard lower schools who have requested this priority be added to their oversubscription criteria, this would be as follows;

- 1) All 'looked after' children and children who were previously 'looked after'
- 2) Children who appear to the Local Authority to have been in state care outside of England and ceased to be in state care as a result of being adopted
- 3) Other children with siblings at the school
- 4) Children of staff*
- 5) Children for whom the school is the nearest lower/primary school to their home address
- 6) Any other children

*A clear definition would be required to set out how a parent/carer would be eligible for this criterion. The proposed definition would be;

Permanent full or part-time staff who have either been employed at the school for two or more years at the time of application or recruited to fill a vacant post where there was a demonstrable skill shortage. The relationship to the child is defined as by blood or adoption or with legal parental responsibility and living with the child in the same house Monday – Friday.

32. A third of Central Bedfordshire schools and academies who are responsible for their admission arrangements include children of staff priority within their oversubscription criteria. Therefore, supporting these schools' requests would enable the schools to operate as many of the other schools already are. The number of children of staff applications for schools with this criterion has been very low, on average there is one application per year that meets this criterion and therefore the impact on other applicants is minimal.
33. Last year following the required consultation, the Council included the priority for children of staff to the oversubscription criteria for Leighton Middle School, following a request from the school. In that consultation the majority of respondents were supportive of the proposal and the general consensus was that it was a pragmatic way of supporting schools attract and retain quality staff.
34. The possible disadvantages to the proposed criterion is that as admission authorities cannot give priority to children based on their parents' occupations, except for children of staff it could be viewed as unfair to other parents as their occupation cannot be considered. However it is permissible by the School Admissions Code and therefore an acceptable criterion. As a result of the children of staff criterion it may result in children from outside the local area gaining a place at the school ahead of local children if staff living in a distance to the school opt to apply for a place for their child at the school at which they work. However the number of applicants expected to meet this criterion is so low and not all school staff want their child attending the school at which they work.

35. It is therefore proposed to include the children of staff priority criterion within the oversubscription criteria for the schools listed to support these Governing Bodies in attracting high quality staff to join their school and bring the school in line with a number of academies and own admission authority schools who already include this criterion within their admission policies.

Published Admission Number for Linslade Lower

36. Following a request from the Governing Body of Linslade Lower School the Council has requested a variation to the Office of the Schools Adjudicator to reduce the school's Published Admission Number (PAN) from 45 per year group to 30 with effect from September 2019. Should the request not be granted, the Council would be required to consult on reducing the school's admission number in the normal way.
37. At the time of writing this report the Council is awaiting a decision from the Office of the Schools Adjudicator and therefore will consult on the change for 2020 as required.

Reason for decision

38. As outlined above, the Council is required to consult on changes to its admission arrangements where these are proposed and is required to consult within the statutory timescales set out in the School Admissions Regulations. A decision is therefore required from the Executive to approve the commencement of the Council's consultation on the proposed changes to the admission arrangements for all Central Bedfordshire Community and Voluntary Controlled schools.

Council Priorities

39. The Council's co-ordinated admissions scheme and admission arrangements for Community and Voluntary Controlled schools supports the Council's priority to improve educational attainment.

Corporate Implications

Legal Implications

40. As the Admission Authority for Community and Voluntary Controlled schools in its area, the Council is required by Section 88C(1) of the School Standards and Framework Act 1998 ("the 1998 Act") to determine, on an annual basis, the admission arrangements which are to apply to such schools for the next-but-one school year. Accordingly, for September 2020 admissions, the Council is required to determine the admission arrangements for Community and Voluntary Controlled schools.

41. Before determining admission arrangements, the Council is required by Section 88C(2) of the 1998 Act to carry out such consultation about the proposed arrangements as may be prescribed in regulations (in this case, the School Admissions Regulations, Chapter 3 of which prescribes, amongst other matters, the persons who must be consulted, the manner of consultation and the time for consultation and determination of admission arrangements).
42. As Section 88C of the 1998 Act and Chapter 3 of the School Admissions Regulations impose statutory duties on the Council, a failure to consult on and determine the admission arrangements for Community and Voluntary Controlled schools in its area would amount to a breach by the Council of these duties, the possible implications of which include legal challenges by interested parties and intervention by the Secretary of State for Education, who has the power under Section 497 of the Education Act 1996 to give such directions as appear to him to be expedient to a local authority which has failed to discharge a statutory duty imposed on it under the Education Acts.
43. Accordingly, it is imperative that the Council consults on and determines the admission arrangements for Community and Voluntary Controlled schools in its area in accordance with Section 88C of the 1998 Act and Chapter 3 of the School Admissions Regulations.

Financial and Risk Implications

44. There are no financial implications for this report.

Equalities Implications

45. 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.
46. 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 consultation on the Admissions Arrangements the Council will check that the proposed changes do not have a disproportionate or negative impact on vulnerable groups.

Conclusion and next Steps

47. It is a necessary requirement for the Council to consult on its admission arrangements where changes are proposed and to formulate a co-ordinated scheme for admission by 1 January in the determination year.

48. The proposed co-ordinated admissions scheme has been drawn up with regard to the national closing and offer dates for the academic year of 2020/21, taking into account the necessary timescales to process and allocate places working with the schools and academies in Central Bedfordshire to meet the deadlines
49. 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 of which the Council is the admissions authority for.
50. The consultation will run from 5 December and conclude on 30 January 2019, for a total of eight weeks, six of which are during term time, to ensure that it meets the statutory consultation duration. The legislation states that the Council must determine its admission arrangements for admissions in 2020/21 by 28 February 2019, which would not allow sufficient time for the responses to be analysed and reported back to Executive during February 2019. Therefore, responses to the consultation will be reported in February 2019 to the Executive Member for Families, Education and Children to determine the Council's admission arrangements for the academic year 2020/21 alongside the Director of Children's Services before 28 February 2019 as required by the regulations.

Appendices

The following appendices are attached through an electronic link:

Appendix 1 – Lower, Primary and Middle 2020/21 co-ordinated admissions scheme.

Appendix 2 – Secondary and Upper 2020/21 co-ordinated admissions scheme.

Appendix 3 – Proposed Community and Voluntary Controlled Schools Admissions Policy and PANs 2020/21.

Appendix 4 – Confirmation of Religious Affiliation form.

Background Papers

N/A

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