



## CHILDREN & LEARNING OVERVIEW AND SCRUTINY COMMITTEE

**Subject Heading:**

School Admissions

**CMT Lead:**

Joy Hollister - Group Director, Children Services, Housing and Adult Social Care

**Report Author and contact details:**

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**Policy context:**

Education

### SUMMARY

The School Admissions Code is the statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels. The purpose of the Code is to ensure that all school places for maintained schools (excluding maintained special schools) and Academies are allocated and offered in an open and fair way. The Code has the force of law and imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions.

The local authority, acting as the admission authority for the community and voluntary controlled schools in the borough, is required to determine its admission arrangements to these schools for each school year. The local authority is also required to adopt qualifying schemes for the co-ordination of admissions during the course of the normal admission rounds to Reception, Year 3 and Year 7 at all maintained schools and academies.

### RECOMMENDATIONS

The purpose of this report is to inform Members of the School Admissions Code and its application in Havering. Members are asked to note the content of the report.

### REPORT DETAIL

## **1. School Admissions Code**

1.1 The School Admissions Code is the statutory guidance for admission authorities, governing bodies, local authorities, schools adjudicators and admission appeals panels. The purpose of the Code is to ensure that all school places for maintained schools (excluding maintained special schools) and Academies are allocated and offered in an open and fair way. The Code has the force of law and imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions by the bodies listed below:

- a) Admission authorities of maintained schools as defined in Section 88(1) (a) and (b) of the SSFA 19982
- b) Governing bodies and local authorities (when not admission authorities)
- c) Schools Adjudicators
- d) Admission Appeal Panels.

These bodies have a statutory duty to act in accordance with the relevant provisions of the Code.

1.2 The local authority, acting as the admission authority for the community and voluntary controlled schools in the borough, is required to determine its admission arrangements to these schools for each school year. The local authority is also required to adopt qualifying schemes for the co-ordination of admissions during the course of the normal admission rounds to Reception, Year 3 and Year 7 at all maintained schools and academies.

## **2. Principles**

2.1 In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

## **3. How Admissions Work**

3.1 In summary, the process operates as follows:

- a) 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.
- b) 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. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.
- c) Once all arrangements have been determined, arrangements can be objected to and referred to the Schools Adjudicator. Any decision of the

Adjudicator must be acted on by the admission authority and admission arrangements amended accordingly. The local authority will collate and publish all the admission arrangements in the area in a single composite prospectus.

- d) In the normal admissions round, parents apply to the local authority in which they live for places at their preferred schools. Parents are able to express a preference for at least three schools and up to six. The application can include schools outside the local authority where the child lives as a parent can apply for a place for their child at any state-funded school in any area. If a school is undersubscribed, any parent that applies must be offered a place. When oversubscribed, a school's admission authority must rank applications in order against its published oversubscription criteria and send that list back to the local authority.
- e) All preferences are collated and parents then receive an offer from the local authority at the highest preference school at which a place is available. For secondary schools, the offer is made on or about 1 March (known as National Offer Day) in the year in which the child will be admitted. For primary schools, the offer is made on or about 16 April, in the year in which the child will be admitted.
- f) Parents, have the right to appeal against an admission authority's decision to refuse admission. The admission authority must set out the reasons for the decision, that there is a right of appeal and the process for hearing such appeals. The admission authority must establish an independent appeals panel to hear the appeal. The panel will decide whether to uphold or dismiss the appeal. Where a panel upholds the appeal the school is required to admit the child.

#### **4. Published Admission number**

- 4.1 As part of determining their admission arrangements, all admission authorities must set an admission number for each 'relevant age group'. Own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN. For a community or voluntary controlled school, the local authority (as admission authority) must consult at least the governing body of the school where it proposes either to increase or keep the same PAN. All admission authorities must consult where they propose a decrease to the PAN.
- 4.2 Admission authorities must notify their local authority of their intention to increase the school's PAN and reference to the change should be made on the school's website. If, at any time following determination of the PAN, an admission authority decides that it is able to admit above its PAN, it must notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively. Admission authorities may also admit above their PAN in-year.

#### **5. Oversubscription criteria**

- 5.1 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. All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school must be admitted. If the school is not oversubscribed, all applicants must be offered a place.
- 5.2 All schools must have oversubscription criteria for each 'relevant age group' and the highest priority must be given, unless otherwise provided in this Code, to looked after children and all previously looked after children. Previously looked after children are children who were looked after, but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). Oversubscription criteria must then be applied to all other applicants in the order set out in the arrangements.
- 5.3 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. Admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.
- 5.4 The Code does not give a definitive list of acceptable oversubscription criteria. It is for admission authorities to decide which criteria would be most suitable to the school according to the local circumstances.

## **6. Consultation**

- 6.1 When changes are proposed to admission arrangements, all admission authorities must consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period. Consultation must last for a minimum of 6 weeks and must take place between 1 October and 31 January in the determination year.
- 6.2 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.
- 6.3 For the duration of the consultation period, the admission authority must publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought. Admission authorities must also send upon request a copy of the proposed admission arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent complaints and appeals.

## **7. Determination**

- 7.1 All admission authorities must determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Admission authorities must determine admission arrangements for entry in September 2016 by 15 April 2015 and for all subsequent years, by 28 February in the determination year.
- 7.2 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 displaying them for the whole offer year (the school year in which offers for places are made). Admission authorities must send a copy of their full, determined arrangements to the local authority. Admission authorities for schools designated with a religious character must also send a copy of their arrangements to the body or person representing their religion or religious denomination.
- 7.3 Local authorities must publish on their website the proposed admission arrangements for any new school or Academy which is intended to open within the determination year, details of where the determined arrangements for all schools, including Academies, can be viewed, and information on how to refer objections to the Schools Adjudicator. Following determination of arrangements, any objections to those arrangements must be made to the Schools Adjudicator.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

There are no direct financial implications or risks arising from this report which is for information purposes only.

Rav Nijjar, Strategic Finance Business Partner, Children & Adults

**Legal implications and risks:**

There are no legal implications in noting this Report.

Stephen Doye, Legal Manager (Litigation) for Assistant Chief Executive, Legal and Democratic Services.

**Human Resources implications and risks:**

There are no direct HR implications or risks to the Council, or its workforce, that can be identified from this report.

Eve Anderson, Strategic HR Business Partner, Children, Adults & Housing

**Equalities implications and risks:**

A full Equality Analysis (EA) has been undertaken on all the arrangements relating to admissions to schools and academies for the school year 2015/16. The Code will be reviewed annually and any significant changes will be reflected in the corresponding EA.

Andreyana Ivanova – Diversity Advisor – Corporate Policy and Community

**BACKGROUND PAPERS**

Appendix 1 - School Admissions Code

Appendix 2 - School Appeals Code

Appendix 3 - 2015/16 Determined Arrangements Equality Analysis

Appendix 4 - 2015/16 Determined Arrangements

Appendix 5 – Pan-London Co-ordinated Admissions Arrangements