

## EXECUTIVE BOARD – 17 MARCH 2015

<b>Subject:</b>	Admission Arrangements for Nottingham City Community Schools 2016/17		
<b>Corporate Director(s)/ Director(s):</b>	Alison Michalska, Corporate Director for Children and Adults		
<b>Portfolio Holder(s):</b>	Councillor Jon Collins, Leader/Portfolio Holder for Strategic regeneration and Schools		
<b>Report author and contact details:</b>	Nick Lee, Head of Access and Learning 0115 8764618 <a href="mailto:nicholas.lee@nottinghamcity.gov.uk">nicholas.lee@nottinghamcity.gov.uk</a>		
<b>Key Decision</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<b>Subject to call-in</b>
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Reasons:</b>	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Income	<input type="checkbox"/> Savings of £1,000,000 or more
taking account of the overall impact of the decision			<input type="checkbox"/> Revenue <input type="checkbox"/> Capital
Significant impact on communities living or working in two or more wards in the City			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Total value of the decision:</b> Nil			
<b>Wards affected:</b> All	<b>Date of consultation with Portfolio Holder(s):</b> 12 September 2014		
<b>Relevant Council Plan Strategic Priority:</b>			
Cutting unemployment by a quarter			<input type="checkbox"/>
Cut crime and anti-social behaviour			<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City			<input type="checkbox"/>
Your neighbourhood as clean as the City Centre			<input type="checkbox"/>
Help keep your energy bills down			<input type="checkbox"/>
Good access to public transport			<input type="checkbox"/>
Nottingham has a good mix of housing			<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs			<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events			<input type="checkbox"/>
Support early intervention activities			<input type="checkbox"/>
Deliver effective, value for money services to our citizens			<input checked="" type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>			
<p>To consider and approve the Local Authority's proposed admission arrangements for the 2016/2017 school year for community schools, following consultation, to ensure fair access to school places and to give priority to local children. The only changes to the arrangements determined for the 2015/16 school year are to:</p> <ul style="list-style-type: none"> <li>• amend the definition of previously Looked After Children to give highest priority to all children adopted from care in line with the Department for Education (DfE) guidance referred to in 1.2 below. The definition is set out in criterion 1 of the admissions criteria listed in appendices 2a and 2b; and</li> <li>• include details of the process for requesting admission out of the normal age group to comply with the requirement in paragraph 2.17 of the revised School Admissions Code published on 19 December 2014 (see paragraph 1.3 below)</li> </ul> <p>The proposed admission arrangements are set out in Appendix 1. The proposed oversubscription criteria are attached as Appendix 2. Admission numbers for community schools are attached as Appendix 3. Maps showing catchment areas for city community schools are set out in Appendix 4. A copy of the timetable for the 2016/17 admission year is set out in Appendix 5 and the City Council's Fair Access Protocol is set out in Appendix 6.</p>			
<b>Exempt information:</b>			
None			

**Recommendation(s):**

1\_\_To approve the Local Authority's admission arrangements for the 2016/2017 school year for community schools, as set out in Appendix 1, which includes minor changes to the admission arrangements determined for the 2015/2016 school year, i.e. the amendment of the definition of previously Looked After Children to give highest priority to all children adopted from care in line with the Department for Education (DfE) guidance and the inclusion of details of the process for requesting admission out of the normal age group.

**1 REASONS FOR RECOMMENDATIONS**

- 1.1 The Local Authority is the admission authority for community schools and is therefore legally required to determine the admission arrangements for these schools.
- 1.2 In the revised School Admissions Code published on 19 December 2014, paragraph 2.17 states that admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group. Details of the process have now been included in Appendix 1.

