

# Nottingham City Council Delegated Decision



**Nottingham**  
**City Council**

<b>Reference Number:</b>	2544
<b>Author:</b>	Carol Prince
<b>Department:</b>	Children and Families
<b>Contact:</b>	Carol Prince (Job Title: Admissions Officer, Email: carol.prince@nottinghamcity.gov.uk, Phone: 01158764627)
<b>Subject:</b>	Proposed admission arrangements for the 2018/19 school year for city community schools
<b>Total Value:</b>	Nil (Type: Nil)
<b>Decision Being Taken:</b>	That the 2017/18 admission arrangements be maintained for the 2018/19 school year unchanged, and the operation of arrangements for all admission authorities in Nottingham City be monitored to ensure that they comply with the School Admissions Code and provide equality of access to all children and young people.
<b>Reasons for the Decision(s)</b>	To comply with the Local Authority's statutory duty to set admission arrangements for community schools and to support the long term collaborative working between the Local Authority and other admission authorities to benefit all pupils and families in Nottingham.
<b>Briefing notes documents:</b>	2016.06.23 - Briefing paper for PFH.doc
<b>Other Options Considered:</b>	No other options than continuing with the 2017/18 admission arrangements for the 2018/19 school year were considered.
<b>Background Papers:</b>	None
<b>Published Works:</b>	School Admissions Code 2014; The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (Amendment) (England) Regulations 2014; Report to Executive Board on 23 February 2016 setting out the proposed school admission arrangements for the 2017/18 school years.

<b>Affected Wards:</b>	Citywide
<b>Colleague / Councillor Interests:</b>	None
<b>Consultations:</b>	The decision is to maintain admission arrangements agreed for 2017/18 for the 2018/19 school year. Consultation is not therefore required.
<b>Crime and Disorder Implications:</b>	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.
<b>Equality:</b>	EIA not required. Reasons: No changes to policy are proposed
<b>Decision Type:</b>	Portfolio Holder
<b>Subject to Call In:</b>	Yes
<b>Call In Expiry date:</b>	01/08/2016
<b>Advice Sought:</b>	Legal, Finance, Human Resources
<b>Legal Advice:</b>	Please see the attached document. Advice provided by Jonathan Ludford-Thomas (Senior Solicitor) on 04/07/2016. Advice documents: 2016-07-04 Briefing paper for PFH legal implications.pdf
<b>Finance Advice:</b>	There are no cost implications as a result of keeping the admission arrangements for 2018/19 the same as those for 2017/18. 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 2016/17 budget setting process.  Advice provided by Kathryn Mair Stevenson (Finance Analyst) on 06/07/2016.
<b>HR Advice:</b>	No HR implications on this proposal. Advice provided by Leanne Sharp (Service Redesign Consultant) on 05/07/2016.
<b>Signatures</b>	Sam Webster (PH for Education, Employment and Skills) SIGNED and Dated: 22/07/2016 Alison Michalska (Corporate Director for Children and Adults) SIGNED and Dated: 12/07/2016

# **BRIEFING PAPER FOR PORTFOLIO HOLDER FOR SCHOOLS**

DATE: 28 June 2016

## **BY THE CORPORATE DIRECTOR FOR CHILDREN AND ADULTS**

### **PROPOSED ADMISSION ARRANGEMENTS FOR NOTTINGHAM CITY COMMUNITY SCHOOLS 2018/19**

#### **1 SUMMARY**

- 1.1 This paper requests that the Portfolio Holder for Schools approves that the admission arrangements determined for the 2017/18 school year be maintained for the 2018/19 school year with no change. As the Local Authority is proposing no changes to the admission arrangements the authority is not required to consult publicly on its proposed admission arrangements. However, since the Local Authority is the admission authority for community schools it must consult the governing body of each school about its proposal to keep the same admission number for that school. A report will therefore be submitted for inclusion on the Governing Body agenda for consideration by governing bodies of community schools during the period 3 October 2016 and 25 November 2016.
- 1.2 With the increased number of schools which are their own admission authority with admission arrangements which differ from the Local Authority's, maintaining the Local Authority's admission arrangements will enable the Council to monitor the operation of the 2017/18 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 KEY DECISIONS**

- 2.1 This is not a key decision because it seeks to maintain the admission arrangements for the 2017/18 school year, which were approved by Executive Board on 23 February 2016, for the 2018/19 school year with no changes. A further report will be submitted to Executive Board in February 2017 to determine the admission arrangements for the 2018/19 school year.

#### **3 RECOMMENDATIONS**

##### **IT IS RECOMMENDED that:**

- 3.1 the Portfolio Holder for Schools approves that the admission arrangements determined for the 2017/18 year be maintained for the 2018/19 school year with no change;
- 3.2 the operation of the 2017/18 arrangements for all admission authorities in Nottingham City be monitored to ensure that they comply with the School Admissions Code and provide equality of access to all children and young people.

#### **4 REASONS FOR RECOMMENDATION**

- 4.1 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.

## **5 BACKGROUND AND PROPOSALS**

5.1 Maintaining the Local Authority's 2017/18 admission arrangements will enable the Local Authority to monitor the operation of the changes that were made to the 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.

5.1 For the reasons set out in paragraph 4.1 it is proposed that no changes be made to the admission arrangements determined for 2017/18 so that they remain in place for the 2018/19 school year. These arrangements are set out in Appendix 1.

5.2 The oversubscription criteria are attached as **Appendix 2**. Admission numbers for community schools are attached as **Appendix 3**. A map showing catchment areas for city community schools is set out in **Appendix 4**. A copy of the draft timetable for the 2018/19 admission year is set out in **Appendix 5** and the City Council's Fair Access Protocol is set out in **Appendix 6**.

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

6.1 No other options than continuing with the 2017/18 admission arrangements for the 2018/19 school year were considered. This is because maintaining the Local Authority's 2017/18 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.

## **7 CONSULTATION**

7.1 The Local Authority is the admissions authority for community schools and is therefore responsible for determining the admission arrangements for these schools.

7.2 As the Local Authority is proposing no changes to the admission arrangements the authority is not required to consult publicly on its proposed admission arrangements. However, the Local Authority must consult the governing body of each community school about its proposal to keep the same admission number for that school. A report will therefore be submitted for inclusion on the Governing Body agenda for consideration by governing bodies of community schools during the period 3 October 2016 and 25 November 2016.

## **8 FINANCIAL IMPLICATIONS (INCLUDING VALUE FOR MONEY)**

8.1 *Finance comments to be sought.*

## **9 HUMAN RESOURCES COMMENTS/OBSERVATIONS**

9.1 *Finance comments to be sought.*

**10 RISK MANAGEMENT ISSUES (INCLUDING LEGAL IMPLICATIONS AND CRIME AND DISORDER IMPLICATIONS)**

10.1 *Legal comments to be sought.*

10.2 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.

**11 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

11.1 None.

**12 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

12.1 School Admissions Code 2014.

12.2 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (Amendment) (England) Regulations 2014.

12.3 Report to Executive Board on 23 February 2016 setting out the proposed school admission arrangements for the 2017/18 school year.

**CORPORATE DIRECTOR OF CHILDREN AND ADULTS**

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**Proposed Admissions Arrangements for 2018/19**

- Parents/carers living in Nottingham City must apply for a school place online or on Nottingham City Council's common application form by 31 October 2017 for places in year 7 at secondary schools and places in year 10 at 14-19 academies, university technical colleges or studio schools; and by 15 January 2018 for places in reception year at infant or primary schools and year 3 at junior schools.
- Parents/carers may name up to 4 schools in order of preference for a place in year 7 at secondary schools or year 10 at 14-19 academies, university colleges or studio schools; up to 6 schools in order of preference for a place in reception year at infant or primary schools and up to 3 schools in order of preference for a place in year 3 at junior schools. Parents/carers are strongly encouraged to name the maximum number of preferences allowed to increase their chances of being offered a place at one of their named schools.
- Reference will be made to the parent/carer's ranked order of preference in order to determine the school for which a single offer of a place will be made.
- An email will be sent to all parents/carers who applied online by the closing date and a letter will be sent to all parents/carers who applied on a paper application form by the closing date advising of the single offer of a place on 1 March 2018 (national offer date) for places in year 7 at secondary schools and year 10 at 14-19 academies, university technical colleges or studio schools; and on 16 April 2018 (national offer date) for places in reception year at infant or primary schools and year 3 at junior schools.
- Parents/carers should confirm to the Local Authority whether or not they wish to accept the place offered within 14 days of receipt of their offer letter. Failure to do so will result in the place being withdrawn and it may be offered to another pupil.
- If a place has been offered in error or on the basis of a fraudulent or intentionally misleading application the offer may be withdrawn and the place offered to a pupil with a higher priority to that place.
- Late applications received after the closing date for places in year 7 at secondary schools and year 10 at 14-19 academies, university technical colleges or studio schools will be considered after 1 March 2018; and late applications received after the closing date for places in reception year at infant or primary schools and year 3 at junior schools will be dealt with after 16 April 2018. Under exceptional circumstances the Local Authority may be willing to accept applications which are received late but by no later than 5 pm on 5 January 2018 for places in year 7 at secondary schools and year 10 at 14-19 academies, university technical colleges or studio schools; and 5 pm on 16 February 2018 for places in reception year at infant or primary schools and year 3 at junior schools.
- In accordance with the Council's co-ordinated scheme for infant, primary and junior school applications and secondary school applications where it is not possible to offer a place at any of the schools named by parents/carers, the Local Authority will make an offer of an alternative school place where this is possible (known as alternative offers).
- Parents/carers living within the catchment area are not guaranteed a place. Parents/carers can check which is the catchment school for their home address by visiting the website ([www.nottinghamcity.gov.uk/schooladmissions](http://www.nottinghamcity.gov.uk/schooladmissions)), emailing the School Admissions Team ([schooladmissions@nottinghamcity.gov.uk](mailto:schooladmissions@nottinghamcity.gov.uk)) or by telephoning the Team (0115 841 5568).

