



NOTTINGHAM CITY COUNCIL
EXECUTIVE BOARD
BACKGROUND PAPERS

Date: Tuesday 18 March 2014

Time: 2.00 pm

Place: Ground Floor Committee Room - Loxley House, Station Street, Nottingham,
NG2 3NG

The following background papers do not form part of the agenda but are provided to support agenda item 7. They are not circulated in hard copy but must be publicly available.

Constitutional Services Officer: Laura Wilson **Direct dial:** 0115 8764301

BACKGROUND PAPERS

Pages

7	ADMISSION ARRANGEMENTS FOR NOTTINGHAM CITY COMMUNITY AND CONTROLLED SCHOOLS 2015/16 - KEY DECISION Report of Portfolio Holder for Children's Services	3 - 26
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Comments received from parents/carers and groups 2015/2016

Date	Ref	Agree with admission arrangements?	Comments made
04.12.13	1	Yes	Just wanted to say I am in full agreement with the Council's proposals
04.12.13	2	Yes	I would agree that the criterion whereby attendance at the nursery previously added weight to an application should be removed. It is not always possible to use nursery schools linked to schools for working families, as usually there is only a half-day provision. This therefore gives unfair advantage to those able to use the nursery at the preferred school.
04.12.13	3	Yes	I am a city resident. I am in favour of all of the proposed changes that were outlined in your email.
04.12.13	4	Yes	Under criteria 5. I do not feel it is appropriate to give preferential treatment to children attending a linked nursery. Many working parents within catchment have to use a private nursery as some attached to schools have restrictive and inflexible hours not conducive to parents working hours. Such parents would be penalised because it would mean having to compete for spaces with children who attended the nursery but who do not live in catchment. In many cases the parents of these children have at least one parent not in employment and are therefore more able to use the nursery. When both parents work this is often not practically possible-you would predominantly be penalising working parents in catchment and favouring unworking parents outside of catchment. Unworking parents will fall into two main categories, those on benefits and those who are wealthy enough to allow one parent not to work. The group with two working parents are probably in a situation where both have to work in order to make ends meet, the so called "squeezed middle." Continued below
04.12.13	4	Yes	This group would also find it very difficult to go to schools outside of catchment since they have to drop at school then go directly to work. If they are unable to get a place in their catchment school they may have an unacceptable distance to travel to school and this may interfere with work. The system works well as it is. I appreciate that some parents complain that their children attend a nursery and then cannot get into the attached school, but equally, these parents have chosen not to send their children to their catchment nursery so are fully aware of the probability that they will not get a place. They may complain that it is unfair to their children but ultimately they have created the situation of themselves. I agree with the other two amendments

04.12.13	5	No	<p>Hello, I strongly object to widening the catchment area. This is very unfair on people who have moved to areas for schools and spent a lot of money on houses. We need to move but can't as I don't want to loose our school catchment for my second child. I know so many who have siblings that didn't get into the school and were literally the street across from catchment. I think they should have priority over widening to other areas. Other areas will just choose the best schools and stop those who live nearby with siblings getting in. I also disagree with not allowing nursery to be a criteria. Those who have grounding in the nursery should have preference over those who have not. I had to work but was able to sort out child minders to enable my son to attend the pre school. Others can't be bothered with the hassle as its easier to go to nursery, but for those who do their best to work around the hours and adjust child care arrangements I think it's fair being part of the criteria</p> <p>Many thanks</p>
05.12.13	6	Yes	<p>To whom it may concern, Regarding the above, as someone who has been directly affected by the school waiting list reduction time, I wholly support the change back to the original system. The new introduced system this year of 30 days was in my opinion simply unfair. I have recently moved in to an area where there is a over subscribed school. I was happy to wait until a place became available for my daughter as we currently travel 2 miles to her present school. But then to be told that she had been removed from the waiting list after 30 days was a shock, because that meant that if a place became available after this time someone applying at that time, whether in the catchment area or not would get the place before my daughter. I welcome the change to this criteria.</p>
06.12.13	7	No	<p>I would be grately disappointed for my child if she attended a nursery,settled in well and made a great social circle within that nursery to then be told she was not guaranteed a place at there primary school as would most parents.the transistion from nursery,reception to year 1 needs to be kept as familiar to the child as possible to avoid any undue upset.As we know a change of peers,school or anything unfamiliar can cause upset for a child of that age.I believe the policies we have now are in favor of the children to make the transition to primary as easy as possible for parents,teachers and especially the child.why would we really want to start shaking up the systems we have in place that seem to be working well for everyone involved</p>

