



Notice of Key Executive Decision

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| Subject Heading: | Determination of admission arrangements for community and voluntary controlled schools for the school year 2018/19. Adoption of qualifying schemes to co-ordinate admission arrangements to Reception, Year 3 and Year 7 at maintained schools and academies in Havering for admissions in the school year 2018/19. |
| Cabinet Member: | Councillor Robert Benham, Lead Member for Children & Learning. |
| CMT Lead: | Tim Aldridge, Director Children's Services. |
| Report Author and contact details: | Trevor Cook, Education Provision Commissioning Manager, trevor.cook@havering.gov.uk. |
| Policy context: | School admissions. |
| Financial summary: | N/A. |
| Reason decision is Key | Significant effect on two or more Wards. |
| Date notice given of intended decision: | 20 th February 2017. |
| Relevant OSC: | Children & Learning. |
| Is it an urgent decision? | No. |
| Is this decision exempt from being called-in? | No. |

The subject matter of this report deals with the following Council Objectives

- Havering will be clean and its environment will be cared for
- People will be safe, in their homes and in the community
- Residents will be proud to live in Havering

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the following:

- 1) Admission Arrangements for Community and Voluntary Controlled Infant, Junior and Primary Schools in Havering for 2018/19 and the co-ordinated arrangements for applying to community, voluntary controlled, voluntary aided and foundation schools and academies as set out in Appendix A.
- 2) Admission Arrangements for Community Secondary Schools in Havering for 2018/19 and the co-ordinated arrangements for applying to community, voluntary aided and foundation schools and academies as set out in Appendix B.
- 3) Pan London Co-ordinated Admissions System - Reception Year, Year 3 admissions to Junior Schools, Year 7 - London Borough of Havering - Protocol for co-ordination of admissions for the Academic Year 2018/19 as set out in Appendices C and D.

AUTHORITY UNDER WHICH DECISION IS MADE

Section 3.5.4 (n) of the Council's constitution.

The Assistant Director - Learning And Achievement has power to act as follows in respect of admission arrangements and admission numbers for schools:

- (i) administering any necessary consultation and the admission process generally;
- (ii) making any determination as to the admission arrangements, admission numbers and any reviews, and amendments to any of these matters;
- (iii) advising governing bodies;
- (iv) objecting to admission arrangements determined by governing bodies;
- (v) publicising these arrangements;
- (vi) giving relevant notices and directions to admit children to specific schools.

STATEMENT OF THE REASONS FOR THE DECISION

This decision concerns the determination of the proposed admission arrangements to Reception, Year 3 and Year 7 at community and voluntary controlled infant, junior, primary and secondary schools in Havering for the school year 2018/19 (see Appendix A for Reception & Year 3 and Appendix B for Year 7) and the adoption of qualifying schemes for co-ordinating admissions during the course of the normal admission rounds to Reception, Year 3 and Year 7 to all maintained schools and academies in Havering for the school year 2018/19 (see Appendix C for Reception & Year 3 and

Appendix D for Year 7).

The Local Authority, acting as the admission authority for all the community and voluntary controlled infant, junior, primary and secondary schools in the borough, following consultation must make the following decisions:

- (1) the admission arrangements to these schools for the school year 2018/19; and
- (2) the adoption of qualifying schemes, based on the models promoted by the London Inter-Authority Admissions Group as a Pan-London protocol, for co-ordinating admissions to all maintained infant, primary and secondary schools and academies in Havering for the academic year 2018/19; and
- (3) the specific qualifying scheme for co-ordinating admission arrangements to Year 3, the normal year of entry to maintained junior schools both inside and outside the borough.

The Local Authority is not required to adopt a qualifying scheme to co-ordinate in-year admissions to maintained schools and academies for the school year 2018/19 and subsequent years. However, the Local Authority will continue to co-ordinate in-year admissions to community and voluntary controlled schools in the borough and has also indicated that it would be willing to continue to co-ordinate in-year admissions, for those own admission authority schools/academies (academies, foundation and voluntary aided schools) that wish to participate in a co-ordinated scheme for in-year admissions, in the school year 2018/19.