- Attendance at a particular nursery does not guarantee admission to the main school for infant/ primary education. Parents/carers must make an application for admission to the main school as referred to in the first bullet point above.
- All applications for admission to community nursery schools must be made to the head teacher of the relevant nursery school.
- Applications for admission are considered against the planned admission number for the year group.
- Requests for in-year applications (i.e. transfers outside the time of normal transfer from one stage of education to another) are partially co-ordinated by the Local Authority. Parents/carers must apply to the Local Authority for a place at a city community school, and for a place at those schools/academies for whom the Local Authority co-ordinates in-year applications. For those schools/academies that the Local Authority does not co-ordinate in-year applications, parents/carers should contact that school/academy directly to find out how to apply for a place there. The Local Authority will strongly discourage parents/carers from transferring schools for their child where this is not as a result of a change of address. This is because if children change schools they are less likely to achieve educationally.
- The 2009 School Admissions Code required all local authorities to establish in-year fair access protocols to ensure that access to education is secured quickly for children who have no school place, and to ensure that all schools in an area admit their fair share of vulnerable and challenging children and young people. Nottingham City Council established a fair access protocol in October 2007. The fair access protocol for primary schools was updated in September 2013 and the fair access protocol for secondary schools was updated in January 2016.
- In accordance with the School Admissions Code, a waiting list will be maintained for the 2018 autumn term only for year 7 at Ellis Guilford School and Sports College. Thereafter, waiting lists for years 7 to 9 will be maintained at Ellis Guilford School and Sports College where it is oversubscribed for a period of 40 school days from the date of refusal of a place or until the last day of the 2019 summer half term, whichever is the sooner (no waiting list will be maintained for years 10 and 11).
- Waiting lists for reception year to year 5 will be maintained for community primary schools which are oversubscribed until the last day of the 2019 summer half term (no waiting list will be maintained for year 6).
- Children who's fifth birthday falls between 1 September 2018 and 31 August 2019 will be admitted to full-time school at the beginning of the 2018/19 school year regardless of the term start date.
- Some parents/carers may choose to defer the start of full-time education for their child until compulsory school age. If parents/carers wish to take up this option, they may arrange the details with the head teacher of the school. However, if their child's birthday falls between 1 April and 31 August, deferring admission until compulsory school age would result in the child being admitted into a different school year. In this case, the child could not be allocated a reception place at the school during the 2018/19 year and the parent would have to apply for a place during the 2019 summer term for admission into year 1 in September 2019. The Local Authority strongly recommends that parents/carers do not defer the start of their child's full-time education as children's learning chances are likely to be better if they start school with their peers at the beginning of the 2018/19 school year. Parents/carers can request that their child takes up a school place part-time until their child reaches compulsory school age.

- Parents/carers may request admission for their child outside their normal age group. In general, it is considered that children should be educated in their normal age group, with the curriculum differentiated as appropriate, and they should only be educated out of their normal age group in very limited circumstances. The decision to allow a child to repeat a year or to admit a child into a cohort outside their chronological year group, in most cases lies with the school or educational setting. However, the following requests must be referred to the School Admissions Team at Children and Adults for consideration and advice:
  1. for children on roll at community schools due to transfer from one phase of education to another (i.e. key stage 1 to key stage 2 or key stage 3 to key stage 4);
  2. for children who are chronologically due to start Reception/Foundation 2, regardless of which school they are applying for
    - a. parents are required to make an application for their child's normal age group at the usual time (by 15 January) but should also submit a request for admission out of the normal age group at the same time;
    - b. the relevant admission authority will be required to make a decision on which age group the child should be admitted to. One admission authority is not required to honour the decision made by another admission authority on admission out of the normal age group;
    - c. if the request is agreed by all admission authorities, the application for the normal age group may be withdrawn before a place is offered. Parents will then need to make a new application for reception/Foundation 2 as part of the main admissions round for the following year. The application will then be considered alongside other applications received and determined against the admission arrangements;
    - d. if the request to be admitted out of age group is refused, the parent must decide whether or not accept the offer of a place for the normal age group, or to refuse it.
  3. For children due to transfer from key stage 2 to key stage 3 (with the exception of pupils on roll at Nottingham Academy who wish to continue to attend the academy)
    - a. parents are required to make an application for their child's normal age group at the usual time (by 31 October) but should also submit a request for admission out of the normal age group at the same time;
    - b. the relevant admission authority will be required to make a decision on which age group the child should be admitted to. One admission authority is not required to honour the decision made by another admission authority on admission out of the normal age group;
    - c. if the request is agreed by all admission authorities, the application for the normal age group may be withdrawn before a place is offered. Parents will then need to make a new application for year 6 as part of the main admissions round for the following year. The application will then be considered alongside other applications received and determined against the admission arrangements;
    - d. if the request to be admitted out of age group is refused, the parent must decide whether or not accept the offer of a place for the normal age group, or to refuse it.

All requests should be forwarded or referred to the School Admissions Team at Children and Adults. Such requests will need to be made in writing and can be from the parent/carer of a child and/or the Head Teacher of the child's present school. The admission authority will make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.

A copy of the Council's accelerated/delayed school admissions policy can be found at [www.nottinghamcity.gov.uk/schooladmissions](http://www.nottinghamcity.gov.uk/schooladmissions) .

- Parents/carers are advised that they may be at risk of having to apply for a new school place if their child does not attend school for a period of 20 or more school days.

**Admission criteria for Ellis Guilford School and Sports College: 2018/19**

In the event of oversubscription within any of the criteria listed below, preference will be given to applicants who live closest to the school, as measured in a straight line (i.e. as the crow flies) from a point at the school campus to a point at the pupil's home, both identified by the Local Land and Property Gazetteer (by a computerised geographical information system). Where two or more pupils are equal in all respects, and it is therefore not possible to differentiate between them, a method of random allocation by drawing lots will be used to allocate places (supervised by someone independent of the School Admissions Team).

**Pupils who have a Statement of Special Educational Need or an Education, Health and Care Plan, where that school is named in the child's statement or plan will be admitted. In this event, the number of places that remain available for allocation will be reduced.**

1. Places will first be allocated to a 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions in accordance with section 22(1) of the Children Act 1989 at the time of making an application to a school. An adoption order is an order under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002 (see section 46 adoption orders). A 'child arrangements order' is an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989 as amended by section 12 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).
2. Places will then be allocated to pupils who, at the closing date for applications, live within the catchment area\*, whose parents have requested a place at the school and who, at the time of admission, will have a brother or sister attending the school.
3. Places will then be allocated to other pupils who, at the closing date for applications, live within the catchment area\* and whose parents have requested a place at the school.
4. Places will then be allocated to pupils who live outside the catchment area, whose parents have requested a place at the school and who, at the time of admission, will have a brother or sister attending the school.
5. Places will then be allocated to other pupils who live outside the catchment area whose parents have requested a place at the school.

\*This relates to those pupils living in the catchment area for the school set for the 2018/19 school year.

**The above criteria (2-5) may be overridden and priority given to an applicant who can establish any of the following:**

- pupils with special educational needs that can only be met at Ellis Guilford School and Sports College (e.g. where the school has specialist provision)\*\*;

- children of travellers, pupils with exceptional medical, mobility, or social grounds that can only be met at Ellis Guilford School and Sports College \*\*.

\*\*Applications in these categories must be supported by a statement in writing from a doctor, social worker or other relevant professional. This is necessary because you will be asking the Authority to assess your child as having a stronger case than other children. Each case will be considered on its merits by Nottingham City Council.

Waiting lists will be maintained for the 2018 autumn term only for year 7 at the school. Thereafter, waiting lists for year 7 and for years 8 and 9 will be maintained for a period of 40 school days from the date of refusal of a place or until the last day of the 2019 summer half term, whichever is the sooner. Waiting lists will not be maintained for key stage 4 (years 10 and 11).

For admission purposes the Local Authority considers a sibling connection to relate to any of the following:

- a brother or sister who share the same parents;
- a half brother or sister, where two children share one common parent;
- a step brother or sister, where two children are related by a parent's marriage;
- adopted or fostered children or children living in the same household under the terms of a child arrangements or special guardianship order.

Where applications are received in respect of twins, triplets or children of other multiple births, the authority will endeavour to offer places at Ellis Guilford School and Sports College, admitting above the planned admission number where necessary. If this is not possible, the parent/carer will be asked which child(ren) should take up the place(s). The parent/carer will still have a right of appeal against a refusal of a place.

Any parent/carer whose child is refused a school place for which they have applied has the right of appeal to an independent appeals panel\*\*\*. (Full details will be provided at the time of refusal).

\*\*\*(Except, the parent/carer of a child who has been permanently excluded from two schools and where at least one of those exclusions took place after 1 September 1997. This applies to a twice excluded pupil for a period of two years beginning with the date the last exclusion took place).

**The Local Authority does not operate a “feeder” arrangement. Attendance at a particular primary or junior school is not taken into account when places at Ellis Guilford School and Sports College are allocated.**

**First admission to primary schools criteria: 2018/19**

In the event of oversubscription within any of the criteria listed below, preference will be given to applicants who live closest to the school, as measured in a straight line (i.e. as the crow flies) from a point at the school campus to a point at the pupil's home, both identified by the Local Land and Property Gazetteer (by a computerised geographical information system). Where two or more pupils are equal in all respects, and it is therefore not possible to differentiate between them, a method of random allocation by drawing lots will be used to allocate places (supervised by someone independent of the School Admissions Team).