07.12.13	8	No	<p>Yes we would very much like to give feedback regarding the proposal of School admission arrangements for 2015/16 because this is a very sensitive issue for many parent. With regard to increasing the period of time that the waiting list is open for within Infant/Primary/Junior schools (up until the last day of the summer half term) We have to say this length of time is unrealistic and also emotionally unfair to the child. Our son was offered our second choice of school closely followed by his induction which went fantastically well. So we quickly ordered his uniform at the school and our son was soon telling everyone where he was going to school which was a relief that he was so happy. However the thing that could have put a spanner in the works was a letter that we received the day before his first day at school, offering him a place at our fist choice of school! (we did appeal to the school at the time regarding his refused application). Continued below</p>
07.12.13	8	No	<p>At this late stage there was no way that we could pull our child away from a school that he felt comfortable and happy in, plus the fact that we had also got his uniform and he had told everyone the school he was going to. So we contacted the other school and arranged that day to take our son to have a look, to see how he felt about it and to give us both piece of mind. I am so glad that we did this as on this visit it was clear that this school was not the right choice for our son and the second choice was indeed the best. Olliver is very happy at his school and we are happy with the school too. I must say that we haven't seen the proposed catchment areas but we feel it could bring problems to amend the catcment areas to a wide capacity, as this could put schools under unwanted pressure to except other children over those who live closer to the school. Also parents want to send their child to a school for many reasons which include social as well as educational benefits. This is how a school sustains good ofstead reports. Contued below</p>

07.12.13	8	No	We agree that if a child is attending a nursery which is attached to the school, they should without doubt have an automatic place at that school because they are comfortable, they have friends, the parents are happy and all this will do is cause such allot of upset for all concerned. Such a bad idea and Nottingham folk will not be happy!!
08.12.13	9	No	On receiving this e-mail to these proposed changes for schools why don't you just leave things as they are! Do you not understand how difficult it is for parents to get to know the criteria and the way things operate.....obviously not..... what difference is it going to make.....seriously none it just looks good written down on paper. Instead put the resources to a better use by actually physically seeing what education will suit particular children rather than just opting for what's the easiest.
11.12.13	10	Yes	1. Remove criterion 5 - this is a sensible and fair approach as not all infant/primary schools offer this facility – I have no issue with this proposal and supportive of it. 2. Waiting list extension - again, sensible approach – I am a supporter of this change. 3. Amend catchment areas to incorporate all currently undesignated areas of the city - totally unsupportive of this point. The school my daughter goes to already receives approx. 80 applicants each year over and above the numbers they can accommodate, often resulting in catchment pupils application being rejected... this proposal would only compound this issue. In addition, when I purchased my property it was absolutely to ensure we lived in an area with a school with good OFSTED performance figures, this proposal would have a financial impact on us and therefore I am 100% unsupportive. Thank you for this information, this is much clearer now and given the detail below, I would support the proposal, Regards, Alison
19.12.13	11	No	I think that criterion 5 should not be removed. Children attending nursery already like the place . Make a lot of friends there . They get prepared to move to the school and they settle better.
19.12.13	12	?	As a parent, we have moved to a particular area to ensure our children have at least a level of priority when applying for a school. We trust that children living within catchment of a particular school will continue to be given priority. I'm mindful that following the news today, there will be increased applications for better performing schools but at the same time I trust the council will continue to prioritise children who live within catchment. Furthermore, we have children that are in different stages of school and see no benefit in not prioritising children where they are already in a connected school. For example, moving from infant to junior and then onto secondary. Surely, children should be prioritised and even more so if their siblings attend one of the adjoining schools. Not doing so would impact on the parents and indeed the need to start driving between schools rather than walking as we do today. Whilst, I am hopeful that we won't be affected by any changes I would be concerned that should the prioritisation of places as in place today be removed.

09.01.14	13	?	Hi there, my son and daughter attend Fernwood Infant school, we purchased our home in this pricey area to ensure we were in catchment, I took comfort in knowing that once they had a place in the federation that was it- they would go through the school system, with the same friends and school routine from the age of 4 to 16 years. So I am very concerned that you propose to remove criteria 5 (i.e. pupils attending the nursery of the school will no longer be given any priority in the oversubscription criteria). Does this apply for infant to junior transition or just the nursery example given here?? I would hope that once a child has settled for 3 years in an infant school that they can relax and know that they will continue on within the same school onto juniors and beyond. We are in catchment but my son seemed to be in a baby boom year which meant places were tight and we are towards the edge of our catchment I believe (? Far Rye, NG8 1GJ) so I am now concerned about any changes to next years admissions.
27.01.14	14	Yes	Thank you for sending your proposed admission arrangements. The County Council has considered your arrangements and coordinated timelines for 2015-2016 and does not wish to raise any issues.



