

Report for: 11 February 2020

Item number: To be added by the Committee Section

Title: Determination of the Council's School Admission Arrangements for the academic year 2021/22

Report authorised by: Ann Graham, Director Children's Services

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Ward(s) affected: All

Report for Key/
Non-Key Decision: Key

1. Describe the issue under consideration

- 1.1. To continue to meet statutory requirements Cabinet are requested to determine the proposed admission arrangements for the school year 2021/22. These arrangements are in respect of the borough's community and voluntary controlled (VC) schools. Recommendations below (para. 3) also ask Cabinet to agree to their publication on or before 15 March 2019 on the Council's website, such details to include advice on the right of objection to the Schools Adjudicator.
- 1.2. This year there was no change proposed to our admission arrangements for community and voluntary controlled (VC) apart from a slight alteration to the In-year fair access protocol. More information on this can be found from para. 7.2 below.
- 1.3. On 12 November 2019 Cabinet agreed that statutory consultation should be carried out on the proposed admission arrangements between 26 November 2018 and 7 January 2020.

2. Cabinet Member Introduction

- 2.1. This paper recommends that Cabinet determines the Council's admission arrangements for the academic year 2021/22. The full range of reasons for agreeing the decision are set out from para. 4.1 - 4.3.

3. Recommendations

- 3.1. Cabinet are asked to:

- determine the Council's admission arrangements for the academic year 2021/22 as set out in Appendices 1 – 4.
- Agree the in-year fair access protocol (IYFAP) as set out in Appendix 5 to come into force from 1 March 2020.
- Agree that the determined arrangements for all maintained primary and secondary schools in the borough are published on the Council's website by 15 March 2020 with an explanation of the right of any person or body, under the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, to object to the Schools Adjudicator in specified circumstances¹.

4. Reasons for decision

- 4.1. The School Admissions Code 2014 requires all admission authorities to determine admission arrangements every year, even if they have not changed from previous years. Regulation 17 of the School Admissions Regulations 2012 also requires admission authorities to determine admission arrangements by 28 February in the determination year.
- 4.2. In addition, the Regulations require the admission authority (in this case the local authority) to publish on its website by 15 March in the determining year the determined arrangements of all maintained primary and secondary school and academies in the borough, advising the right to object to the Schools Adjudicator, where it is considered that the arrangement do not comply with the mandatory provisions of the School Admissions Code 2014.
- 4.3. The Council consults on its admission arrangements annually irrespective of whether or not there is a proposed change to the arrangements. This is to ensure transparency and openness on the contents of the admission arrangements and to allow all stakeholders to make representations which can then be considered as part of the determination of the arrangements.

5. Alternative options considered

- 5.1. This year we are not proposing a change to the oversubscription criteria 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.

6. Background information

- 6.1. All admissions authorities 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.

¹ Paragraphs 19 – 24 of the Regulations

- 6.2. Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies do not discourage parents from applying for a place for their child.
- 6.3. The Council is the admission authority for community and voluntary controlled schools within the borough and is therefore responsible for determining the admission arrangements for these schools.
- 6.4. Academies, foundation schools and voluntary aided schools are their own admission authority; they must consult on and determine their own admission arrangements by 28 February 2020. 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) and all relevant legislation and Regulations.
- 6.5. 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.

Consultation

- 6.6. In accordance with paragraph 1.42 of the School Admissions Code (2014), a six week consultation (26 November 2019- 07 January 2020) was carried out to invite comment from relevant stakeholders on the proposed admission arrangements for 2021/22.
- 6.7. A consultation document and questionnaire were used as the basis of informing stakeholders of the proposed admission arrangements.
- 6.8. To ensure as wide a consultation as possible, a range of modes and methods of communication were used to inform and facilitate feedback from stakeholders regarding the proposal -
 - through the Schools Bulletin which is distributed to the head teacher and chair of governors of every school in the borough;
 - email to all Children's Centres in the borough;
 - email to all registered nurseries and child minders and any other early years providers;
 - published on the Council's online admissions pages;
 - via information in all libraries across the borough (poster and hardcopies of consultation document);
 - email to all councillors from the Lead Cabinet Member;
 - email to both MPs with constituencies in Haringey;
 - email to the diocesan authorities.

- 6.9. Stakeholders were given the opportunity to express their views in writing, via a questionnaire – both electronically and via the hard copy attached to the consultation document, by email and post.

Equality and Diversity Monitoring

- 6.10. As part of the consultation process, respondents were asked to complete an equality and diversity questionnaire, looking at Gender, Age, Ethnicity and Disability. The information collected will help identify any special requirements; promote equality; and improve choice and diversity. This information will only be retained and used for as long as is necessary. Where data is no longer required, it will be destroyed in line with relevant destruction policies and processes.