**2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 In accordance with the School Standards and Framework Act 1998 and the 2012 School Admissions Code, the Local Authority has consulted with the City's Admission Forum, head teachers, governing bodies, relevant religious bodies and other persons in the relevant area who have an interest in the proposed admissions, parents and carers within the city, unions and Nottinghamshire County Council on all aspects of its proposed admission arrangements for 2016/17, which included a minor change to the admission arrangements determined for the 2015/2016 school year, i.e. the amendment of the definition of previously Looked After Children to give highest priority to all children adopted from care as referred to in paragraph 1.2 above. The arrangements are set out in full in Appendices 1, 2 and 3. The consultation took place during the period 3 November 2014 to 2 January 2015.
- 2.2 During the period 2 December 2013 to 31 January 2014 the Local Authority consulted on its proposed arrangements for admission to schools in the 2015/16 school year which included amendments to the 2013/14 admission arrangements. These amendments were approved by Executive Board at its meeting held on 20 March 2014, i.e.:
  - the removal of criterion 5 from the infant/primary schools admission criteria (i.e. pupils attending the nursery of the school). This was because the Office of the Schools Adjudicator had found in a number of cases referred to them that admission arrangements which included a nursery criterion did not comply with the School Admissions Code;
  - an increase in the period of time the waiting list is kept open for infant, junior and primary schools for year groups Reception to Year 5, from 40 school days from the date of refusal to all-year round. This means the waiting list will be kept open from the date of refusal until the last day of the summer half term and parents/carers will be contacted on a half-termly basis to ask if they wish their child's name to remain on the waiting list;

- the amendment of catchment areas to incorporate all currently undesignated areas of the city.

2.3 Responses to Consultation on 2016/17 arrangements - There was only one response to the consultation, which was from Nottinghamshire County Council. The response was only to raise points regarding clarity to the wording within the appendices, which have now been addressed.

2.4 Co-ordinated Admission Arrangements - The Local Authority is required by the Education Act 2002 to produce co-ordinated admission schemes for both secondary and primary admissions. These have been in operation since the 2004/2005 school year and are working well. It is not proposed to alter these arrangements for the 2016/2017 school year. These schemes relate to admissions at the normal time, i.e. Reception year at infant/primary school, Year 3 at junior school and Year 7 at secondary school.

2.5 Guidance published by the DfE in May 2014 advised that it had adopted the wider interpretation of the 2012 School Admissions Code in respect of previously Looked After Children. As a consequence of this the DfE expects admission authorities to give highest priority to all children adopted from care and not just those adopted from care under the 2002 Act as set out in the 2012 School Admissions Code. The DfE published a revised School Admissions Code on 19 December 2014, which now makes it clear that admission authorities must give highest priority to all children adopted from care. The proposed admission arrangements for 2016/17 have therefore been amended to reflect the updated definition of previously Looked After Children in line with the DfE guidance and the 2014 School Admissions Code.

2.6 No further changes to the arrangements are proposed. With the increased number of schools that are their own admission authority with admission arrangements which differ from the Local Authority's, maintaining the Local Authority's admission arrangements (with the exception of the updated definition and details of the process for requesting admission out of the normal age group referred to in 1.2 and 1.3 above) will enable the Council to monitor the operation of the 2015/16 arrangements of all admission authorities, including those of newly formed academies, in order to make any changes for subsequent years on an informed basis.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

3.1 No other options were considered. Maintaining the Local Authority's 2015/16 admission arrangements for a further year will enable the Local Authority to monitor the operation of recent changes, along with the arrangements of all admission authorities in Nottingham City, including those of newly formed academies, in order to make any changes for subsequent years on an informed basis.

### **4 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY/VAT)**

4.1 Schools are predominantly funded from the Dedicated Schools Grant (DSG), this is allocated to all schools based on a formula and the October pupil (Autumn term) census.

4.2 If all pupils are captured as part of the October census then any change in admissions policy will have no financial impact on the DSG allocation for Nottingham or individual schools.

4.3 As part of the budget setting process a contingency is allocated to support part year effect of any growth in pupil numbers.

## **5 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER ACT IMPLICATIONS)**

5.1 Admission arrangements are set to enable all school age students to access a suitable school place at the appropriate time, as far as possible according to their parents/carers' preference, so that they are not vulnerable to crime and disorder.

5.2 The School Admissions Code recommends that criteria are clear, fair and objective and operate for the benefit of all children. The admission arrangements and criteria ensure that the City will operate a fair and open system which is applied consistently and that arrangements are clear and accessible to parents and carers so that all have an equal opportunity to secure a school place for their child.