**Pupils who have a Statement of Special Educational Need or an Education, Health and Care Plan, where that school is named in the child's statement or plan will be admitted. In this event, the number of places that remain available for allocation will be reduced.**

1. Places will first be allocated to a 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order. A looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions in accordance with section 22(1) of the Children Act 1989 at the time of making an application to a school. An adoption order is an order under the Adoption Act 1976 (see section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002 (see section 46 adoption orders). A 'child arrangements order' is an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989 as amended by section 12 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).
2. Places will then be allocated to pupils who, at the closing date for applications, live within the catchment area\*, whose parents have requested a place at the school and who, at the time of admission, will have a brother or sister attending the school, or Individual Needs Centre.
3. Places will then be allocated to other pupils who, at the closing date for applications, live within the catchment area\* and whose parents have requested a place at the school.
4. Places will then be allocated to pupils who live outside the catchment area, whose parents have requested a place at the school and who, at the time of admission, will have a brother or sister attending the school or Individual Needs Centre.
5. Places will then be allocated to other pupils who live outside the catchment area whose parents have requested a place at the school.

\*This relates to those pupils living in the catchment area for the school set for the 2018/19 school year.

**The above criteria (2-5) may be overridden and priority given to an applicant who can establish any of the following:**

- pupils with special educational needs that can only be met at a specific school (e.g. where the school has specialist provision)\*\*;
- children of travellers, pupils with exceptional medical, mobility, or social grounds that can only be met at a specific school\*\*.

\*\*Applications in these categories must be supported by a statement in writing from a doctor, social worker or other relevant professional. This is necessary because you will be asking the Authority to

assess your child as having a stronger case than other children. Each case will be considered on its merits by Nottingham City Council.

Waiting lists will be maintained until the last day of the summer half term for reception year to year 5 (i.e. May 2019). Waiting lists will not be maintained for year 6.

For admission purposes the Local Authority considers a sibling connection to relate to any of the following:

- a brother or sister who share the same parents;
- a half brother or sister, where two children share one common parent;
- a step brother or sister, where two children are related by a parent's marriage;
- adopted or fostered children or children living in the same household under the terms of a child arrangements or special guardianship order.

Where applications are received in respect of twins, triplets or children of other multiple births, the authority will endeavour to offer places in the same school, admitting above the planned admission number where necessary. If this is not possible, the parent/carer will be asked which child(ren) should take up the place(s). The parent/carer will still have a right of appeal against a refusal of a place.

Any parent/carer whose child is refused a school place for which they have applied has the right of appeal to an independent appeals panel\*\*\*. (Full details will be provided at the time of refusal).

\*\*\*(Except, the parent/carer of a child who has been permanently excluded from two schools and where at least one of those exclusions took place after 1 September 1997. This applies to a twice excluded pupil for a period of two years beginning with the date the last exclusion took place).

**Attendance at a particular nursery does not guarantee admission to the main school for primary education. All applications for admission to the main school must be made to the Local Authority and will be considered against the oversubscription criteria listed in 1-5 above.**

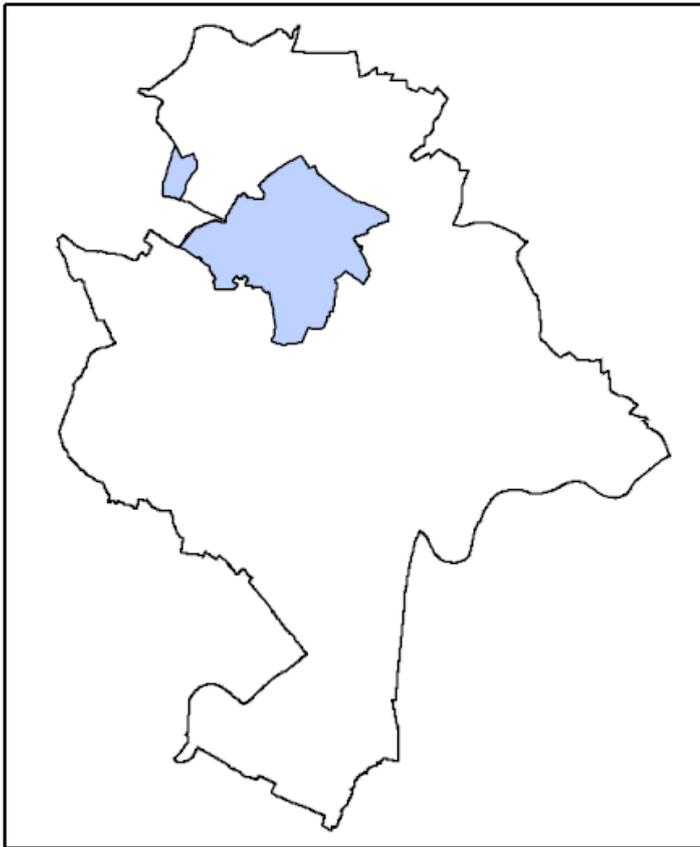
<b>Name of Primary School</b>	<b>Proposed No.</b>
Bentinck	30
Berridge	90
Cantrell	60
Carrington	30
Claremont	60
Crabtree Farm	60
Dovecote	60
Dunkirk	60
Fernwood	120
Forest Fields	90
Glade Hill	30
Greenfields	30
Haydn	60
Heathfield	100
Hempshill Hall	60
Henry Whipple	30
Melbury	30

<b>Name of Primary School</b>	<b>Proposed No.</b>
Mellers	60
Middleton	60
Rise Park	60
Robin Hood	60
Rufford	60
Scotholme	60
Seely	75
Snape Wood	30
Southglade	60
Southwold	30
Springfield	30
Stanstead	30
Walter Halls	60
Welbeck	45
Westglade	30
Whitegate	60
William Booth	30

<b>Name of Secondary School</b>	<b>Proposed No</b>
Ellis Guilford School and Sports College	270

Capacity assessments were undertaken by the Capital and Assets Team, Nottingham City Council using Department for Education guidance. Admission numbers are calculated by dividing the net capacity of the school by the number of year groups to be accommodated in the school.

## Catchment area for Ellis Guilford School and Sports College



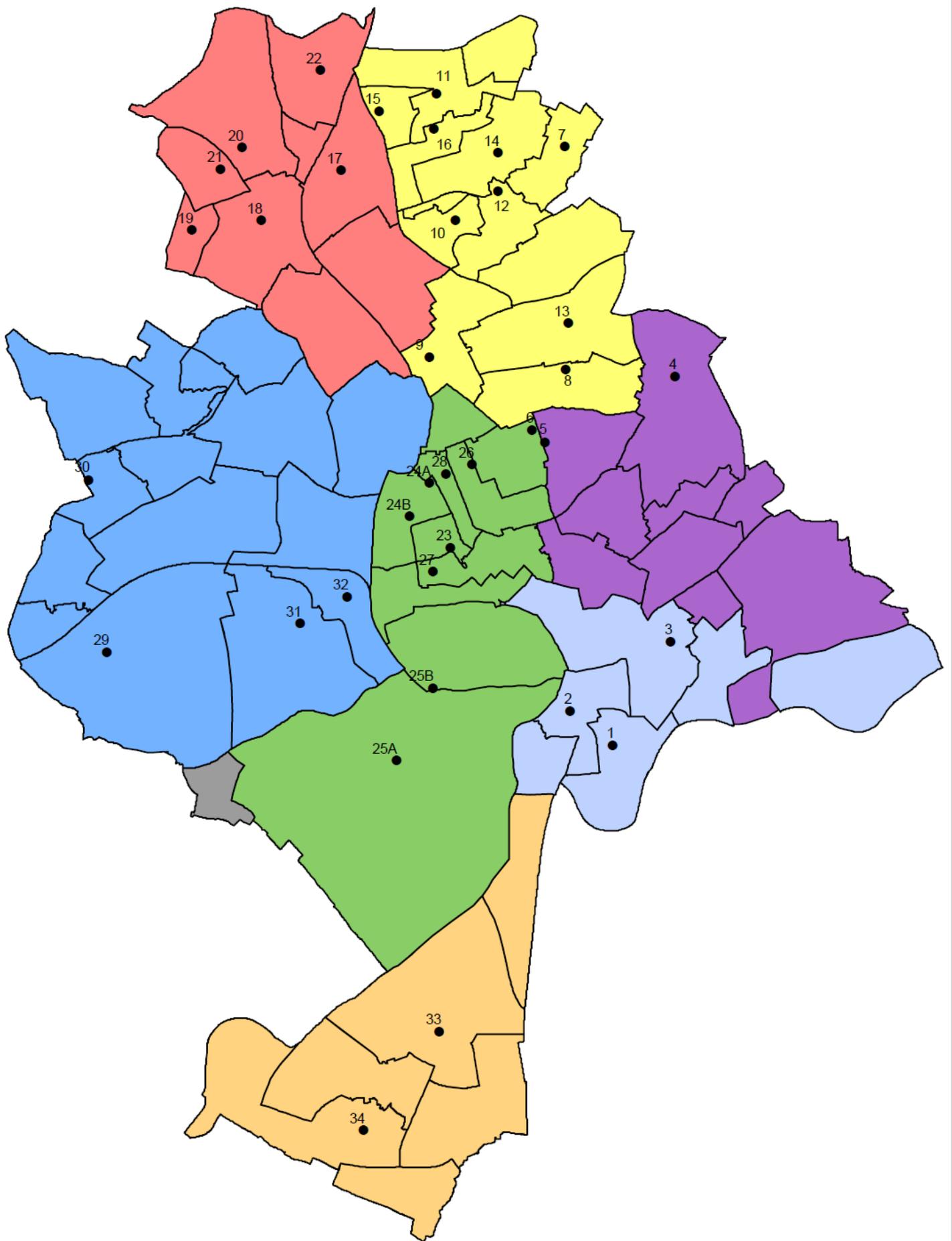
### Key

 Ellis Guilford School and Sports College

There are other secondary schools in Nottingham responsible for making their own admission arrangements. These are:

The Bulwell Academy  
Djanogly City Academy Nottingham  
Fernwood School  
Nottingham Academy  
Bluecoat Beechdale Academy  
Bluecoat Academy  
Nottingham Emmanuel CofE (VA) School  
Nottingham University Samworth Academy  
The Trinity Catholic School  
Nottingham Girls' Academy  
Top Valley Academy  
Farnborough Academy  
Nottingham University Academy of Science & Technology  
Nottingham Free School  
The Oakwood Academy