Q1

Do you agree with the admission criteria set out in appen...

Yes

Yes

No

Yes

No

No

Q2

Do you agree with the proposal to remove criterion 5 from...

Yes

Yes

No

No

No

No

Q3

Do you agree with the proposal to increase the period of ...

Yes

Yes

Yes

No

Yes

Yes

Q4

Do you agree with the proposal to include areas of the Ci...

Yes

Yes

Yes

Yes

No

Yes

Q5	Q7
If you would like to give reasons for your views, or add ...	Are you?
	Female
Will avoid some children having little or no choice of where to go to school	Female
Logical geographical catchment area	Female
yes i do so that everyone knows that theres more than one school for the child to go to	Female
	Female
	Female

Q8

Which age group do you belong to?

45 - 54

45 - 54

25 - 34

18 - 24

35 - 44

35 - 44

Q9

Do you have any long term illness, health problem or disa...

Yes

No

No

No

No

No

Q10

Do you consider yourself to be?

Heterosexual or straight

Heterosexual or straight

Heterosexual or straight

Heterosexual or straight

Heterosexual or straight

Q11

To which of these ethnic groups do you consider you belong?

White - British

White - British

White - British

White - British

Black - African

Q11.a

Any other ethnic group, please state

Q12

What is your religion or belief, even if you
are not curr...

No belief

Christian (All denominations)

No religion

No religion

Christian (All denominations)

Q12.a

Other belief, please specify

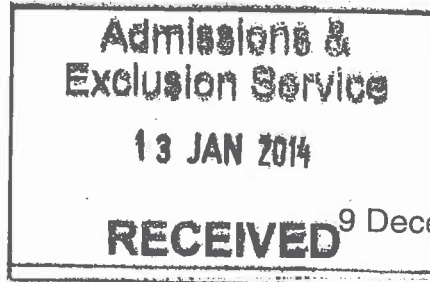
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Office of
the Schools
Adjudicator

Office of the Schools Adjudicator
Mowden Hall
Staindrop Road
Darlington
DL3 9BG

Ms Karen Worthington
Admissions Officer
School Admissions Team
Nottingham City Council
Loxley House, Station Street
Nottingham
NG2 3NG



Dear Ms Worthington,

Variation to the admission arrangements of all Community and Voluntary Controlled Primary Schools in Nottingham City Local Authority

Case Reference: VAR/000623

The adjudicator, Mr Chris Kiernan, has reached a decision on the above case.

A copy of his determination is enclosed and will be published on the OSA website at: www.education.gov.uk/schoolsadjudicator

Once a determination is made and published, neither the adjudicator nor anyone else can make changes to the decision. In legal terms the adjudicator is "*functus*" and has no power to review or comment on his decision. The reasoning for the decision is set out in the enclosed determination. The only route of appeal against this decision is by a judicial review, information on which can be found at: www.judiciary.gov.uk

Yours sincerely

Wilf Fleming
Secretary to the Office of the Schools Adjudicator



DETERMINATION

Case reference: VAR/000623
Admission Authority: Nottingham City Council
Date of decision: 9 January 2014

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Nottingham City Council, the admission authority for community and voluntary controlled schools in the Nottingham local authority area for admissions in September 2014.

The first variation is to remove criterion 5 of the oversubscription criteria from the infant and primary school admission criteria for admissions in September 2014. This criterion gives a priority for admission to children who attend the nursery of the school at the closing date for applications. The second variation is to increase the period of time a primary age pupil (except for pupils in year 6) can stay on the waiting list from 40 days to an all-year waiting list from September 2014.

The referral

1 Nottingham City Council, the local authority, (the LA), the admission authority for community and voluntary controlled maintained schools (the schools) in Nottingham, referred a request for a variation to the Adjudicator on 4 December 2013 concerning the admission arrangements (the arrangements) for the schools in the school year 2014/2015.

2 The LA has requested two variations:

“a. to remove criterion 5 from the infant/primary schools admission criteria (i.e. pupils attending the nursery of the school).

b. to increase the period of time the waiting list is kept open for infant, junior and primary schools, where it's not possible to offer a place at a school named by parents/carers.”

Jurisdiction

3 The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998, which states that:

‘where an admission authority (a) has in accordance with section 88C determined the admission arrangements that are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances

occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations".

