



Cabinet
8 February 2016

**Report from the
Strategic Director Children and Young
People**

For Action

Wards Affected: ALL

**Brent Council's School Admission Arrangements for
2017/18**

1.0 Summary

- 1.1 Cabinet is asked to agree the proposed Admission Arrangements and scheme of co-ordination for Brent Community Schools for 2017/18 and note changes to the arrangements as set out in the recommendations.
- 1.2 The results of the consultation undertaken on proposals to prioritise children of staff and children who attract pupil premium funding are provided.

2.0 Recommendations

- 2.1 That the results of the consultation carried out from 23 November 2015 to 4 January 2016 be considered and noted.
- 2.2 That the oversubscription criteria for community primary schools for 2017/18 should be amended to include children of staff at criterion 5. The impact of the introduction of this criterion will be monitored in relation to the impact on vulnerable children.
- 2.3 That children who attract pupil premium funding are not prioritised in the arrangements for admission in 2017/18, but the impact of not introducing this criterion will be monitored in relation to the impact on vulnerable children.
- 2.4 That further amendments are made to the admissions arrangements to include explanations of the processes for measuring the distance from home to school and for the admission of summer born children.
- 2.5 That the proposed Admission Arrangements for Brent schools and schemes of coordination for maintained schools in Brent for the 2017/2018 academic year are agreed. (Appendix 1)

3.0 Background

- 3.1 Brent Council is the Admission Authority for 32 community primary schools in the borough. Voluntary aided (VA) and foundation schools, academies and free schools are their own admission authority and determine their own admission arrangements and oversubscription criteria. This report relates to the admission arrangements and oversubscription criteria of Brent community primary schools only. (Appendix 2)
- 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 Admissions Authority.
- 3.3 The DfE revised the Admissions Code in 2012 to allow the inclusion of oversubscription criterion prioritising children of staff. Prior to this date a children of staff criterion was not permitted. Since September 2012 sixteen Academy, VA, Foundation or free schools in Brent have introduced this admission criterion. A number of community schools have enquired about the introduction of a children of staff criterion as a potential tool to assist in attracting and retaining staff, particularly in subjects or areas where there has been a shortage of good applicants.
- 3.4 Amendments to the Admissions Code in December 2012 also permitted admission authorities to prioritise children in receipt of the pupil premium and service premium in admission arrangements. This criterion has not been adopted by any Academy, VA or free school in Brent.
- 3.6 It is a requirement of the school Admission Code that the approach of the Admission Authority to the admission of summer born children is made clear in the Admission Arrangements.
- 3.7 It is a requirement of the Admissions Code that the method of measuring the distance between home and school is clearly explained in the Admission Arrangements.

4.0 Consultation

- 4.1 As the Admissions Authority for Brent Community Schools, the council is required to consult widely on any proposed changes to the admission arrangements and oversubscription criteria for 2017/18. The period of consultation must be for a minimum of six weeks and be completed by 31 January 2016. This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements. All VA and foundation schools, academies and free schools in Brent are consulted. Once the Brent

Community Schools admission arrangements are determined they will be circulated to all schools in Brent.

- 4.2 Following Cabinet's agreement to consult in October 2015, consultation was carried out on proposals to amend the oversubscription criteria for community schools for 2017/18 from 23 November 2015 to 4 January 2016.
- 4.3 A public notice was placed in the local press, two public meetings were arranged, one daytime and one evening meeting. All Brent schools, children's centres, other local authorities and other statutory bodies were consulted as required by the Admissions Code. Information was provided on the admissions pages of the council's web site, on the consultation portal and promoted through The Brent Magazine and social media.
- 4.4 The proposed changes consulted on were:
- i. to prioritise children whose parent is a member of staff who has been employed at the school for two or more years at the time of application or has been recruited to fill a vacancy for which there is a demonstrable skill shortage.
 - ii. to prioritise Reception applicants eligible for the early years pupil premium, the pupil premium or the service premium.
- 4.5 27 responses to the consultation were received. A full report on responses to the consultation is attached. (Appendix 3). The following table summarises responses to the proposal to give admission priority to children of staff. This shows support for the introduction of a children of staff criterion. Comments not supportive of the proposal were that children of staff should not have priority over local children.