# Appendix 4B - Current Catchment Areas and School Locations



**Key****Catchment areas for community primary schools****NG1****NG2**

- 1 Greenfields Community Primary & Nursery School
- 2 Welbeck Primary & Nursery School
- 3 William Booth Primary & Nursery School

**NG3**

- 4 Walter Halls Primary School (Nursery attached)

**NG5**

- 5 Carrington Primary & Nursery School
- 6 Claremont Primary & Nursery School
- 7 Glade Hill Primary & Nursery School
- 8 Haydn Primary & Nursery School
- 9 Heathfield Primary & Nursery School
- 10 Henry Whipple Primary & Nursery School
- 11 Rise Park Primary & Nursery School
- 12 Robin Hood Primary & Nursery School
- 13 Seely Primary and Nursery School
- 14 Southglade Primary & Nursery School
- 15 Stanstead Primary & Nursery School
- 16 Westglade Primary & Nursery School

**NG6**

- 17 Cantrell Primary & Nursery School

- 18 Crabtree Farm Primary & Nursery School
- 19 Hemphill Hall Primary & Nursery School
- 20 Rufford Primary & Nursery School
- 21 Snape Wood Primary & Nursery School
- 22 Springfield Primary School (Nursery attached)

**NG7**

- 23 Bentinck Primary & Nursery School
- 24A Berridge Primary School (Infant Site)
- 24B Berridge Primary School (Junior Site)
- 25A Dunkirk Primary & Nursery School (Highfields Campus)
- 25B Dunkirk Primary & Nursery School (Abbey Campus)
- 26 Forest Fields Primary & Nursery School
- 27 Metters Primary & Nursery School
- 28 Scotholme Primary & Nursery School

**NG8**

- 29 Fernwood Primary School
- 30 Melbury Primary School
- 31 Middleton Primary & Nursery School
- 32 Southwold Primary School & Early Years Centre

**NG11**

- 33 Dovecote Primary & Nursery School
- 34 Whitegate Primary & Nursery School

There are other primary schools in Nottingham responsible for making their own admission arrangements. These are:

Ambleside Primary School	Our Lady of Perpetual Succour Catholic Voluntary Academy
Blessed Robert Widmerpool Catholic Voluntary Academy	Portland Spencer Academy
Blue Bell Hill Primary & Nursery School	Radford Primary Academy
Brocklewood Primary School	Riverside Primary School & Early Years Unit
Bulwell St Mary's Primary & Nursery School	Robert Shaw Primary School
Burford Primary & Nursery School	Roslyn Park Primary
Djanogly Northgate Academy	Snelton St Stephen's CE Primary & Nursery School South
Djanogly Strelley Academy	Wilton Endowed CE Primary School
Edale Rise Primary & Nursery School	Southwark Primary School
Edna G Olds Academy	St Ann's Well Academy
Firbeck Academy	St Augustine's Catholic Voluntary Academy
Glaption Primary & Nursery School	St Margaret Clitherow Catholic Voluntary Academy
Glenbrook Primary	St Mary's Catholic Voluntary Academy
Highbank Primary & Nursery School	St Patrick's RC Primary & Nursery School
Hogarth Primary & Nursery School	St Teresa's Catholic Voluntary Academy
Huntingdon Academy	Sycamore Academy
Jubilee L.E.A.D Academy	The Milford Academy
Nottingham Academy	Warren Primary Academy
Old Basford School	Whitemoor Academy (Primary & Nursery)
Our Lady & St Edward's Catholic Voluntary Academy	Windmill LEAD Academy

Details of these schools/academies' proposed admission arrangements for 2018/19 should be on their own website. A copy may also be available at [www.nottinghamcity.gov.uk/schooladmissions](http://www.nottinghamcity.gov.uk/schooladmissions) after 1 October 2016

**DRAFT TIMETABLE FOR CO-ORDINATED ADMISSIONS PROCESS 2018/19**

Please note that this timetable has not yet been confirmed as liaison has not yet taken place with Nottinghamshire County Council regarding our co-ordinated admissions schemes

<b>2018/19 ADMISSION ROUND</b>	<b>Distribution of information from Local Authority to schools</b>	<b>Distributions of information by schools to parents/carers</b>	<b>Closing date</b>	<b>Decisions issued to parents/carers by:</b>
<b>Transfers from junior/primary to secondary school</b>	By Wednesday 6 <sup>th</sup> September 2017	On Friday 8 <sup>th</sup> September 2017	Tuesday 31 <sup>st</sup> October 2017 ( <b><i>national closing date</i></b> )	On Thursday 1 <sup>st</sup> March 2018 ( <b><i>national offer date</i></b> )
<b>First admission to infant/primary school and transfers from infant to junior school</b>	By Wednesday 22 <sup>nd</sup> November 2017	On Friday 24 <sup>th</sup> November 2017  Local Authority to distribute for children not attending a nursery attached to a city infant or primary school	Monday 15 <sup>th</sup> January 2018 ( <b><i>national closing date</i></b> )	Wednesday 18 <sup>th</sup> April 2018 ( <b><i>national offer date</i></b> )
<b>Transfers from secondary school to year 10 at 14- 19 academies, colleges or studio schools</b>	N/A	On Friday 8 <sup>th</sup> September 2017	Tuesday 31 <sup>st</sup> October 2017 ( <b><i>national closing date</i></b> )	On Thursday 1 <sup>st</sup> March 2018 ( <b><i>national offer date</i></b> )



# Secondary Fair Access Protocol

May 2016

## 1. Background

- 1.1. Fair Access Protocols have been successfully operating in Nottingham City since 2005 and include all primary and secondary mainstream schools and academies.
- 1.2. The School Admission Code (December 2014) requires each local authority (LA) to have a Fair Access Protocol in operation in which has been agreed with the majority of schools in the area to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour (School Admissions Code, 3.9).
- 1.3. The Fair Access Protocol exists to ensure that access to education is secured quickly for children who have no school place, but for whom a place at a mainstream school/Academy or alternative provision is appropriate, and to ensure that all schools/Academies in an area admit their fair share of children with challenging behaviour. Paragraph 3.10 of the school admissions code states that, "The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures". However, our protocol seeks to intervene as quickly as possible and identify children applying through the in-year process to determine a placement quickly and ensure equitable distribution, therefore, pupils meeting the Fair Access triggers will not go through the normal admissions process first.
- 1.4. The Protocol ensures local authorities, schools and Academies to work together as mutual stakeholders to improve behaviour and tackle persistent absence. All admission authorities **must** participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly. This includes admitting children above the published admission number where the year group is already full or priority over waiting list or admission appeals for the school/academy. Although, the School Admissions Code stipulates that, "There is no duty for local authorities or admission authorities to comply with parental preference when allocating places through the Fair Access Protocol" (School Admissions Code, 3.11).
- 1.5. The School Admissions Code can be viewed in full at:  
<https://www.gov.uk/government/publications/school-admissions-code--2>
- 1.6. Children with an Education, Health and Care Plan will not be considered through the Fair Access Protocol but through the Special Education Needs Team processes.

## 2. Key Principles

### **Balancing between a quick placement and the right placement**

- 2.1. There must be a balance between finding a place quickly, when the place might be in an undersubscribed school/academy or one facing challenging circumstances, and finding a school/academy place that is appropriate for the

child. The principle of considering the individual circumstances of the pupil, in terms of what is best for them, whether they are ready for mainstream schooling and, if so, which mainstream school/academy will be best able to meet their needs should guide the operation of Fair Access Protocol.

### **Equitable distribution**

- 2.2. The School Admissions Code states local authorities must ensure that no school/Academy, including undersubscribed schools/Academies, is asked to admit a disproportionate number of children who have been excluded from other schools/Academies or who have challenging behaviour (School Admissions Code 2014, paragraph 3.9).
- 2.3. Equitable distribution does not imply equal number of cases to each school. There may be circumstances where schools will have to admit more pupils according to need. However, the panel will take into account relevant contextual information<sup>1</sup> when considering placement, such as:
- Numbers in context to other local schools
  - Context of numbers on roll
  - Number of exclusions and transfers into and out of the school
  - Location of pupils home address
  - Most appropriate school to meet a student's needs

### **Open, honest and relevant information sharing**

- 2.4. It is expected that pupils on roll at a school or Academy within the City of Nottingham, considered at the Fair Access Panel (FAP), will have evidence of additional agency involvement, such as, support services, be open to the Team Around the Child (TAC) or have an active Common Assessment Framework Form (CAF). Information will be shared between schools, academies and other support services as required. It will be expected that information will be shared openly and honestly, whilst ensuring confidentiality.
- 2.5. If a pupil is not considered through the Fair Access Protocol, as a result of withheld or missing information, this will be challenged by the LA and the panel chair and raised at a subsequent panel meeting. If there are concerns, the LA and the chair will monitor any further applications made and may require more detailed evidence.

### **Working with other Admission Authorities and other local authorities**

- 2.6. Whilst each protocol covers only the schools/Academies in its local authority area, the home Local Authority should contact neighbouring authorities to help secure a place in that area under their protocol. The protocol is in effect a safety net for where normal admission procedures for in year admission have failed. If there are illegal practices, the LA and chair will take appropriate action to challenge and resolve these situations.
- 2.7. For the protocol to operate in accordance with the statutory requirement:
- 2.8. Schools/Academies will continue to admit pupils whose parents apply for an available place, under normal admission arrangements.

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<sup>1</sup> This is not an exhaustive list of all factors that may be taken into consideration

- 2.9. Pupils identified as Panel cases under the Fair Access Protocol will be given priority for admission over others on a waiting list or awaiting an appeal. Managed Moves will be given priority for admission, if they meet the criteria outlined in this protocol.