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 the school year 2018/19 by the 28th February in the determination year i.e. by the 28th February 2017. The Local Authority is then required to publish details of where the determined admission arrangements for schools and academies in its area can be viewed, together with details concerning how objections to these arrangements can be made, by the 15th March 2017.

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 in Havering in the school year 2018/19 by the 28th February 2017.

Discussions are on-going with a number of head teachers and governors of a number of infant, junior, primary and secondary schools concerning an increase in their published admission number to accommodate forecast increased pupil numbers in their areas. These may result in higher published admission numbers for admissions in the school year 2018/19 and these higher published admission numbers will continue in the school year 2018/19 and in future years.

The Local Authority also consulted on proposed changes to the admission criterion giving priority to children with siblings at community and voluntary controlled infant, junior and primary schools. Currently, priority for a school place is given to all siblings of children on the roll of the school, on the date of admission regardless of their current address. This means that those children with siblings are likely to gain admission to a school over pupils who live close to the school, even though the siblings may live much further from the school.

However due to the increase in the population and the rising popularity of many of our schools, there is greater pressure on places from local families than ever before. High mobility also means that some parents move away from the immediate area of

schools, but subsequently gain admission for their younger children, thereby reducing the number of places available for local applicants. The proposed changes are not aimed at reducing the numbers of out borough pupils simply to ensure that as far as possible pupils from the immediate locality have priority.

The Council proposed the following change to the sibling criterion:

Sibling priority will be given to:

- *Pupils with siblings on the roll of the school on the date of admission who live up to a distance of 1.6km from the school.*
- *Pupils who live further than 1.6km from the school if they currently have a sibling at the school who was admitted prior to September 2018. This will include siblings at a partner junior schools.*

Some investigation has been undertaken as to the potential impact of this change, the statistics below are taken from 2016 Reception Cohort intake for 3 oversubscribed schools across the borough;

| 2016 intake | | |
|------------------------|---|--|
| Nelmes | 11 siblings living over 1.6km were offered places, 2 of which lived over 6km | 11 pupils missed out of being offered a place all lived within 1.3km |
| Scotts | 6 siblings living over 1.6km were offered places, 1 of which lived over 4.8km | 6 pupils missed out of being offered a place all lived within 1.0km |
| Ardleigh Green Infants | 3 siblings living over 1.6km were offered places, all of which lived over 2.9km | 3 pupils missed out of being offered a place all lived within 0.6km |

The Council has been successful in creating some additional places by expanding existing schools and opening new free schools. However, to increase the opportunities for local families in accessing local school places the Council proposed the above changes.

The change to the arrangements aims to strike a balance between keeping strong family links for those who live local to the school, whilst freeing up capacity for local applicants where families live further away from the school.

The Council has not proposed changing this criterion for families who currently have already been awarded places for their other siblings, and it will only affect families where the last sibling was admitted after September 2018.

All applicants will still be considered under the remaining oversubscription criteria, and if a school is undersubscribed, pupils will be offered places in any case.

This decision has been taken in conjunction with Head Teachers and Governing Bodies as it is an issue that affects many infant, junior and primary schools across Havering.

The proposed threshold distance of 1.6km is a reasonable distance to determine that

a family still live within the locality of the school whilst also based on historic admission patterns.

The change in the sibling criterion does not affect families who already have a sibling attending the preferred school. It will only affect families where the sibling is admitted after September 2018. It is important to recognise however that even though the siblings living further than 1.6km would not be offered places under the sibling criterion, they may still have been offered places under the lower distance criterion.

A copy of the full draft admission arrangements were published alongside the consultation, along with a Frequently Asked Questions section. Details of the full consultation can be found here;

<https://www3.havering.gov.uk/Pages/ServiceChild/Admissions-Consultation.aspx>

OTHER OPTIONS CONSIDERED AND REJECTED

Consultation took place on the proposed admission arrangements to community and voluntary controlled schools in the borough for the school year 2018/19, and for the qualifying schemes for co-ordinating admissions to Reception, Year 3 and Year 7 at all maintained primary and secondary schools and academies in Havering for the school year 2016/17, during the 6 week period between 5th December 2016 and 31st January 2017. All schools and academies in Havering, London Local Authorities and Local Authorities in the surrounding areas were sent the consultation documents.