Children of staff	% total	Number of responses
Strongly agree	51.85%	14
Agree	29.63	8
Neither agree or disagree	3.70	1
Disagree	0	0
Strongly disagree	14.81	4
Don't know	0	0

- 4.6 Responses to the proposal to give admissions priority to children eligible for the pupil premium were more evenly distributed but more respondents were against the proposal than in support of it. The following table summarises responses to the proposal to give admission priority to children eligible for the pupil premium. Comments not supportive of the proposal were that children in receipt of the pupil premium were already well represented in Brent community schools, that the introduction of this criterion could disadvantage poorer working families not eligible for benefits, and the significant impact this could have on local children who may not be able to attend their local school.

Children in receipt of Pupil Premium	% total	Number of responses
Strongly agree	18.52	5
Agree	14.81	4

Neither agree or disagree	22.22	6
Disagree	22.22	6
Strongly disagree	22.22	6
Don't know	0	0

5.0 Detail

5.1 Response to Children of Staff Criterion

5.2 The equalities analysis for children of staff identified a disproportionate impact on the basis of gender and ethnicity, likely to favour women and white staff members. However the overall impact would be low because of the very small proportion of offers likely to be made under this criterion.

5.3 Enfield Council which introduced a children of staff criterion in their community schools oversubscription criteria in 2013 offered fewer than 0.5 per cent of places each year under this criterion. The table outlines the number and percentage of offers of Reception places made under children of staff criterion at oversubscribed Enfield community primary schools in September 2013, 2014 and 2015.

Children of Staff admissions to oversubscribed Enfield community primary schools

Year of entry to Reception	Number of offers made on the basis of children of staff criterion at oversubscribed community primary schools	Total number of offers made at oversubscribed community primary schools	Percentage of offers made on the basis of children of staff criterion
September 2013	0	1810	0%
September 2014	5	1780	0.3%
September 2015	7	1840	0.4%

5.4 Brent could expect approximately similar proportion of offers to be made under this criterion as summarised below (assumption that 0.5% of offers would be made under this criterion).

Projected Children of Staff admissions to oversubscribed Brent community schools (assuming 0.5% of offers would be made under the this criterion)

Year of entry to Reception	Projected number of offers made on the basis of children of staff criterion at oversubscribed community schools	Total number of offers made at oversubscribed community schools
September 2014	9	1763
September 2015	8	1673

5.5 Sixteen Brent VA, Foundation or Academy schools have adopted this criterion. (2 secondary schools, 3 all through schools and 11 Primary and Junior schools) The following table shows the number of places allocated under children of staff criterion since 2014 by these schools.

Year of entry	Places allocated under children of staff criterion in primary schools	Places allocated under children of staff criterion in secondary schools
September 2014	4	5
September 2015	4	0

5.6 Cabinet is recommended to agree the inclusion of children of staff criterion as Oversubscription 5. The numbers of children securing a place under this criterion are likely to be low, but it is expected to assist with staff recruitment and retention in Brent community schools.

6.0 Response to consultation on the inclusion of a criterion to give priority to applicants who are eligible for the pupil premium

6.1 The Admissions Code was changed in 2012 to allow admission authorities the option to include oversubscription criteria that prioritise children eligible for the Pupil Premium.

6.2 Children from low-income families who are eligible for free school meals (or have been at any time in the past 6 years) qualify for the pupil premium. To qualify for free school meals families must be in receipt of one of the following benefits:

- i. Income Support
- ii. Income-based Jobseekers Allowance
- iii. Income-related Employment and Support Allowance
- iv. Support under Part VI of the Immigration and Asylum Act 1999
- v. The guaranteed element of State Pension Credit
- vi. Child Tax Credit (provided you're not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)
- vii. Working Tax Credit run-on-paid for four weeks after you stop qualifying for Working Tax Credit
- viii. Universal Credit

6.3 27% (4,446) of children attending Brent community schools attract the Pupil Premium. 28% (8,654) of children attending non community schools in Brent attract the pupil premium.

6.4 The government is keen that admission authorities seek to tackle the particular educational disadvantages faced by children eligible for the Pupil Premium. In particular ministers want to see high performing schools admit a proportion of disadvantaged children that reflects the demographics of their local area.