5.3 Legal Implications - consultation

5.3.1 Section 88C(1) of the School Standards and Framework Act 1998 ("SSFA"), states that the admission authority for a maintained school in England must, before the beginning of each school year, determine in accordance with this section of the SSFA the admission arrangements which are to apply for that year. Section 88C(2) of the SSFA requires the admission authority to carry out such consultation beforehand about the proposed arrangements as may be prescribed.

5.3.2 The relevant regulations under section 88C(2) of the SSFA are the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (as amended) ("the Admission Arrangements Regulations").

5.3.3 Regulations 14 and 15 deserve special attention here. They state the following:-

### ***Matters about which consultation is not required***

#### **14**

*(1) Subject to paragraph (2) an admission authority are not required to consult about a proposal to increase or keep the same admission number in any consultation on admission arrangements under section 88C(2) for the school year 2013–2014 or any subsequent years.*

*(2) Where the admission authority for a community or voluntary controlled school are the local authority they must consult the governing body of the school if they propose to increase or keep the same admission number.*

### ***Circumstances where consultation on admission arrangements is not required***

#### **15**

*(1) This regulation prescribes for the purposes of section 88C(2) the circumstances in which an admission authority are not required to consult on their proposed admission arrangements.*

*(2) Subject to paragraphs (3) and (4) an admission authority are not required to consult on their proposed admission arrangements for the school year 2013–2014 and any subsequent admission year where they consulted on their proposed*

*admission arrangements in accordance with section 88C(2) in any of the six preceding determination years, and the proposed arrangements are the same as those determined following the last such consultation.*

*(3) The proposed arrangements are treated as the same for the purpose of paragraph (2) if the only change made to the proposed admission arrangements is one or more of the following changes—*

*(a) an increase to the admission number in accordance with regulation 14, or*

*(b) a change made to comply with any mandatory requirement in the School Admissions Code or these Regulations.*

*(4) A consultation required under regulation 14(2) is not to be regarded as a consultation for the purpose of calculating whether an admission authority have consulted in any of the six preceding determination years in paragraph (2).*

5.3.4 It is noted that this report refers to the following points:-

- A recommendation that the Executive Board approves Nottingham City Council's proposed admission arrangements for the 2016/2017 school year for community schools, as set out in Appendix 1, which includes minor changes to the admission arrangements determined for the 2015/2016 school year, i.e. the amendment of the definition of previously Looked After Children to give highest priority to all children adopted from care in line with the Department for Education ("DfE") guidance and the inclusion of details of the process for requesting admission out of the normal age group.
- Non-statutory guidance published by the DfE in May 2014 stated that the DfE had adopted a wider interpretation of the then School Admissions Code (2012) in respect of previously Looked After Children. As a consequence of this the DfE expected admission authorities to give highest priority to all children adopted from care and not just those adopted from care under the Adoption and Children Act 2002 as set out in the statutory School Admissions Code (2012).
- On 19 December 2014, the Secretary of State via the DfE issued a new School Admissions Code. This new School Admissions Code states at paragraph 1.7 that "...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 [i.e. children who were adopted under the Adoption Act 1976 and children who were adopted under the Adoption and Children Act 2002] (or became subject to a child arrangements order or special guardianship order). Further references to previously looked after children in this Code means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after..."
- In addition, the new School Admissions Code states at paragraph 2.7: "Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group."
- Therefore, Nottingham City Council ("NCC") proposed only to amend the admission arrangements determined for the 2015/2016 school year to take account of the above two changes in the new School Admissions Code – otherwise NCC's proposed admission arrangements for the 2016/2017 school year would remain as before. NCC had consulted on the admission arrangements for the 2015/2016 school year from 2 December 2013 to 31 January 2014. Following that consultation, on 20 March 2014 NCC's Executive Board had determined to implement those admission arrangements.

- From 3 November 2014 to 2 January 2015, NCC conducted consultation on the proposed admission arrangements for the 2016/2017 school year with only one response received from Nottinghamshire County Council, which was largely in the nature of a request for clarification.