4 I am satisfied that the proposed variations are within my jurisdiction.

Procedure

5 In considering these matters I have had regard to all relevant legislation and the School Admissions Code (the Code).

6 The documents I have considered in reaching my decision include:

- the request for an in-year variation for admissions in September 2014;
- the LA's school admissions booklet for 2014/15;
- a map and a list of all community and voluntary controlled schools in the city area;
- the LA's consultation document setting out proposed changes to admission arrangements for 2015/16, which includes information about the proposed variation to admission arrangements for 2014/15;
- emails and letters informing all schools, child minders, and the Director of Children's Services for Nottinghamshire County Council of the proposed variations for 2014/15;
- an advertisement in the local papers on 4 December 2013;
- the email sent to all parents who have applied online for school places for their children in the last two years;
- email replies to two parents and a school questioning the proposed changes; and
- the minutes of the LA's meeting of 19 November 2013 agreeing that admission arrangements determined for the 2014/15 school year be referred to the Office of the Schools Adjudicator seeking a variation.

Background and consideration

7 The LA determined its admission arrangements for admissions to the reception year (year R) of community and voluntary controlled infant and primary schools for September 2014 on 11 March 2013. The arrangements include as the fifth oversubscription criterion priority for children attending the nursery of the school at the closing date for applications and whose parents have asked for a place at that school.

8 The major change in circumstance leading to the request for the variation is that in the autumn term 2013 it came to the attention of the LA that the Office of the School Adjudicator had had a number of cases referred to it concerning admission arrangements that included an oversubscription criterion specifying priority for admission to the school for attendance at a given nursery class or other nursery provision. The LA cites eight cases of admission arrangements where the Adjudicator determined that the inclusion of a criterion specifying attendance at specific nursery provision does not meet the test of 'fair'.

9 The LA states in its variation request that, having considered the determinations, it believes its criterion giving children attending the nursery class of a school priority for a reception place at that school is not compliant with the Code.

10 I have considered first the 'the major change in circumstance' that has resulted in the admission authority seeking a variation – the removal of its fifth oversubscription criterion – and whether the proposed variation would address the problems arising from the change of circumstance. In particular, I have considered the effect on parents who have applied under the admission arrangements published for September 2014; the impact of proposed arrangements on individual schools with nursery classes; and the time in the admissions round when the change is being proposed.

11 The oversubscription criteria for the school year 2014/15 as determined by the LA are set out in pages 70 and 71 of its admissions booklet, with a comprehensive definition of all terms used. In summary they are:

1. looked after and previously looked after children;
2. children living in the school's catchment area, with a brother or sister attending the school at the time of admission;
3. children living in the catchment area;
4. children living outside the catchment area, with a brother or sister attending the school at the time of admission;
5. children who attend the school's nursery at the closing date; and
6. children living outside the catchment area.

12 It is important to note that the requested variation will only affect children who attend the school's nursery class and who a) do not live in the catchment area and b) will not have a brother or sister at the school at the time of the younger child seeking a reception place. Children attending the nursery class who live in the catchment area would have priority under criterion 3, and children living out of the catchment area, but who have a sibling in the school would have priority under criterion 4. The children who would be affected by the proposed variation are those currently attending the nursery unit of an oversubscribed school whose parents live out of the catchment area and

further away than children whose parents have applied for a place at the school and live out of the catchment area and live closer to the school, but whose child does not attend the school's nursery.

13 In the 2013 admissions process, 189 children were admitted into infant and primary schools under criterion 5 of the oversubscription criteria. At the same time, 373 children living outside the catchment area and considered under criterion 6 were refused a place at a primary school to which their parents had applied for a place. If criterion 5 had not been part of the LA's oversubscription criteria, all 562 children would have been considered for admission using the distance from the school as measured by a straight line, with an appropriate tie break in case any two or more distances were identical.

14 In its consultation on proposed admission arrangements for all parents with children who will be 'starting or changing school in the school year 2015/16', the LA specifically draws the attention of all parents who will, or may have, a child who will be starting or changing school in the 2014/15 school year to its proposal to vary admission arrangements for community and voluntary controlled schools. This was complemented with emails to all parents on its electronic admission database and an advertisement in local papers in early December 2013. The LA has met the Code's requirement for the notification to all relevant bodies and persons of its proposed notification.

15 The requested variation may mean that some schools admit children who live outside their catchment area (criterion 6) who do not attend the nursery school, before children who attend the nursery, but who live out of the catchment area and further away from the school. However, in my view the LA is correct in seeking to address an area, in which it believes it does not comply with the Code,

16 The LA has made every effort to inform parents about its intention to seek a variation to its admission arrangements for the school year beginning September 2014 to remove criterion 5. While this may result in some parents who have children at a school's nursery unit failing to be allocated a place in the school's reception class if it is their preferred school, I accept that the LA has reasonable evidence to consider that its arrangements may be unfair and therefore contravene the Code. This being the case, the LA has viewed this as a major change in circumstance, with reasonable evidence that its arrangements may be unfair, even though this was not its intention, and believes that the proposed variation will address the change in circumstance and its arrangements will then comply with the Code.