6.5 Appendix 4 provides details of Brent community primary schools by ward, Pupil Premium cohort, current Ofsted rating, and Key Stage 2 attainment. This data indicates that, in the main, outstanding and good schools in Brent admit a proportion of disadvantaged children that reflects the demographics of their local area.

6.6 The schools showing the highest negative variances between the percentages of children in the school eligible for pupil premium compared to the percentage in the ward are infant schools. The introduction of universal free school meals for children at KS1 has meant that many parents have not applied for the Pupil Premium, as their child is automatically entitled to receive a free meal. It is therefore likely that the actual number of children eligible for the pupil premium is higher than shown.

6.7 The public consultation on this criterion attracted 27 responses of which 33% were in favour of its introduction. The majority of respondents

(44%) disagreed or strongly disagreed and 22% were neutral. The full consultation responses are attached to this report (Appendix 3)

6.8 Some respondents were concerned that the implementation of this proposal could negatively impact on local children and poorer working families not in receipt of benefits, who may be denied a place at their local school.

6.9 Given the fact that Brent schools currently admit a proportion of Pupil Premium children which reflect the demographics of the local area and the low level of support for this proposal from the public, we are recommending that this criterion is **not** included in the admission arrangements for 2017/18.

7.0 Proposed Oversubscription Criteria for Community Schools 2017/18

7.1 Cabinet is asked to agree the following oversubscription criteria for Brent community schools for 2017/18 which includes a 'children of staff' criterion at criterion 5.

- 1) 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.
- 2) Children attending an infant school on the same site as a junior school.
- 3) Special circumstances to do with significant medical needs and/or social needs.
- 4) Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, living in the catchment area of the school and who will continue to do so on the date of admission.
- 5) Children whose parent is a member of staff who has been employed at the school for two or more years at the time of application or has been recruited to fill a vacancy for which there is a demonstrable skill shortage.
- 6) Children living within the school's catchment area.
- 7) Brothers or sisters of a child who attends the school, or an infant or junior school on the same or adjoining site, and who will continue to do so on the date of admission.
- 8) All other applicants.

8.0 Summer born children

8.1 It is a requirement of the school admission code that the approach of the Admission Authority to the admission of summer born children is made clear in the Admission Arrangements.

8.2 Compulsory school age is set out in section 8 of the Education Act 1996 and The Education (Start of Compulsory School Age) Order 1998. Children are of compulsory school age from the start of the term following their 5th birthday. Parents have a duty to ensure children of compulsory school age receive education, but can if they choose, fulfil that duty through elective home education.

- 8.3 School admission authorities are required to provide for the admission of all children in the September following their fourth birthday, but flexibilities exist for children whose parents do not feel they are ready to begin school before they reach compulsory school age. Where a parent requests their child is admitted out of their normal age group, the school admission authority is responsible for making the decision on which year group a child should be admitted to. They are required to make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.
- 8.4 There is no statutory barrier to children being admitted outside their normal age group, but parents do not have the right to insist that their child is admitted to a particular age group.
- 8.5 The admissions code allows parents/carers the right to defer their child's admission to a reception class in a school for up to two terms.
- 8.6 The term 'summer born' is used to refer to children born from 1 April to 31 August. These children are not required to start school until a full school year after the point at which they could first have been admitted, and the point at which other children in their age range are beginning year 1. Should the parent wish their child to be admitted to reception, rather than year one, at this point, they may request that they are admitted out of their normal age group.
- 8.7 Paragraph 2.17A of the code requires that, in any circumstance where a parent requests their child is admitted out of their normal age group, the admission authority must make a decision on the basis of the circumstances of the case and in the best interests of the child concerned.
- 8.8 Cabinet is asked to agree the inclusion of the explanatory wording regarding deferred admission to a Reception class for summer born children in Brent Council's Community School Admission Arrangements for 2017/18 as set out below.

The council's policy is for children to be educated within their correct chronological year group, with the curriculum differentiated as necessary to meet the needs of individual children. This is in line with the Department for Education's (DfE) most recent "Advice on the Admission of Summer Born Children", published in December 2014, which states that, "in general, children should be educated in their normal age group, with the curriculum differentiated as appropriate, and that they should only be educated out of their normal age group in very limited circumstances.