A total of 147 responses were received to the consultation regarding the proposed changes to the sibling criterion (see Appendix E for summary). Nearly 54% were in favour of the introduction of the revised sibling criterion (see Appendix F for yes responses), and 46% were not in favour (see Appendix G for no responses). Further analysis of the 'no' responses shows that the vast majority of respondents seem to have misunderstood the proposed changes as there are a number of comments that they are not in favour of the introduction of the criterion from September 2018 as they already have children in school, and are concerned that future siblings will not receive a place. However, the consultation document was clear that this will not affect families that already have children in school, and scenarios were included in the consultation document to highlight this;

The change in the sibling criterion does not affect families who already have a sibling attending the preferred school. It will only affect families where the sibling is admitted after September 2018.

Scenario 1

Child A – Already in school in 2016 (Reception to Year 5)

Child B (Sibling of Child A) – Starts school in September 2017

Outcome – No change child still gets sibling link.

Scenario 2

Child A – Already in school in 2016 (Reception to Year 5)

Child B (Sibling of Child A) – Starts school in September 2018

Outcome – No change child still gets sibling link.

Scenario 3

Child A – Starts school in 2017 (Reception)

Child B (Sibling of Child A) – Starts school in September 2018 (Reception)

Outcome – No change child still gets sibling link.

Scenario 4

Child A – Starts school in 2018 (Reception)

Child B (Sibling of Child A) – Starts school at any point after Child A (September 2019 onwards)

Outcome – Sibling link ONLY if family living within 1.6km from preferred school.

No further comments regarding the remainder of the arrangements were received from any interested parties during the course of the 6 week consultation period. This could be attributed to the fact that the arrangements were extensively amended following the introduction of a revised School Admissions Code in February 2012 for admissions in the school year 2013/14 and the fact that there is only a single community secondary school in the borough. All other secondary schools and academies in Havering are responsible for their own admission arrangements.

Alternatively moving the distance even further would not have any real impact – the scenario above shows that 20 siblings secured places (across 3 schools) that lived over 1.6km – if the criterion had been 3 miles (4.8km) only 3 places would have been released for local pupils.

PRE-DECISION CONSULTATION

None other than detailed above.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Trevor Cook

Designation: Education Provision Commissioning Manager

Signature:



Date: 20th February 2017

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Local Authority, acting as the admission authority for community and voluntary controlled schools in the borough, is required to undertake statutory consultation on any proposed changes to its admission arrangements to these schools for a 6 week

period between 1 October and the 31st January each year, prior to determining these arrangements by the 28th February in the determination year, i.e. by the 28th February 2017 for admissions in the academic year 2018/19. They also need to consult on the qualifying schemes and make a formulation by 28th February 2017.

A number of responses were received to the consultation, all of which focussed on the proposed changes to the sibling criterion.

All of the responses must be conscientiously considered before a decision is made particularly as it relates to the changes on the sibling criterion.

The equality impacts of the proposed changes must also be carefully considered as the statutory duty is to have due regard to these impacts in decision making. A full equality impact assessment is attached. However, special attention should be paid to the objection that the sibling criterion change may lead to mothers, who are usually responsible for the school run, having to drop their children at more than one school because they could not guarantee that they could all attend the same school any longer, and that this would be a disadvantage to women. The duty is to have due regard to the need to advance equality of opportunity between persons who share a protected characteristic and those who don't share that characteristic which involves having due regard to the need to remove or minimise disadvantages suffered by persons who share the same protected characteristic.

Since the remainder of the determined admission arrangements for 2018/19 are almost identical to those determined for the school year 2017/18, and appear to comply with the statutory requirements of the Code, there is only a minimal risk of any legal challenge to these proposals.

Following determination of the arrangements these need to be published no later than 15th March 2017.

In the event that there is an objection to the determined admission arrangements this would need to be submitted, in the first instance, to the Schools Adjudicator (OSA). If an objection was upheld, the decision of the Adjudicator would be binding on the Local Authority and the admission arrangements would need to be amended accordingly (objections would need to be submitted to the OSA by the 15th May 2017 for them to be considered).