### **3. Exceptions**

- 3.1. The School Admissions Code states in paragraph 3.8:

*“Admission authorities must not refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion.”*

- 3.2. However, the School Admissions Code continues in paragraph 3.12:

*“Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it must refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and must be described in the local authority’s Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs naming the school in question, as these children must be admitted.”*

- 3.3. All schools and academies (required by their funding agreements) are to comply with the Admissions Code and the law relating to admissions, including full participation with the locally agreed Fair Access Protocol and to admit pupils who are hard to place.
- 3.4. The Fair Access Panel will consider any valid concerns about admission (e.g. a previous serious breakdown in the relationship between the school/Academy and the family or serious historical issues with other children at the preferred school/Academy). Consideration will also be given to the individual situation, and contextual data for each school or Academy, including, the number of pupils admitted through the panel and being supported by the school or academy.
- 3.5. If a school or academy refuses to comply with the Fair Access Panel decision, they must state their reasons in writing to the chair of the panel within 5 school days from the date of the panel decision. The chair will then determine a written view, based on evidence and contextual panel data and after consulting with the school/academy and the Local Authority for their views. The chair's final written view will confirm the panel decision and it is expected that all schools and academies will support the view and accept the decision of the panel. If a school/academies admission authority refuses to accept the decision of the Fair Access Panel and chair, the Local Authority will seek to enforce a direction or apply to the Education Funding Agency to direct admission on behalf of the Secretary of State, if required.

#### **4. Criteria Fair Access Panel**

- 4.1. A pupil placed under this Protocol is not necessarily a “challenging” pupil. Any child in this category is however potentially a vulnerable child as long as an appropriate educational placement has not been secured.
- 4.2. The School Admissions Code 2014 states 7 minimum categories<sup>2</sup> to include in a Fair Access Protocol. These categories identify a child as potentially “Hard to Place or vulnerable”. These are not meant to be exhaustive but provide an example of pupils who must be considered under the protocol. It is proposed that the City protocol monitors these pupils, but will have specific focus on the following criteria:
- 4.3. Fair Access Panel – Triggers
- a) Children in Care.
  - b) Children attending Learning Centres who have been permanently excluded and who need to be reintegrated back into mainstream education. (See Reintegration Protocol below)
  - c) Children seeking an alternative to permanent exclusion with a history of intensive multi-agency support (Team around the child or CAF) and where alternative placements have been unsuccessful.
  - d) Children who have been out of mainstream education for longer than one school term (at point of initial application) or Children with a history of serious attendance problems (serious attendance problems would be below 50% attendance within a 12 month period)
  - e) Children fleeing domestic violence, where a school move is unavoidable
  - f) Children returning from the criminal justice system
  - g) Vulnerable groups which have been identified under exceptional circumstances by a government mandate, to ensure education provision is established as a matter of urgency. These cases would fall outside of any current admission processes i.e. WASP, in-year admissions etc.
- 4.4. Children who meet the Managed Move Protocol criteria (attached), as determined by the Inclusion Strategy Co-ordinator, will be considered under the wider Fair Access Protocol, and therefore will have similar priority over other in-year applications, waiting lists and appeals as outlined in The Schools Admissions Code 2014. Children who only meet the Managed Move criteria will not be considered as a Fair Access Panel case, and therefore will be recorded separately to cases taken through the Fair Access Panel.

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<sup>2</sup>School Admissions Code 2014 – 7 Minimum Fair Access Criteria

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;
- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a statement or Education, Health and Care Plan).

- 4.5. All other Fair Access categories will be considered through the in-year admissions process including Without a School Place (WASP) processes as required unless they meet the criteria for Fair Access Panel above.
- 4.6. Children in Care<sup>3</sup>, will be given the highest priority for admission and will be brokered prior to a panel meeting. The chair and the LA will establish in consultation with Social Care, the Virtual School and other agencies the preferred preferences for their education. The views of the schools preferenced and any potential prejudice as a result of the placement will always be considered. However, in most circumstances children in care will be offered and admitted, in agreement with school or Academy, regardless of the time of year or if the year group is oversubscribed if the offer is considered in their best interests. Once an offer has been made, the Social Worker will normally, but not always arrange a multi-agency meeting to bring together all the professionals that have been working with the child to support their transition into their new educational provision.
- 4.7. The LA will determine if a pupil meets the panel criteria. The in-year application form includes a request for additional information and reasons for seeking a transfer to enable consideration through Fair Access. All pupils who meet the criteria will be considered at a Fair Access Panel meeting. Background information will be collated by the LA to support any application to the panel and the pupil's subsequent admission. All schools and academies will ensure background information is shared without delay. If the pupil does not meet the above criteria, the application will be processed through the in-year admissions procedures, including year 10 and 11 pupils.

## **5. FAP Panel Membership**

- 5.1. Membership of the panel is split between Core Membership, School Membership and Support Membership. Core members of the Fair Access Panel will attend each meeting. It is expected that at each meeting senior representatives from every school will also be in attendance, including appropriate support service representatives.
- 5.2. The collective panel membership will use their expertise and knowledge to secure a decision for each individual pupil that is best for them. Final decisions will rest with Core Panel Members. The Panel will need to balance between the pupil's needs and what school/Academy or provision can best meet their needs, whilst ensuring that the pupil is supported and that no school/Academy is asked to admit a disproportionate amount of pupils through the protocol.
- 5.3. All schools and Academies will provide educational expertise and knowledge as well as represent an overall educational perspective for the City. All schools and academies will be provided with case information 48 hours before a panel meeting, through secure File Transfer.
- 5.4. There will also be 3 representatives from Support Services across Children and Families that constitute the Support Membership of the panel. These representatives will attend on a rotational basis (See Appendix 1 attached). They

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<sup>3</sup> A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

will be expected to represent their Service Area and provide relevant information about any involvement and support that can be offered. Case information will be provided to support services 5 working days before a panel meeting in order to provide a report at the panel meeting.

5.5. All Panel members are responsible for arranging for an informed colleague to attend in their place should they be unable to attend. All professionals must come fully prepared with information pertaining to the individual cases to be discussed. School/Academy representatives must have the power to make decisions regarding admissions on behalf of their school/Academy.

5.6. The core membership of the Fair Access Panel will be:

Core Panel Membership	
Fair Access Panel Chair	
Inclusion Officer	
Complex Case Co-ordinator	
Fair Access Co-ordinator	
Inclusion and Disability Service Representative	
School Panel Membership	
Bluecoat Academy	Designated Senior staff from every school/Academy that has the authority to make decision on behalf of the school/academy admission authority.
Bulwell Academy	
Denewood and Unity Learning Centre	
Djanogly City Academy	
Ellis Guilford School	
Emmanuel School	
Farnborough Academy	
Fernwood School	
Bluecoat Beechdale Academy	
Nottingham Academy	
Nottingham Girls Academy	
Nottingham University Samworth Academy	
Oakwood Academy	
Trinity Catholic School	
Top Valley Academy	
Nottingham Free School	
Nottingham University Academy Science and Technology	
Support Panel Membership	
Inclusive Education Service	Local Authority Education and Social Care Representation (Up to 4 representatives)
Special Educational Needs	
Behaviour Support Team	
Educational Psychology Service	
Child & Adolescent Mental Health Service	
Youth Offending Team	
Education Welfare	
Priority Families	
Children's Social Care	
Family Intervention Project	
Safeguarding	

## **6. Fair Access Panel Meetings**

- 6.1. The Panel will meet at least each month with the exception of August each academic year. However, if there are limited cases to be considered a meeting may be cancelled and cases brokered outside of panel. The meetings will be scheduled for the entire academic year.
- 6.2. Key contextual information will be provided by all schools and Academies 1 week prior to the panel meeting. This will be collated by the LA and further analysis provided at the meeting regarding equitable distribution. Detailed statistics about Fair Access will be provided on a termly basis and shared with schools and Academies. In addition an annual report will be sent to the schools adjudicator.
- 6.3. All applications for Fair Access will be considered at the next available panel, however, Children in care and children who have recently experienced a traumatic family or domestic event or for whom there are clear medical grounds to support placement in a particular secondary school or Academy, will be considered prior to panel. Such cases will be discussed in detail between the LA, Fair Access Panel Chair and the Headteacher/Principal in order to agree placements as soon as possible and the decision will be ratified at the next available panel.
- 6.4. The LA has secured £190,000 through the Schools Forum to support the Secondary Fair Access protocol and provide needs led support funding to reduce barriers to admission. This funding is secured to support Fair Access pupils' integration back into education through, translation costs, assessments, purchasing support services and providing alternative provision for pupils who are not ready for mainstream schooling. Education for pupils who have been permanently excluded will be provided by the appropriate Learning Centre (see section below), and any costs recovered through agreed processes.

## **7. Post-Panel Expectations**

- 7.1. Pupils considered at the Fair Access Panel and allocated a school/academy will receive a letter confirming the decision within 48hrs from the LA.
- 7.2. In order to meet the 10 days admission standard, it is expected that school representatives will inform their admissions teams about the allocation of pupils for their school from the panel in order to avoid any delays to the process. The Fair Access Panel Chair will inform, in writing, the Headteacher/principal of all schools/Academies and other stakeholders of the panel's decision within 48 hours of the panel meeting. The school or academy must admit the pupil within 10 working days of being informed. If the Panel agree that a multi-agency meeting take place before admission, schools/Academies will have 15 working days in which to admit the pupil.

## 8. Funding Method

8.1. There are currently three tiers for funding available through Secondary Fair Access:

<b>TIER 1</b>	<b>No funding allocated</b> Students placed whose needs are met by mainstream school/Academy
<b>TIER 2</b>	<b>Assessment and access funding</b> Funding allocated to provide an assessment of needs to inform panel placement decisions (in particular where there are significant gaps in educational provision, students who speak English as an additional language (EAL) or those who have an incomplete SEND profile. Access funding provides for one off payments in extraordinary circumstances to remove barriers to admission and access to schools.
<b>TIER 3</b>	<b>Support funding for alternative provision</b> Subsidised funding agreed for an alternative provision to be managed by the allocated school. Students in year 11 placed on roll prior to the funding census (Oct) will receive 50% of the cost of alternative provision. Students in year 11 placed on roll following the funding census (Oct) will receive full cost recovery of alternative provision costs (up to £13000 cap) Students in all other year groups who require AP upon initial assessment will be able to access part funding up to a maximum of 5 terms (subject to a £13000 cap) The funding amount and length of support will be agreed by panel members at the meeting.