17 The second proposed change is to increase the period for which a waiting list for primary places is kept open. In autumn 2011 the LA consulted on arrangements for the 2013/14 school year to reduce the period of time a pupil may remain on the waiting list for a place at a school. It duly implemented new arrangements from September 2013.

18 These arrangements limited the time that year R and year 7 pupils could remain on a waiting list until the end of the autumn term in which admission took place; and also limited the time that children whose parents applied for a school place at any other time than the beginning of year R or year 7 stayed on the waiting list to 40 days from the date a place was refused. Once the time on the waiting list expires, the child concerned cannot be placed again on the waiting list – fresh applications must be made if the parent still wants a place for their child at the school.

19 In limiting the time a child is able to stay on a waiting list, the LA sought to avoid what it terms as ‘unnecessary’ school transfers, which might disrupt children’s education and make them less likely to achieve their potential. However, since the policy was introduced the number of pupils in primary schools in the area has increased to the highest level seen since the 1970s. The result has been increasing numbers of parents with more than one child not being able to get places in one primary school for all their children. In these cases, the time limitation on a child’s name being on a school’s waiting list reduces the chances of obtaining a place at a preferred school.

20 The only option for parents who want a place at a particular school, but have been refused a place and whose child has been taken off the waiting list, is to continue to reapply for a place following the removal of the child’s name from the waiting list. This is because if a place is not available, they cannot go back on the waiting list. This has resulted in extra burdens on parents who continue to want a place at a particular school to reapply continually.

21 Therefore the LA proposes to return to an all-year-round waiting list for primary schools, which will be kept open from the date of refusal to the last day of the summer half-term. Parents will be contacted on a half-term basis to check if they wish their child to remain on the list (except children in year 6).

22 The LA notes that there are also several academy schools that have adopted the same arrangements. It has advised all academies, voluntary aided and foundation schools of its intention to seek a variation and advised that they might wish to consider varying their arrangements if they wish to remain consistent with its (the LA’s) arrangements.

23 The current arrangement is compliant with the Code, as is the proposed variation. Therefore, I have considered whether the proposed variation disadvantages any potential applicant for a school admission and, if so, if this outweighs the benefits to those advantaged by it; the effect on maintained and voluntary controlled schools, as well as other admission authorities in the area; and the responses of parents and others to the LA’s proposed variation.

24 The parents who would be disadvantaged are those applying for a school place in 2014, who might get one under the current arrangements, in cases where a child who would have been admitted before theirs has been taken off the waiting list, having been on it for 40 days. It is difficult to see how this disadvantage outweighs the benefits to children who would remain on the waiting list, and who would be allocated a place at a given school on the basis of clear over-subscription criteria.

25 The LA notes in its variation request that the change will potentially affect all voluntary and controlled infant and primary schools in its area. However, this will be limited to admitting one child rather than another. No more children will be admitted unless through successful appeals for a school place.

26 It is my view that, considering the overall principles of the Code – the fair, clear and objective allocation of school places – the proposed variation meets them more comprehensively than the current arrangements.

Conclusion

27 I conclude that the LA has acted promptly and reasonably to request an in-year variation for admissions to maintained community and voluntary controlled infant and primary schools in its area for the fifth criterion in its over-subscription list from September 2014. This is because it has reasonable evidence to consider that its arrangements may be unfair having taken into account the findings from objections to the Schools Adjudicator regarding year R admission arrangements that give priority to children who attended particular nursery provision.

28 With regard to the request to increase the period of time a primary age pupil (except for pupils in year 6) can stay on the waiting list from 40 days to an all-year waiting list, I conclude that this is likely to benefit most children on waiting lists for places at schools they prefer, some of whom will be children with siblings at another school to that which they are attending, and that the proposed variation meets very well the overall principles of the Code.

Determination

29 In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Nottingham City Council, the admission authority for community and voluntary controlled schools in the Nottingham local authority area for admissions in September 2014.

30 The first variation is to remove criterion 5 of the oversubscription criteria from the infant and primary school admission criteria for admissions in September 2014. This criterion gives a priority for admission to children who attend the nursery of the school at the closing date for applications. The second variation is to increase the period of time a primary age pupil (except for pupils in year 6) can stay on the waiting list from 40 days to an all-year waiting list from September 2014.

Date: 9 January 2014

Signed: *Chris Kiernan*

Adjudicator: Chris Kiernan