7. Response from stakeholders

- 7.1. There were **no responses** received from the consultation which may be attributed to the ongoing support from stakeholders and satisfaction with the current admission arrangements in use. It is important to note that the Council's arrangements do not substantially differ from neighbouring borough or own admission authority school arrangements.

Haringey In-year Fair Access Protocol (IYFAP)

- 7.2. This year we also consulted on our in-year fair access protocol (IYFAP). The Haringey In-Year Fair Access Protocol (IYFAP) ensures 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. In applying the Protocol, the panel ensures that these children and young people are shared fairly across all Haringey schools and that this process is open and transparent.
- 7.3. This year key stakeholders (panel members such as headteachers or their designated representative who enforce the protocol) were consulted on the allocation point system already in force. This is because the point system had not been formally documented within the protocol despite its successful implementation from September 2018.
- 7.4. The allocation points system was introduced in September 2018 to ensure that decisions at panel became more robust in view of the high number of challenging pupils that would need to be distributed fairly across all schools. The point system meant that there was an additional layer of data captured that panel members could review before making a decision.
- 7.5. The new information included in the protocol at Appendix 5 para. 23 references the different thresholds panel within each category i.e. the different levels of vulnerability regularly exhibited.
- 7.6. The number of points allocated to a school is based on the level of vulnerability and the expected complexity of the child's need which tends to

equate to the amount of resources schools have to put in place to support these pupils.

- 7.7. It is important to note there was **no representation received** regarding the points system newly acknowledged within the protocol. This is likely to be attributed to the ongoing support for the protocol from panel members and satisfaction with the points system and its application.

Next Steps

- 7.8. Council's Cabinet is asked to determine the Council's admission arrangements for the academic year 2021/22 as set out in Appendices 1-4.
- 7.9. In addition, Cabinet is recommended to agree the in-year fair access protocol to come into force from 1 March 2020. The protocol ensures hard to place children are given a school place without delay and is a statutory requirement set out in the School Admissions Code 2014 (paras 6 and 3.9 – 3.15 of the Code).

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

Below are financial, governance and legal and equality comments.

Comments of the Chief Finance Officer and financial implications

- 9.1. 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 or determination of the Council's admission arrangements.

Comments of the Assistant Director of Corporate Governance and legal implications

- 9.2. The Assistant Director of Corporate Governance has been consulted on the contents of this report and comments as follows:
- 9.3. 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 2021-2022 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 01 October and 31 January of the determination year. The Code also requires the admissions authority for the duration of the consultation to publish a copy of the full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admissions authority to whom comments may be sent and the areas on which comments are not sought. Consultation must be undertaken when proposals are still at a formative stage. It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, adequate time must be given for this purpose and the product of the consultation must be conscientiously taken into account when the ultimate decision is taken.
- 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 admission arrangements the authority must ensure that the practices and criteria used to decide the allocation of school places are reasonable, fair, clear and objective and comply with the relevant legislation including equalities legislation. Parents should be able to look at the set of arrangements and understand easily how places will be allocated. It is for the authority to decide which criteria would be the most suitable according to local circumstances.
- 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 2021-2022, the proposed co-ordinated scheme and the proposed IYFAP would appear to be in compliance with the Code and the Regulations.

Equalities Comments

- 9.11. The Council has a public sector equality duty under the Equality Act 2010 to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act. Advance equality of opportunity between people who share a “relevant protected characteristic” and people who do not share it;
 - Foster good relations between people who share a “relevant protected characteristic” and people who do not share it.
 - A “relevant protected characteristic” is age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation.
- 9.12. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

- 9.13. The admission arrangements set out in this report comply with the public sector equality duty and ensures that as an admission authority, the Council's arrangements do not directly or indirectly unfairly disadvantage an individual or group that possesses any of the characteristics defined in sections 4-12 of the Equality Act 2010.
- 9.14. An Equalities Impact Assessment (EqIA) was previously undertaken and the admission arrangements for 2021/22 do not differ materially from the arrangements for previous years. We therefore consider that another full equality impact assessment is not necessary at this stage and we have continued to monitor and assess the impact of any changing trends – please see updated information in the EqIA at Appendix 7.
- 9.15. The publication of clear admission arrangements for all of our schools (a statutory requirement) ensures that admission to schools is a clear and transparent process and that parents and carers are able to select preferences for a school place with full knowledge of how admission to their local school(s) is determined.

10. Use of Appendices

- 10.1. The following appendices support this report:

Appendix 1 - Nursery 2021
Appendix 2 - Reception and Junior 2021
Appendix 3 - Secondary Transfer 2021
Appendix 4 – In Year Admissions 2021
Appendix 5 – IYFAP March 2020
Appendix 6 - Sixth Form 2021
Appendix 7 - EqIA
Appendix 8 - Co-ordinated Admissions Schemes 2021-22.

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).
11. School roll projections sourced from the GLA

12. School roll information, including admission information from data held within Education Services