5.3.5 In view of the above, NCC's legal requirement to consult on its proposed admission arrangements for the 2016/2017 school year was technically limited. As the admission authority for the community schools it maintains, NCC was only required under regulation 14 of the Admission Arrangements Regulations to consult the governing bodies of those community schools on any proposal to increase or keep the same admission numbers. Beyond that, as NCC had consulted on its admission arrangements in accordance with section 88(C)(2) of the SSFA in the preceding six determination years and the proposed admission arrangements for the 2016/2017 school year are unchanged with the exception of changes to comply with any mandatory requirement in the School Admissions Code, by virtue of regulation 15 of the Admission Arrangements Regulations NCC was not required to consult on them.

5.3.6 The fact NCC has consulted on its proposed admission arrangements for the 2016/2017 school year does no harm, however, and is undoubtedly beneficial in informing interested parties of NCC's intentions. NCC would also appear to have complied with the Admission Arrangements Regulations in terms of who to consult (regulation 12), the matters to which any consultation must relate (regulation 13) and the manner of consultation (regulation 16).

5.3.7 Regulation 17 of the Admission Arrangements Regulations states the following:-

- (1) *For the school year 2016-2017, every admission authority must –*
  - (a) *complete any consultation required by section 88C [of the SSFA] and these Regulations on or before 1 March 2015;*
  - (b) *allow consultees at least eight weeks to respond; and*
  - (c) *determine their admission arrangements on or before 15<sup>th</sup> April 2015.*

5.3.8 Therefore, any consultation on proposed admission arrangements for the school year 2016-2017 must have been completed on or before 1 March 2015, which NCC has done, and allow consultees at least eight weeks to respond, which NCC has also done. Lastly, regulation 17(3) of the Admission Arrangements Regulations requires NCC to determine its admission arrangements for the school year 2016-17 by 15 April 2015.

5.4 Legal Implications - The proposed admission arrangements - The proposed admission arrangements generally accord with education law and guidance.

5.5 Human Resources (HR) comments - Whilst the recommendations of this report have no immediate direct workforce implications, in the context of the updated definition of Looked After Children, in line with the DfE guidance and the 2014 School Admissions Code, and the increasing demand on school places, there is a high potential for increased workforce capacity, longer term. In this instance, it is important that schools take sound advice from their HR provider on fair and appropriate recruitment methods and are mindful of employment responsibilities to new and existing employees.

5.6 Union Comments - The Association of Teachers and Lecturers union commented 'a detailed report that is equal and fair'.

## **6 SOCIAL VALUE CONSIDERATIONS**

6.1 Not applicable

## **7 REGARD TO THE NHS CONSTITUTION**

7.1 Not applicable

## **8 EQUALITY IMPACT ASSESSMENT (EIA)**

8.1 An EIA is attached. Due regard has been given to the equality implications identified in the attached EIA.

## **9 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)**

9.1 None.

## **10 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

10.1 School Admissions Codes 2012 and 2014

10.2 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

10.3 Report to Executive Board 20 March 2014 setting out the proposed school admission arrangements for the 2015/16 school year.

10.4 Department for Education guidance on school admission of children adopted from local authority care published in May 2014.

## **11 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

11.1 Jon Ludford-Thomas, Senior Solicitor, Legal Services, tel: 0115 8764398, email: [jon.ludford-thomas@nottinghamcity.gov.uk](mailto:jon.ludford-thomas@nottinghamcity.gov.uk)

11.2 Lynn Robinson, HR Business Partner, Children and Adults, tel: 0115 8763605, email: [lynn.robinson@nottinghamcity.gov.uk](mailto:lynn.robinson@nottinghamcity.gov.uk)

11.3 Ceri Walters, Acting Head of Departmental Financial Support, tel: 0115 8764128, email: [ceri.walters@nottinghamcity.gov.uk](mailto:ceri.walters@nottinghamcity.gov.uk)

11.4 Ralph Surman, Association of Teachers and Lecturers, email: [rsurmam@exec.atl.org.uk](mailto:rsurmam@exec.atl.org.uk)