8.2. Any funding agreed through panel for the support of pupils will be reported back to panel. If the placement is withdrawn, any remaining funding will return to the Fair Access budget.

## 9. Monitoring and Strategic Overview

9.1. Reports, data and monitoring information will be provided at meetings, after each term and annually to all schools, academies and stakeholders. This information will also be used to report to the Schools Adjudicator and local Schools Forum in order to comply with performance and accountability responsibilities.

9.2. The Fair Access protocol and strategy is the responsibility of the LA, however, this will supported by a termly consultation group of head teachers/principles from City schools/academies and local authority officers, which will review the performance of the panel, discuss strategic issues and make recommendations to improve services and drive change.

## 10. Learning Centre Reintegration

10.1. Pupils attending the City's Learning Centres, who have demonstrated readiness for reintegration will be managed through this protocol. Our Learning Centres work hard to identify pupils needs, address behaviour, attitudes and academic underperformance to try and raise achievement and reintegrate permanently excluded pupils back into mainstream education. Reintegration into another

mainstream school/Academy is the right option for the majority of pupils in year 7, 8, 9.

- 10.2. Pupils will not usually be considered for reintegration into a mainstream school/Academy until their behavioural, social or emotional needs have been addressed and they are ready to return to a mainstream setting. The Executive Headteacher will identify and support pupils who are ready to reintegrate back into mainstream education from Denewood Learning Centre (DLC) or Unity Learning Centre (ULC). This will be supported by background information and evidence about the pupil and their progress whilst at the learning centre. This information will be monitored and reviewed by the head teacher of the learning centre, the LA and the panel chair before consideration at panel.
  - 10.3. Pupils who live in the City boundary who have been permanently excluded will normally be placed on the roll of either Denewood or Unity Learning Centre. Permanently excluded pupils who move into the City, who are not ready for mainstream education will attend a Learning Centre until they are ready to be reintegrated back to mainstream education.
  - 10.4. Fair Access Protocols must not require a school/Academy to automatically take another child with challenging behaviour in the place of a child excluded from the school. Although, all secondary schools and Academies will support to allocate at least 1 reintegration pupil, however, further reintegration pupils will be allocated through the panel based on equability, context and the needs of the pupil. Consideration will also be given to the number of permanent exclusions issued by the school/Academy.
  - 10.5. Reintegration placements will be supported by staff from the Admissions and Reintegration Team (ART) at Denewood. A reintegration package will last between 6 to 10 weeks, from the date of the package starting and the circumstances of the pupil. The length of the package will be agreed between the learning centre and the allocated school. The reintegration package must start within the 10 days of the panel decision, unless an exception is agreed at the panel meeting. A meeting should be set up without delay to facilitate the start date, set appropriate targets and plan their reintegration package. There must be regular reviews and communication between all parties involved, which should be communicated in writing, ideally by email to named contacts.
  - 10.6. A standard 6 week reintegration package would include:
    - Week 1** – Full time support with a member of staff from Denewood (DLC)
    - Week 2** – Full time support with a member of staff from Denewood (DLC)
    - Week 3** – Support in ‘hot spot’ lessons
    - Week 4** – Support in ‘hot spot’ lessons – if still required
    - Week 5** – Drop in sessions at various points through the week
    - Week 6** – No support in school (only for the final review)
- This package will be subject to individually agreed changes according to pupil and school need.
- 10.7. It is anticipated that pupils will be successfully reintegrated through the support of school staff and the learning centre. Review meetings will take place regularly

through the reintegration process to acknowledge success, review support and raise concerns. If the review meetings are positive, their success will be confirmed at the final review meeting and the pupil will officially go on roll the school day after the package ends. However, as an additional measure to ensure success, Denewood will continue to monitor the pupil for 4 weeks after the pupil is on roll in order to facilitate support, or consider a return to Denewood, if appropriate and agreed by all parties.

10.8. If there are concerns about a pupil on a reintegration package, the school should initially communicate with the pupils named keyworker at Denewood Learning Centre to try and resolve the concerns. If a reintegration may be failing, then this cannot be terminated until an urgent review meeting is held with all relevant parties to determine if the allocation should be withdrawn, at which point arrangements would be made for their return to the learning centre.

10.9. Reintegration placements will be recorded and funded through the panel and will be able to access additional support, like other pupils considered at FAP, as agreed at panel meetings.

## **11. Other Key Documents:**

11.1. NCSEP Managed Move Protocol v2.1

11.2. Going to School in Nottingham – Information about admissions

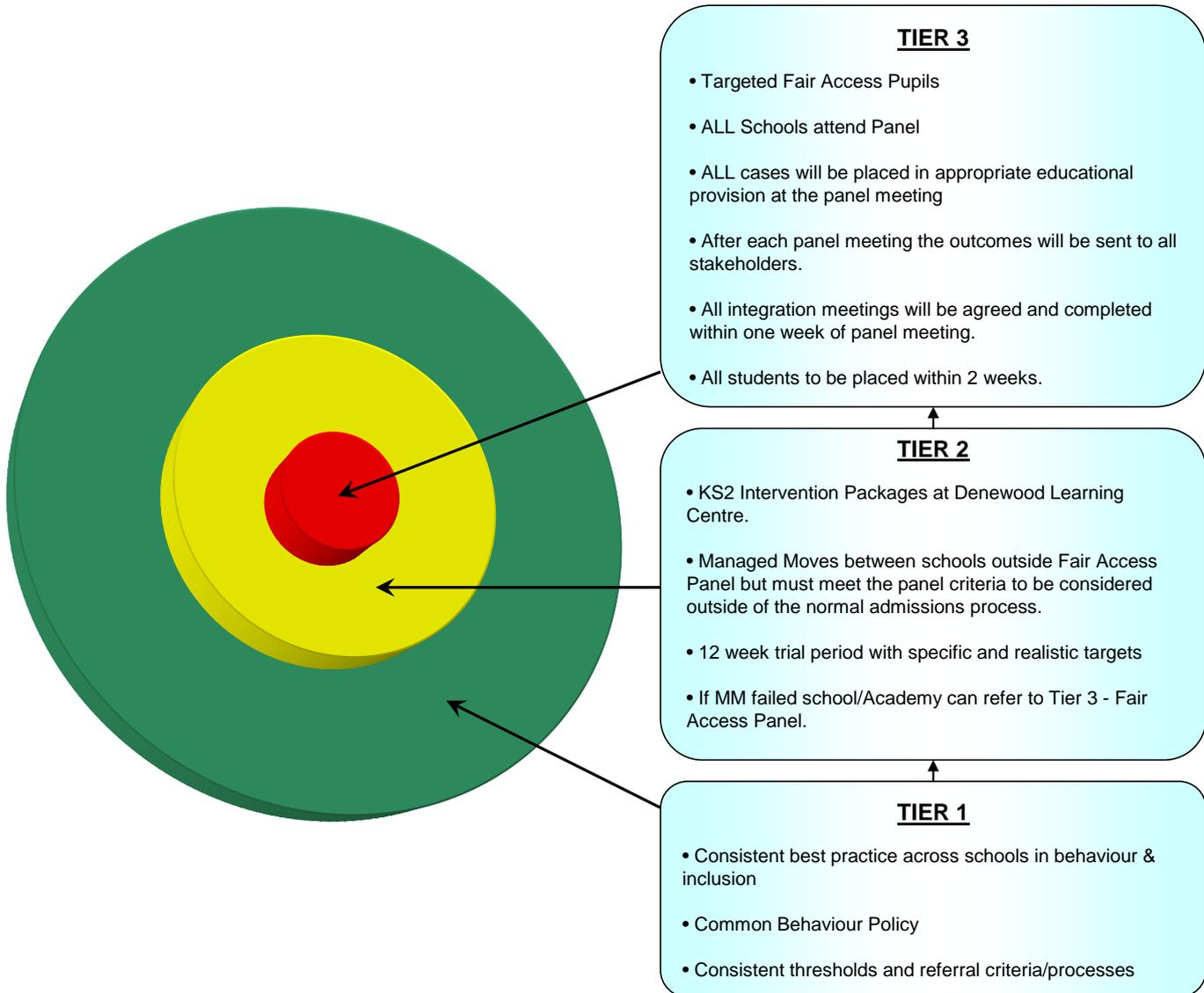
11.3. Schools Admissions Code – December 2014

# Fair Access Protocol

## Primary Key Stage 1 & 2

**Updated: September 2013**

# Overview of Support Leading to the Fair Access Protocol



# Fair Access Protocol

## 1. Background

- 1.1. The School Admission Code which came into force on 1 February 2012 and requires there to be a Fair Access Protocol in operation in every Local Authority which has been agreed with the majority of schools in the area to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are offered a place at a suitable school as quickly as possible. In agreeing a protocol, no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour (School Admissions Code, 3.9).

This is issued under Sections 84 and 85 of the School Standards and Framework Act 1998.

