

	<b>Cabinet</b> 12 <sup>th</sup> January 2021
	<b>Report from the Strategic  Director of Children and Young  People</b>
<b>Brent Council's School Admission Arrangements for 2022/23</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b>	Open
<b>No. of Appendices:</b>	Three: Appendix 1: List of Primary Community Schools in Brent Appendix 2: Proposed Admissions Arrangements 2022/23 Appendix 3: Scheme of Coordination for 2022/23
<b>Background Papers:</b>	None
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## 1.0 Purpose of the Report

1.1 This reports seeks Cabinet agreement to the proposed admission arrangements for Brent community schools for 2022/23 in accordance with statutory requirements. There have been no changes to the admission arrangements since those determined by Cabinet in January 2020 for the academic year 2021/22. Admission authorities are required to determine their admission arrangements by 28 February in the determination year.

## 2.0 Recommendations

That Cabinet:

- 2.1 Agrees the proposed admission arrangements for Brent community schools (Appendix 2).
- 2.2 Notes the scheme of co-ordination for maintained schools in Brent for the 2022/2023 academic year (Appendix 3).

### **3.0 Detail**

- 3.1 This report relates to the admission arrangements and oversubscription criteria of Brent community primary schools only. Brent Council is the admission authority for 30 community primary schools in the Borough (Appendix 1). Voluntary Aided (VA) and foundation schools, academies and free schools are their own admission authority and determine their own admission arrangements and oversubscription criteria.
- 3.2 The School Admissions Code issued under Section 84 of the School Standards and Framework Act is the legal framework for school admissions matters. The Admissions Code requires that admission authorities have a mechanism to rank applications in order of priority. All schools and admission authorities must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school. Admission arrangements for Brent community schools are determined by the Council as the admission authority.
- 3.3 There are no proposed changes to the admissions arrangements for community schools for 2022/23 (Appendix 2).
- 3.4 The Schemes of Co-ordination (Appendix 3) are based on a standard template provided to all London local authorities by the London Grid for Learning. The Schemes have been updated with relevant dates for the 2022/23 offer year. These are required to be published by 31 December 2020 and will be included with the Admission Arrangements once they are determined.
- 3.5 In summer 2020, the Department for Education (DfE) undertook a consultation to update the School Admissions Code 2014 with a view to publishing a new Code in winter 2020. The anticipated new code is referenced in paragraphs 48 and 47 in the respective secondary and primary sections of the Schemes of Co-ordination.
- 3.6 If, when the new Code is published, there is a legal requirement to amend any aspect of the admission arrangements which have been determined, Regulation 19 of the School Admissions Regulations 2012 allows admission authorities to revise, without consultation, their admission arrangements for a particular year to give effect to a mandatory requirement of the Code.
- 3.7 This could apply to one criterion in the proposed Brent Admission Arrangements. As part of the consultation, the DfE has consulted to give children adopted from state care abroad the same priority as other previously looked after children. In the Brent Admission Arrangements these are two separate criteria. If the new School Admissions Code gives these children the same priority, the local authority will be required to merge the first two admissions criteria in the determined arrangements.

### **4.0 Financial Implications**

- 4.1 There are no specific financial implications arising from this report.

### **5.0 Legal Implications**

- 5.1 Admission authorities must act in accordance with the mandatory requirements of the School Admissions Code 2014 and have due regard to the discretionary elements of the Code. They must also act in accordance with other laws relating to admissions and relevant human rights and equalities legislation
- 5.2 Oversubscription criteria must be reasonable, clear, objective and comply with all relevant legislation, including equalities legislation. Highest priority in the oversubscription criteria must be given to looked after children and previously looked after children (Regulation 7, Admission Arrangements Regulations 2012). Subject to these requirements it is for the admission authority to decide which criteria would be suitable according to the local circumstances.
- 5.3 The local authority must determine admission arrangements for 2022/23 by 28 February 2021.

## **6.0 Equality Implications**

- 6.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 6.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 6.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary. The Admissions Criteria ensure fair access to school places. Cabinet is referred to the contents of this report for further information, in particular section 4.0.

## **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 This report affects all wards.

## **8.0 Human Resources/Property Implications (if appropriate)**

- 8.1 There are no human resources or property implications.

**Report sign off:**

**Gail Tolley**

Strategic Director, Children and Young People