

**EXECUTIVE BOARD - 23 FEBRUARY 2016**

<b>Subject:</b>	School Admission Arrangements 2017/2018 for community schools		
<b>Corporate Director(s)/ Director(s):</b>	Alison Michalska, Corporate Director for Children and Adults		
<b>Portfolio Holder(s):</b>	Councillor Sam Webster, Portfolio Holder for 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>	X Yes	<input type="checkbox"/> No	<b>Subject to call-in</b> X 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	X Yes <input type="checkbox"/> No		
<b>Total value of the decision:</b>			
<b>Wards affected:</b>	<b>Date of consultation with Portfolio Holder(s):</b>		
<b>Relevant Council Plan Key Theme:</b>			
Strategic Regeneration and Development	<input type="checkbox"/>		
Schools	X		
Planning and Housing	<input type="checkbox"/>		
Community Services	<input type="checkbox"/>		
Energy, Sustainability and Customer	<input type="checkbox"/>		
Jobs, Growth and Transport	<input type="checkbox"/>		
Adults, Health and Community Sector	<input type="checkbox"/>		
Children, Early Intervention and Early Years	X		
Leisure and Culture	<input type="checkbox"/>		
Resources and Neighbourhood Regeneration	<input type="checkbox"/>		
<b>Summary of issues (including benefits to citizens/service users):</b>			
To consider and approve the Local Authority's proposed admission arrangements for the 2017/2018 school year for community schools, which are unchanged from those approved for the 2016/17 school year, to ensure fair access to school places and to give priority to local children.			
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 2017/18 admission year is set out in Appendix 5 and the City Council's Fair Access Protocol is set out in Appendix 6 (updated January 2016).			
<b>Exempt information:</b>			
None			
<b>Recommendation(s):</b>			
1 To approve the Local Authority's proposed admission arrangements for the 2017/2018 school year for community schools, which are unchanged from those approved for the 2016/17 school year.			

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 For the reasons set out in paragraphs 2.1 to 2.5 it is proposed that no changes be made to the admission arrangements determined for 2016/17 so that they remain in place for the 2017/18 school year. These arrangements are set out in Appendix 1.
- 1.2 The impact of increasing the period of time the waiting list is kept open for primary schools is that it has increased the potential for parents/carers to be able to secure a place for their child at a local school.
- 1.3 Maintaining the Local Authority's 2016/17 admission arrangements will enable the Local Authority to monitor the operation of the changes that were made to the 2015/16 and 2016/17 arrangements, along with the arrangements of all admission authorities, including those of newly formed academies, in order to make any changes for subsequent years on an informed basis.

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

- 2.1 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 those which were determined for the 2013/14 school year. These amendments were as set out in paragraphs 2.2 to 2.4 below.
- 2.2 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.
- 2.3 An increase in the period of time the waiting list is kept open for 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 is 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.
- 2.4 The amendment of catchment areas to incorporate all currently undesignated areas of the city.
- 2.5 During the period 3 November 2014 and 2 January 2015 the Local Authority consulted on its proposed arrangements for admission to schools in the 2016/17 school year which included only minor amendments to the 2015/16 admission arrangements. These minor amendments were the amendment of the definition of previously Looked After Children to give highest priority to all children adopted from care and the inclusion of details of the process for requesting admission out of the normal age group. Both of these amendments were to comply with the revised School Admissions Code published in December 2014.
- 2.6 As the Local Authority is proposing that the admission arrangements determined for the 2016/17 school year be maintained for the 2017/18 school year with no change, the Local Authority was not required to consult publicly on its proposed admission arrangements. However, since the Local Authority is the Admission Authority for community schools, it was required to consult the governing body of each school about its proposal to keep the same admission number for that school.

The consultation with governing bodies of community schools took place during the period 1 October 2015 and 27 November 2015. No responses to the consultation were received.