The School Admissions Code can be viewed in full at

<http://media.education.gov.uk/assets/files/pdf/s/school%20admissions%20code%201%20february%202012.pdf>

- 1.2. The Fair Access Protocol (FAP) exists to ensure that access to education is secured quickly for children who have no school place, but for whom a place at a mainstream school/Academy or alternative provision is appropriate, and to ensure that all schools/Academies in an area admit their fair share of children with challenging behaviour. The operation of Fair Access Protocols is outside the arrangements of co-ordination
- 1.3. The Protocol encourages local authorities, schools and Academies to work together in partnership to improve behaviour and tackle persistent absence. There is no duty for local authorities or admissions authorities to comply with parental preference when allocating places through this protocol.
- 1.4. **All** Admissions Authorities **must** participate in the agreed Fair Access protocol (School Admissions Code 2012, paragraph 3.11) in order to ensure that unplaced children, especially the most vulnerable, are offered a place at a suitable school/Academy as soon as possible. This includes admitting children above the published admission number where the year group is already full. Nottingham City Council, Church of England and Catholic Diocesans, Academy Sponsors and Governing Bodies and their associated schools and Academies agree to comply with this protocol.
- 1.5. Children with statements of special educational need are **not** covered by this protocol as their needs are considered through a separate procedure.

## 2. Key Principles

- 2.1. There must be a balance between finding a place quickly, when the place might be in an undersubscribed school/Academy or one facing challenging circumstances, and finding a school/Academy place that is appropriate for the child. The principle of considering the individual circumstances of the pupil, in terms of what is best for them, whether they are ready for mainstream schooling and, if so, which mainstream school/Academy will be best able to meet their needs **should** guide the operation of Fair Access Protocol.
- 2.2. The School Admissions Code states local authorities **must** ensure that no school/Academy, including undersubscribed schools/Academies, is asked to admit a disproportionate number of children who have been excluded from other schools/Academies or who have challenging behaviour (School Admissions Code 2012, paragraph 3.9).

- 2.3. It is expected that pupils on roll at a school or Academy within the City of Nottingham, considered at the Reintegration and Placement Panel (RAP), under the Fair Access Protocol (FAP) will have a Common Assessment Framework Form (CAF) and be open to the Team Around the Child (TAC) process.
- 2.4. Whilst each protocol covers only the schools/Academies in its local authority area, the home Local Authority should contact neighbouring authorities to help secure a place in that area under the protocol. The protocol is in effect a safety net for where normal admission procedures for in year admission have failed.
- 2.5. For the protocol to operate in accordance with the statutory requirement:
  - 2.5.1. Schools/Academies will continue to admit pupils whose parents apply for an available place, under normal admission arrangements.
  - 2.5.2. Pupils identified as Panel cases under the Fair Access Protocol will be given priority for admission over others on a waiting list or awaiting an appeal. Managed Moves will not be given priority for admission, unless they meet the criteria outlined in section 4.2 below.

### **3. Exceptions**

- 3.1. The School Admissions Code states in paragraph 3.8:

*“Admission authorities **must not** refuse to admit children in the normal admissions round on the basis of their poor behaviour elsewhere. Where a child has been permanently excluded from two or more schools there is no need for an admission authority to comply with parental preference for a period of two years from the last exclusion.”*

- 3.2. However, the School Admissions Code continues in paragraph 3.12:

*“Where a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round, even though places are available, it **must** refer the case to the local authority for action under the Fair Access Protocol. This will normally only be appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children. The use of this provision will depend on local circumstances and **must** be described in the local authority’s Fair Access Protocol. This provision will not apply to a looked after child, a previously looked after child or a child with a statement of special educational needs naming the school in question, as these children **must** be admitted.”*

- 3.3. All schools and Academies will be expected to participate fully with the Fair Access Protocol and to admit pupils who are hard to place. The Local Authority and, if necessary, a Primary Reintegration and Placement Panel (P-RAP) will consider any valid concerns about admission (e.g. a previous serious breakdown in the relationship between the school/Academy and the family or serious historical issues with other children at the preferred school/Academy). Consideration will also be given to the individual situation, and contextual data for each school or Academy, including, the number of pupils admitted through the protocol and being supported by the school or Academy.
- 3.4. If a school or academy refuses to comply with the decision of the Local Authority or the P-RAP Panel, they must state their reasons in writing to the Inclusion Officer within 5 school days from the date of the decision. The Inclusion Officer will then determine a written view after consulting with the school/Academy and other agencies. All schools and academies will support the view

and decisions through the protocol. Additionally, the Local Authority or Secretary of State can enforce the protocol decision by using any powers of direction, if required.

#### **4. Criteria for Priority Pupils**

- 4.1. A pupil placed under this Protocol is not necessarily a “challenging” pupil. Any child in this category is however potentially a vulnerable child as long as an appropriate educational placement has not been secured.
- 4.2. The School Admissions Code 2012 states 7 minimum categories<sup>4</sup> to include in a Fair Access Protocol. These categories identify a child as potentially “Hard to Place or vulnerable”. These are not meant to be exhaustive but provide an example of pupils who **must** be considered under the protocol. It is proposed that the City protocol monitors these pupils, but will have specific focus on the following criteria:

##### **Priority Pupils - Triggers**

1. Children in Public Care.
  2. Children attending Learning Centres who have been permanently excluded and who need to be reintegrated back into mainstream education. (See Section 7 below)
  3. Children seeking an alternative to permanent exclusion with a history of intensive multi-agency support (CAF) and where alternative placements have been unsuccessful e.g. managed move.
  4. Children who have been out of education for longer than one school term and/or have a history of serious attendance problems (below 50% attendance within a 12 month period)
  5. Children fleeing domestic violence
  6. Children returning from the criminal justice system
  7. Children whose parents have been unable to find them a school place because of a shortage of places:
    - after moving into the area
    - without a school place
  8. Children from unsupportive families where a place has not been sought.
- 4.3. Looked After Children<sup>5</sup>, will be given the highest priority for admission. The Inclusion Officer will establish in consultation with Social Care, the Virtual School and other agencies the preferred preferences for their education. The views of the schools preferenced and any potential prejudice as a result of the placement will always be considered. However, in most circumstances a Looked After Child will be offered, in agreement with school or Academy, even if the year group is oversubscribed if the offer is considered in their best interests. Once an offer has been made, the Lead professional will normally, but not always arrange a multi-agency meeting to bring together all the professionals that have been working with the child to support their transition into their new educational provision.

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<sup>4</sup>School Admissions Code 2012 – 7 Minimum Fair Access Criteria

- a) children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education;
- b) children who have been out of education for two months or more;
- c) children of Gypsies, Roma, Travellers, refugees and asylum seekers;
- d) children who are homeless;
- e) children with unsupportive family backgrounds for whom a place has not been sought;
- f) children who are carers; and
- g) children with special educational needs, disabilities or medical conditions (but without a statement).

<sup>5</sup> A ‘looked after child’ is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

- 4.4. The Inclusion Officer will determine if a pupil meets the Priority Pupils criteria (4.2). All pupils who meet the criteria will be considered as 'Priority Pupils' and background information (including a CAF or other relevant documentation) will be collated by Nottingham City Council. This information will be used to support any application to school and the pupil's subsequent admission. All schools and Academies participating in the protocol will ensure background information is shared without delay. If the pupil does not meet the above criteria, the application will be processed through the normal admissions procedures, however, if a place is not secured pupils may then be considered under point 7 above.
- 4.5. Pupils, who meet the above criteria, will be managed by the Inclusion Officer and consideration of a school place for Priority Pupils will be based on the school in their local area/catchment and the individual circumstances of the case. These cases will be brokered by the Local Authority with schools and admission authorities. However, if a resolution cannot be established a Primary Reintegration and Placement Panel will review the case and issue a decision. The decisions of the Primary Fair Access Protocol, for all schools, will be reported termly to Education Improvement Partnerships. In addition an annual report will be sent to the schools adjudicator.
- 4.6. Pupils who are considered through the normal admission round but are unable to secure a school placement may first be offered a mandatory offer through the School Admissions Team. However, if this cannot be arranged they will be considered as a Priority Pupil.
- 4.7. The 1998 School Standards and Framework Act determined that by September 2001, no infant child should be in a class above 30. The School Admissions Code states in paragraph 2.15 that:

**2.15 Infant class size** – Infant classes (those where the majority of children will reach the age of 5, 6 or 7 during the school year) **must not** contain more than 30 pupils with a single school teacher. Additional children may be admitted under limited exceptional circumstances. These children will remain an 'excepted pupil' for the time they are in an infant class or until the class numbers fall back to the current infant class size limit. The excepted children are:

- children admitted outside the normal admissions round with statements of special educational needs specifying a school;
- looked after children and previously looked after children admitted outside the normal admissions round<sup>6</sup>;
- children admitted, after initial allocation of places, because of a procedural error made by the admission authority or local authority in the original application process;
- children admitted after an independent appeals panel upholds an appeal;
- children who move into the area outside the normal admissions round for whom there is no other available school within reasonable distance;
- children of UK service personnel admitted outside the normal admissions round;
- children whose twin or sibling from a multiple birth is admitted otherwise than as an excepted pupil;
- children with special educational needs who are normally taught in a special educational needs unit attached to the school, or registered at a special school, who attend some infant classes within the mainstream school.

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<sup>6</sup> The School Admissions (Infant Class Sizes) (England) Regulations 2012. Previously looked after children are not excepted pupils for the purpose of these regulations until school year 2013/14.

Consideration will be given to the legal limit of class sizes in Key Stage 1. However, it may be necessary to admit pupils as exceptions through the Fair Access Protocol. If pupils do not meet one of the excepted pupil criteria, as stated in point 4.7 above, Priority Pupils will be given precedence for admission over others on a waiting list or awaiting an appeal.

4.8. Pupils transferring between City Schools and Academies in year 6 will be strongly discouraged.

## **5. Primary RAP Panel Meetings**

5.1. If an admission can not be brokered directly with schools or Academies the Local Authority will arrange a Primary Reintegration and Placement Panel Meeting as outlined in section 4.5 above. There will generally be three panels (North, Central and South, although, these may adapt according to circumstance) which will be held by exception for pupils living in their catchment areas. The collective panel membership will use their expertise and knowledge to secure a decision for each individual pupil that is best for them. The Panel will need to balance between the pupil's needs and what school can best meet their needs, whilst ensuring that both are supported and that no school is asked to admit a disproportionate amount of pupils through the protocol, including consideration of Infant Class Sizes. All schools and Academies will support the decision of the panel.