The Local Authority is a member of the London Inter-Authority Admissions Group (LIAAG), which formulates the Pan-London co-ordination schemes for admissions during the course of the normal admission rounds to all maintained schools and academies in London.

As the proposed qualifying scheme is substantially the same as that adopted in previous years and was discussed and agreed with the other members of the LIAAG there is little risk of any challenge to these arrangements. The Local Authority is required under Regulation 27 (5) of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 to take all reasonable steps to secure the adoption of arrangements for the admission of pupils to schools in the areas of different local authorities that are, so far as is reasonably practicable, compatible with each other.

The statutory consultees made no comment on the proposed qualifying schemes for co-ordinating admissions during the course of the normal admission rounds to maintained schools and academies in the borough for the school year 2018/19. As the schemes appear to comply with the requirements outlined within The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements)

(England) Regulations 2012, there is only a minimal risk of any legal challenge to these schemes. There is also therefore a low risk of challenge to the time delay on formulation of the qualifying schemes.

Stephen Doye, Principal Lawyer (Community Services) for Director of Governance and Law

FINANCIAL IMPLICATIONS AND RISKS

There are no additional financial pressures or risks arising from this decision. The Local Authority applies a formula to fund the maintained schools in the borough according to a range of factors, based mainly on the number of pupils on roll. This is funded from the ring fenced (Department of Education) Dedicated Schools Grant (DSG) which is based on the total number of pupils on roll in the Borough.

It should be noted that there are significant changes to the administration of schools funding formula calculations that were implemented from 2014/15. These include a simplified formula to distribute funding to schools, restrictions on the number of formula factors that can be used, maximum delegation of budgets to schools, and simplification and greater transparency of funding arrangements for Academies. Any school that increases its admission number will receive its funding for the financial year based on the increased number of pupils on roll funded from an increased DSG.

Arrangements have been put in place, with the agreement of the Schools Funding Forum, to address the increased demand for primary school places in the borough and to provide additional funding to schools that agree to the Local Authority's request to admit full or half forms of entry above the planned admission number.

David Allen, Strategic Finance Manager

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Any school that increases its intake may need to increase staffing levels to manage increased pupil numbers. Any recruitment will be managed by the individual school and should be undertaken in accordance with all appropriate HR policies and procedures. The Education HR service will assist in supporting the recruitment and retention of additional staff as appropriate.

Similarly, an increase in pupil numbers may lead to accommodation that may previously have been mothballed being brought back into use, or the provision of additional accommodation. Additional accommodation for school expansions or new academies will only be provided where the capital resources have been identified via the Council's Basic Need Capital Programme.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The revised School Admissions Code (the Code) applies to admission arrangements to all maintained schools and Academies in England and ensures that all school places for community and voluntary controlled schools and Academies are allocated and offered in an open and fair way.

The Code makes it clear that the Local Authority must comply with the relevant law as well as acting in accordance with the provisions of the new School Admissions Code. Specific reference is made in the Code to The Equality Act 2010 the Human Rights Act 1998 and the School Standards and Framework Act 1998.

Admissions authorities must comply with the mandatory provisions of the Code by:

- setting up fair, clear and objective practices and criteria used to decide the allocation of school places, and ensuring that these practices and criteria are understood by all parents/ carers
- putting all necessary arrangement in place to mitigate the increased demand of primary school places and ensuring that staff resources, school facilities and accommodation are reflective of students' numbers and needs
- widely publicising all changes to the admission arrangements to community and voluntary controlled schools through a diverse range of communication channels to ensure that all affected residents are aware of those changes
- ensuring that information and publication materials are easy to understand, accessible and inclusive and providing translation and interpreting services upon request.

A full Equality Analysis (EA) has been undertaken on all the arrangements relating to admissions to schools and academies for the school year 2018/19 (see Appendix H).

The Code will be reviewed annually and any significant changes will be reflected in the corresponding EA.

BACKGROUND PAPERS

None.

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

Name: Tim Aldridge

Cabinet Portfolio held: N/A

CMT Member title: N/A

Head of Service title: N/A

Other manager title: Director Children’s Services

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration Manager, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____