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

- 3.1 No other options than continuing with the 2016/17 admission arrangements for the 2017/18 school year were considered. This is because the main change made to the previous arrangements, i.e. increasing the period of time the waiting list is kept open for primary schools has increased the potential for parents/carers to be able to secure a place for their child at a local school; and the other changes were to comply with the School Admissions Code. Therefore, maintaining the Local Authority's 2016/17 admission arrangements for a further year will enable the Local Authority to monitor the operation of these 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 FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 There are no cost implications as a result of keeping the admission arrangements for 2017/18 the same as those for 2016/17.
- 4.2 The funding for the Admissions service is funded from the Dedicated Schools Grant. This budget allocation was approved by Schools Forum and the City Council's Executive Board as part of the 2015/16 budget setting process.

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

#### **5.1 Legal Implications**

##### Consultation

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.

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").

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

**Matters about which consultation is not required**

(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).

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

- A recommendation that the Executive Board approves that Nottingham City Council's admission arrangements determined for the 2016/17 school year, which were approved by Nottingham City Council's Executive Board on 17 March 2015, be maintained for the 2017/18 school year with no change.
- Non-statutory guidance published by the Department for Education ("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 then 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 2.17: “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.
- On 17 March 2015, NCC’s Executive Board approved the admission arrangements for the 2016/2017 school year.

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 were 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.

The fact NCC did consult on its proposed admission arrangements for the 2016/2017 school year did no harm, however, and was 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).

Therefore, since NCC now proposes to maintain the admission arrangements for the 2016/2017 school year for the 2017/2018 school year, NCC is not

required to consult under the Admission Arrangements Regulations, other than as the admission authority of community schools NCC must consult with the governing bodies of each of those schools about the consequent proposal to keep their admission numbers as they are. As this report states, NCC undertook this consultation from 1 October 2015 to 27 November 2015, with no responses received.

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

- (2) For the school year 2017-2018 and every subsequent school year, every admission authority must –
  - (a) carry out any consultation required by section 88C [of the SSFA] and these Regulations between 1<sup>st</sup> October and 31<sup>st</sup> January in the determination year;
  - (b) allow consultees at least six weeks to respond; and
  - (c) determine their admission arrangements on or before 28<sup>th</sup> February in the determination year.

Given NCC is not required to consult on the proposed admission arrangements for the school year 2017-2018, only regulation 17(2)(c) of the Admission Arrangements Regulations is relevant, which requires NCC to determine its admission arrangements on or before 28<sup>th</sup> February in the determination year. Regulation 2 of the Admission Arrangements Regulations states:-

“determination year”, in relation to the proposed admission arrangements for a school, means the school year beginning two years before the school year to which the arrangements relate;

Therefore, in relation to the proposed admission arrangements for the 2017-2018 school year, the determination year is the school year 2015-2016, so NCC must determine its admission arrangements for the 2017-2018 school year on or before 28 February 2016.

#### The proposed admission arrangements

The proposed admission arrangements generally accord with education law and guidance.

Jon Ludford-Thomas  
Senior Solicitor  
Housing/Employment/Education Team  
Legal Services  
Nottingham City Council  
Tel: 0115 87 64398  
e-mail: [jon.ludford-thomas@nottinghamcity.gov.uk](mailto:jon.ludford-thomas@nottinghamcity.gov.uk)

5.2 Union comments were sought but no responses were received.

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

**6 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)**

6.1 Not applicable.

**7 SOCIAL VALUE CONSIDERATIONS**

7.1 Not applicable.

**8 REGARD TO THE NHS CONSTITUTION**

8.1 Not applicable.

**9 EQUALITY IMPACT ASSESSMENT (EIA)**

9.1 Has the equality impact of the proposals in this report been assessed?

No X

An EIA is not required because the proposed admission arrangements are unchanged from those approved for the 2016/17 school year.

**10 HR COMMENTS**

10.1 There are no people/staffing implications as a result of keeping the admission arrangements for 2017/18 the same as those for 2016/17.

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

None.

**11 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT**

11.1 School Admissions Codes 2012 and 2014.

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

11.3 Report to Executive Board 17 March 2015 setting out the proposed school admission arrangements for the 2016/17 school year.

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

**13 OTHER COLLEAGUES WHO HAVE PROVIDED INPUT**

13.1 John Ludford- Thomas, Senior Solicitor, Housing/Employment/Education Team  
Tom Stevens, Redesign Consultant, Service Improvement and Redesign  
Julia Holmes, Finance Analyst, Children and Adults Departmental Finance Support