If parents/carers believe their child should be educated in a different year group they should submit an application for the 'normal' reception round for their child, and provide supporting evidence from relevant professionals working with the child and family stating why it is in the child's best interest to be placed outside their normal age appropriate cohort. DfE guidance makes clear that "it is reasonable for admission authorities to expect parents to provide them with information in support of their request – since without it they are unlikely to be able to make a

decision on the basis of the circumstances of the case.

For community schools, the council as the admission authority will decide whether the application will be accepted on the basis of the information submitted. Decisions will be based on the individual circumstances of each case including the view of parents, the relevant head teacher(s), the child's social, academic and emotional development and whether the child has been previously educated out of year group. There is no guarantee that an application will be accepted on this basis. If the application is not accepted this does not constitute a refusal of a place and there is no right to an independent statutory appeal. Similarly there is no right of appeal for a place in a specific year group at a school. The internal management and organisation of a school, including the placement of pupils in classes, is a matter for the head teacher and senior leadership of individual schools.

The governing body of schools responsible for their own admissions (academies, voluntary aided, foundation and free schools) are ultimately responsible for making this decision for applications made to their school.

9.0 Method of distance measurement from home to school

- 9.1 It is a requirement of the Admissions Code that the method of measuring the distance between home and school is clearly explained. Cabinet is asked to agree the inclusion of the explanatory wording at paragraph 9.2 below re the 'tie-break distance measurement' within each criterion.
- 9.2 The distance is measured along a straight line from an address point in the property to the address point of the school. The measuring system is an integral part of the admission database produced by Tribal Technology Ltd. The system uses Ordnance Survey maps and address points from the LLPG (Local Land and Property Gazetteer) and is accurate to 1 metre.

10.0 Financial Implications

- 10.1 There are no specific financial implications for this report.

11.0 Legal Implications

- 11.1 The School Admissions Code has been issued under Section 84 of the School Standards and Framework Act. The proposed admission arrangements (appendix 2) and oversubscription criteria (see section 5 and 6) adhere to the requirements of the Admissions Code, revised 19 December 2014.
- 11.2 Admission Authorities are responsible for admissions and must act in accordance with the Code, the School Admissions Appeals Code, other laws relating to admissions and relevant human rights and equalities legislation
- 11.3 As the Admissions Authority for Brent Community Schools the council is required to consult widely on any proposed changes to the admission arrangements and oversubscription criteria for 2017/18. The consultation must be carried out for a minimum of six weeks ending on 31 January

2016. The local authority must finalise (“determine”) admission arrangements for 2017/2018 by 28 February 2016.

12.0 Diversity Implications

- 12.1 In general the admissions policy aims to protect the interests of those who are disadvantaged or vulnerable.
- 12.2 An equalities analysis on the impact of the introduction of children of staff criterion concludes that there would be low impact on equality groups, cohesion and good relations primarily due to the very small percentage of offers that would be made under this criterion (> 0.5% of all offers) The number of places offered under this criterion will be monitored to ensure the impact is as anticipated.
- 12.3 Admission arrangements can be amended annually, subject to fulfilling the required statutory consultation. To ensure there is no unintended negative impact on vulnerable families, appeals, complaints and concerns raised about the arrangements will be monitored carefully by the admissions service. The proportion of children in receipt of the pupil premium in schools will be monitored for adverse impact. If a significant impact is identified consideration will be given to revising the oversubscription criteria for future years.

13.0 Staffing/Accommodation Implications

- 13.1 Introduction of a children of staff criterion is expected to assist schools in the recruitment and retention of staff. There are no accommodation issues contained within this report.

Background Papers

Appendix 1 – Proposed admission arrangements and scheme of coordination for 2017/2018

Appendix 2 – Brent community primary schools & proposed admission numbers for 2017/2018

Appendix 3 - Report of the consultation on proposals to amend the oversubscription criteria for community schools for 2017/2018

Appendix 4 - Schools by ward, pupil premium cohort, Ofsted rating and KS2 attainment Consultation paper and appendices: Consultation on oversubscription criteria for Brent Community Schools for 2017/2018 Entry

Appendix 5 - Equalities Analysis on the introduction of children of staff criterion for Brent community schools

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