5.2. Panel membership will consist of both school/Academy and support services representatives. All Panel members are responsible for arranging for an informed colleague to attend in their place should they be unable to attend. All professionals must come fully prepared with information pertaining to the individual cases to be discussed.

5.3. Schools and Academies will be represented by 3 head teachers from a maintained, Academy and Voluntary Aided Schools. School or Academy representatives will provide educational expertise and knowledge as well as represent an overall educational perspective for the City. Head Teacher representatives will be selected to represent the area schools. If pupils to be considered at the panel live near neighbouring panel borders, panel members may be selected from both panel areas to give an accurate representation of schools and local knowledge to secure appropriate education.

5.4. There will also be representatives from Support Services across Children and Families. They will be expected to represent their Service Area and provide relevant information about any involvement and support that can be offered.

5.5. The panel members will be provided with case information 5 working days before a panel meeting. Schools being considered for allocation will already have considered the case and expressed concerns in writing. However, they may inform their representative at least 2 working days prior to the meeting of any additional school information to be considered at the panel.

5.6. The core membership of the Primary RAP Panel will be (please see next page):

Core Members
Inclusion Officer (Chair) Support Services Representative(s) Denewood Learning Centre Representative Educational Welfare Officer Head Teacher Representatives (See table below)

Schools & Academies		
NORTH Panel	CENTRAL Panel	SOUTH Panel
1x City School 1x Academy 1x VA School	1x City School 1x Academy 1x VA School	1x City School 1x Academy 1x VA School
<ul style="list-style-type: none"> <li>- AMBLESIDE PRIMARY</li> <li>- BULWELL ST. MARY'S CE VA PRIMARY</li> <li>- BURFORD PRIMARY</li> <li>- CANTRELL PRIMARY</li> <li>- CARRINGTON PRIMARY</li> <li>- CRABTREE FARM PRIMARY</li> <li>- GLADE HILL PRIMARY</li> <li>- HAYDN PRIMARY</li> <li>- HEATHFIELD PRIMARY</li> <li>- HEMPSHILL HALL PRIMARY</li> <li>- HENRY WHIPPLE PRIMARY</li> <li>- OLD BASFORD SCHOOL</li> <li>- OUR LADY OF PERPETUAL SUCCOUR C.V. ACADEMY</li> <li>- RISE PARK PRIMARY</li> <li>- ROBIN HOOD PRIMARY</li> <li>- ROSSLYN PARK PRIMARY</li> <li>- RUFFORD PRIMARY</li> <li>- SEELY PRIMARY</li> <li>- SNAPE WOOD PRIMARY</li> <li>- SOUTHGLADE PRIMARY</li> <li>- SOUTHWARK ACADEMY</li> <li>- SPRINGFIELD PRIMARY</li> <li>- ST. MARGARET CLITHEROW</li> <li>- STANSTEAD PRIMARY</li> <li>- WARREN PRIMARY ACADEMY</li> <li>- WESTGLADE PRIMARY</li> <li>- WHITEMOOR ACADEMY</li> </ul>	<ul style="list-style-type: none"> <li>- BENTINCK PRIMARY</li> <li>- BERRIDGE PRIMARY</li> <li>- BROCKLEWOOD PRIMARY</li> <li>- CLAREMONT PRIMARY</li> <li>- DJANOGLY NORTHGATE ACADEMY</li> <li>- DUNKIRK PRIMARY</li> <li>- EDNA G OLDS ACADEMY</li> <li>- FERNWOOD PRIMARY</li> <li>- FIRBECK ACADEMY</li> <li>- FOREST FIELDS PRIMARY</li> <li>- GLENBROOK PRIMARY</li> <li>- JUBILEE L.E.A.D. ACADEMY</li> <li>- MELBURY PRIMARY</li> <li>- MELLERS PRIMARY</li> <li>- MIDDLETON PRIMARY</li> <li>- PORTLAND SPENCER ACADEMY</li> <li>- RADFORD PRIMARY ACADEMY</li> <li>- ROBERT SHAW PRIMARY</li> <li>- SCOTHOLME PRIMARY</li> <li>- DJANOGLY STRELLEY ACADEMY</li> <li>- SOUTHWOLD PRIMARY</li> <li>- ST TERESA'S C.V. ACADEMY</li> <li>- ST. MARY'S C.V. ACADEMY</li> </ul>	<ul style="list-style-type: none"> <li>- BLESSED ROBERT C.V. ACADEMY</li> <li>- BLUE BELL HILL ACADEMY</li> <li>- DOVECOTE PRIMARY</li> <li>- EDALE RISE PRIMARY</li> <li>- GLAPTON ACADEMY</li> <li>- GREENFIELDS PRIMARY</li> <li>- HIGHBANK PRIMARY</li> <li>- HOGARTH PRIMARY</li> <li>- HUNTINGDON ACADEMY</li> <li>- THE MILFORD ACADEMY</li> <li>- NOTTINGHAM ACADEMY (PRIMARY)</li> <li>- OUR LADY &amp; ST EDWARD'S C.V. ACADEMY</li> <li>- RIVERSIDE PRIMARY</li> <li>- SNEINTON ST. STEPHEN'S V.A.</li> <li>- SOUTH WILFORD ENDOWED CE AIDED</li> <li>- ST PATRICKS V.A. PRIMARY</li> <li>- ST. ANN'S WELL ACADEMY</li> <li>- ST. AUGUSTINES C.V. ACADEMY</li> <li>- SYCAMORE ACADEMY</li> <li>- WALTER HALLS PRIMARY</li> <li>- WELBECK PRIMAY</li> <li>- WHITEGATE PRIMARY</li> <li>- WILLIAM BOOTH PRIMARY</li> <li>- WINDMILL L.E.A.D ACADEMY</li> </ul>

## 6. RAP Panel Meetings

- 6.1. Panel meetings will be held as required. It is hoped that all but extremely exceptional cases can be brokered and placed through the main protocol. However, if there are serious concerns about an admission a Panel will be arranged to consider these cases.
- 6.2. Key contextual information will be provided by all schools and academies necessary prior to the panel meeting. This will be collated by the Admissions and Exclusion Team. Additionally, RAP statistics will be provided on a termly basis and shared with schools.
- 6.3. The Inclusion Officer will inform the Headteacher or Principal of the allocated school within 24 hours in writing of the Panel meeting. The school or academy must admit the pupil within 10 working days of being informed. If the Panel agree that a multi-agency meeting take place before admission, schools will have 15 working days in which to admit the pupil.
- 6.4. Funding is secured through the Schools Forum for the administration of the Primary Fair Access Protocol. This figure is currently £80,000. This funding is secured to support Fair

Access pupils' integration back into education through, translation costs, assessments, purchasing support services and other inclusion strategies. Pupils are to be allocated funding relevant to their need. Education for pupils who have been permanently excluded will be provided by the appropriate Learning Centre (see section 7 below), and any costs recovered through agreed processes.

## **7. Learning Centre Reintegration**

- 7.1. Within the City we are supported by two Learning Centres rated by Ofsted as 'Good' which support intervention within the City and educate permanently excluded pupils. Our Learning Centres work hard to identify pupils needs, address behaviour, attitudes and academic underperformance to try and raise achievement and reintegrate permanently excluded pupils back into mainstream education. Reintegration into another mainstream school/Academy is the right option for the majority of pupils.
- 7.2. Pupils will not usually be considered for reintegration into a mainstream school/Academy until their behavioural, social or emotional needs have been addressed and they are ready to return to a mainstream setting. The Executive Headteacher will identify and support pupils who are ready to reintegrate back into mainstream education from Denewood Learning Centre or Unity Learning Centre. This will be supported by background information about the pupil and their progress whilst at the learning centre. Permanently excluded pupils ready for reintegration, attending an alternative PRU/Learning Centre will be considered through the panel and a recommendation sought from the Headteacher regarding their readiness for reintegration.
- 7.3. Pupils who live in the City boundary who have been permanently excluded will normally be placed on the roll of either Denewood or Unity Learning Centre. Permanently excluded pupils who move into the City, who are not ready for mainstream education will attend a Learning Centre until they are ready to be reintegrated back to mainstream education.
- 7.4. All schools and Academies will take at least 1 reintegration pupil as required. Further reintegration pupils will be allocated through the panel and consideration will be given to the number of permanent exclusions issued by the school/Academy. Fair Access Protocols **must not** require a school/Academy to automatically take another child with challenging behaviour in the place of a child excluded from the school.
- 7.5. Reintegration placements should follow similar timelines to other panel pupils' admission. However, it is expected that the Denewood Learning Centre will continue to provide reintegration support for a specified period of time for any excluded pupils who are being reintegrated back into a mainstream school/Academy to ensure a smooth transition. Reintegration placements will be recorded and funded through the panel.

## **8. Other Key Documents**

- 8.1. Other key documents are:
  - Going to School in Nottingham – Information about admissions
  - Schools Admissions Code – February 2012
  - Intervention Protocol – Denewood Learning Centre

# **BRIEFING PAPER FOR PORTFOLIO HOLDER FOR SCHOOLS**

DATE: 28 June 2016

## **BY THE CORPORATE DIRECTOR FOR CHILDREN AND ADULTS**

### **PROPOSED ADMISSION ARRANGEMENTS FOR NOTTINGHAM CITY COMMUNITY SCHOOLS 2018/19**

#### **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**

##### **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).

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

- A recommendation that the Portfolio Holder approves that Nottingham City Council's admission arrangements determined for the 2017/18 school year, which were approved by Nottingham City Council's Executive Board on 23 February 2016, be maintained for the 2018/19 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 2017/2018 school year for the 2018/2019 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.

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 2018-2019, 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 2018-2019 school year, the determination year is the school year 2016-2017, so NCC must determine its admission arrangements for the 2018-2019 school year on or before 28 February 2017.

#### The proposed admission arrangements

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

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