

Notice of KEY Executive Decision

Subject Heading:	Determination of admission arrangements for community schools for the school year 2022/23.
Cabinet Member:	Councillor Robert Benham, Deputy Leader, and Lead Member for Children & Learning.
SLT Lead:	Robert South, Acting Director Children's Services.
Report Author and contact details:	Darren Purdie, Head of Education Provision & Inclusion darren.purdie@havering.gov.uk Janet James, Admissions & Inclusions Manager Janet.james@havering.gov.uk
Policy context:	School admissions.
Financial summary:	N/A.
Reason decision is Key	The scope of the Admissions Arrangements could impact one or more wards within the borough
Date notice given of intended decision:	30 th December 2020
Relevant OSC:	Children's Services
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

Communities making Havering	X
Places making Havering	X
Opportunities making Havering	[]

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Connections making Havering

[]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the following:

- 1) Admission Arrangements for community Infant, Junior and Primary Schools in Havering for 2022/23 and the co-ordinated arrangements for applying to community, voluntary aided, foundation schools, and academies as set out at Appendix A.
- 2) Amended admission criteria adding the following criteria:
 - Under 2. “exceptional social/medical grounds” the addition of the following: “Children who have a twin or other Multiple Birth that has a specific school named as part of an Education, Health and Care Plan (EHCP) will have their application to attend the same school agreed as an exceptional social reason.”
 - 4. Children whose parent is employed at the desired school as either a teaching assistant or qualified teacher for a minimum of 0.6fte (16.5 hours teaching staff) and has been employed for at least 2 years at the time of submitting the application.
- 3) Reduction of the Published Admission Numbers as follows:
 - Rainham Village Primary School from 90 to 60
 - Newtons Primary School from 60 to 30

To note the following:

- 4) Pan London Co-ordinated Admissions Scheme - Reception Year, Year 3 admissions to Junior Schools, Year 7 - London Borough of Havering - Protocol for co-ordination of admissions for the Academic Year 2022/23 as set out at Appendix B.

AUTHORITY UNDER WHICH DECISION IS MADE

Section 3.5.3 (y) of the Council’s constitution.

The Assistant Director for Education - 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;

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(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, and Year 3 at community Infant, Junior, and Primary schools in Havering for the school year 2022/23 (see Appendix A for Reception & Year 3). Additionally, 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 2022/23 (see Appendix B for Reception & Year 3 and Appendix C for Year 7).

The Local Authority, acting as the admission authority for all the community Infant, Junior, and Primary schools in the borough, following consultation must make the following decisions:

- (1) the admission arrangements to these schools for the school year 2022/23; 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 2022/23; 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.

There have been the following changes to the admission arrangements and qualifying schemes further to stakeholder consultation:

- Clarity around Multiple Birth's where one child has an Education Health and Care Plan (EHCP) and the other child/ren do not
- The addition of 'Children of Staff' to the oversubscription criteria
- The reduction in PAN for Rainham Village Primary School from 90 to 60
- The reduction in PAN for Newtons Primary School from 60 to 30

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 2022/23 and subsequent years. However, the Local Authority will continue to co-ordinate in-year admissions to community 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 2022/23.

The Local Authority, acting as the admission authority for the community schools in the borough, is required to determine its admission arrangements to these schools for the school year 2022/23 by the 28th February in the determination year i.e. by the 28th

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February 2021. 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 2021.

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 21/22 by the 1st January 2021.

OTHER OPTIONS CONSIDERED AND REJECTED

No change. This was rejected as the value of updating the Admissions Arrangements to accurately reflect local need was deemed a priority in supporting residents and the schools.

PRE-DECISION CONSULTATION

There is a statutory requirement to consult on changes to the admission criteria and the pre-decision consultation ran for a 6 week period between 2 December 2020 and 13 January 2021 in line with statutory guidance. Parties that wished to make comment on the proposed arrangements were invited to email the Admissions and Inclusions Manager via schooladmissions@haverling.gov.uk by no later than 13 January 2021. This was circulated by email to stakeholders, including all schools who should have in turn circulated it to all parents, as well as being promoted on the website for the public.

In total there were nine responses, the detail of which are set out in the attached Appendix E. Three of these contained no comment. Of the other six, two raised a question on the reduction in PANs for both Rainham schools given the current regeneration of the area, but did not oppose the motion. The rationale for the reduction in PAN for that academic year is to support financial stability for both of those schools, and the overall PAN will be reviewed annually to ensure sufficiency needs are met. Three of the responses were comments that were outside the remit of the consultation, and one was a firm endorsement.

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

Name: Janet James

Designation: Admissions & Inclusions Manager



Signature:

Date: 13/01/21

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Local Authority, acting as the admission authority for community 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 2021 for admissions in the academic year 2022/23.

Any comments must be conscientiously considered by the decision maker before a final decision is taken.

There were two comments relating to the admission criteria, contending that having a sibling at the same school should be the first criteria. This would mean elevating it above exceptional social/medical needs, but it could not displace being a looked after child as that is a statutory requirement.

There were also comments about reduction of PANs in Rainham schools because of the ongoing regeneration of the area.

Since the proposed admission arrangements for 2022/23 appear to comply with the statutory requirements of the Code, these are lawful proposals.

Following determination of the arrangements these need to be published no later than 15th March 2021

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 2021 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.

The proposed qualifying scheme is substantially the same as that adopted in previous years and it was not anticipated that it would not generate any significant objections. In any event it would be unhelpful to adopt different arrangements to those discussed and agreed with other members of the LIAAG. 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 2022/22. As the schemes appear to comply with the requirements outlined within The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements)

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(England) Regulations 2012, the proposals are lawful and there is only a minimal risk of any legal challenge to these schemes. .

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 as at the previous October census.

The same October census is used to fund individual schools for the financial year April to March (for LA maintained schools) and September to August (for academies and free schools).

Schools that increase their published admission number from September are funded for the additional costs of running a new class from a pupil growth contingency that is funded from the DSG.

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

Any school that adjusts its intake may need to adjust staffing levels to manage pupil numbers. Any such adjustments 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 school staff as appropriate.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

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Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The 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 2022/23 (see Appendix D).

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

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HEALTH AND WELLBEING IMPLICATIONS AND RISKS

publichealth@havering.gov.uk

There are no specific Health and Wellbeing implications to this proposed decision.

The adjustments to the statutory Code should have no impact either way on behaviours, lifestyle of self-care, nor indeed mental health and wellbeing.

Access to education is not hampered by this; schools' sustainability is supported thus ensuring access to schools in Rainham is ongoing. PANs are reviewed annually (as well as in-year, as needed) and as such there will be no anticipated disruption to the offer of suitable school places.

Employment, income, and general economic development is not impacted by this decision, and nor is housing or access to health and social services.

BACKGROUND PAPERS

NONE

APPENDICES

Appendix A – Primary Scheme for the co-ordination of admissions into Reception – Junior in September 2022

Appendix B – Secondary Scheme for the co-ordination of admissions into Year 7 in September 2022

Appendix C – Consultation document – Primary School Admissions Arrangements & Community Criteria 2022-23

Appendix D – Equalities Impact Assessment

Appendix E – Consultation Responses

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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

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed

Name: **Cllr Robert Benham**

Cabinet Portfolio held:

Deputy Leader of Council / Lead Member for Children & Learning

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____