

	Cabinet 14 October 2019
	Report from the Strategic Director of Children and Young People
Consultation on Admission Arrangements for Community Schools for 2021/2022	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One: Appendix 1 Proposed Admission arrangements for 2021/22
Background Papers:	N/A
Contact Officer(s): <small>(Name, Title, Contact Details)</small>	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Brian.grady@brent.gov.uk 020 8937 4713

Purpose of the Report

1.0 This reports seeks Cabinet approval to consult on proposed changes to the Admission Arrangements for Brent Community Schools for 2021/22. The changes proposed are:

- a. to refine the wording of the admission oversubscription criteria so that it is clearer and easier to understand;
- b. to introduce a provision for multiple birth children to receive a higher priority for a named school if one of the children has an Education, Health and Care Plan;
- c. to introduce a mechanism for making decisions about applications in situations which are not covered in the arrangements;
- d. to expand the information available within the admission arrangements.

2.0 Recommendations

That Cabinet:

- 2.1 Agrees to carry out statutory consultation on the proposed changes to Community Schools Oversubscription Criteria as set out in section 4.0 of this report, to take effect for the academic year 2021/22. The consultation is as required by the School Admissions Code, revised in December 2014.
- 2.2 Notes that the results of the consultation will be reported back to Cabinet for a final decision on the proposals by February 2020.

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. 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 admission matters. The School 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 Admission Authorities are only required to consult on their admission arrangements if they are proposing any changes, or if seven years have passed since the last consultation. Brent Council last consulted on a change to its admission arrangements in 2018 for the 2020/21 offer year.
- 3.4 Any consultation to amend or maintain admission arrangements must last for a minimum of 6 weeks and must take place between 1 October and 31 January in the determination year (which is the school year immediately preceding the offer year).
- 3.5 Admission Authorities are required to determine their admission arrangements by 28 February in the determination year.
- 3.6 The consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements. As part of the consultation, officers will ensure that the proposed changes are published on the internet, in the local press, circulated to schools, neighbouring local authorities, places of worship, nurseries and children's centres.

4.0 Proposed Changes

- 4.1 The following amendments are proposed to the existing admission arrangements:

- a. to refine the wording of the oversubscription criteria so that it is clearer and easier to understand;
 - b. to introduce a provision for multiple birth children to receive a higher priority for a named school if one of the children has an Education, Health and Care Plan;
 - c. to introduce a mechanism for making decisions about applications in situations which are not covered in the arrangements;
 - d. to expand the information available within the admission arrangements.
- 4.2 No material changes are proposed to the main criteria. However, it is proposed that the wording and format are updated for the purposes of clarity and understanding. The proposed changes include:
- Clarifying the definition of a previously looked after child
 - Clarifying which junior schools use the third criterion 'Linked infant school'
 - Expanding the definition of what would constitute a medical or social need
 - Clarifying the types of acceptable evidence for this criterion
 - Expanding the sources of advice which may be used in assessing these applications
- 4.3 With the increase in children receiving Education, Health and Care Plans, the local authority is receiving more applications from children of multiple birth whose sibling has an Education, Health and Care Plan which names a specific school. It is proposed that these children are automatically categorised against the social/medical criterion (where they do not meet a higher criterion). This will go some way to ensuring that an offer can be made for all children from the multiple birth at the same school (where no higher preference offer can be made).
- 4.4 The admission arrangements are written to cover all eventualities and ensure parents are clear about how an application should be made, and how it will be processed. If a dispute arises which cannot clearly be resolved within the scope of the admission arrangements, admission legislation or other admission guidance, it is proposed that an admission panel is formed to make a clear and consistent decision. This will not affect a parent or carer's right to appeal if they do not receive an offer at one of their preference schools.
- 4.5 Other changes proposed to the admission arrangements include expansion and additions to the supplementary information provided to cover tie breaker scenarios, address validation, multiple addresses and multiple applications, applications from overseas and applications from members of the UK armed forces.
- 4.6 The Schemes of Co-ordination which are normally included with the admission arrangements are written separately and are based on the suggested wording provided by the London Inter Authority Admissions Group (LIAAG). These will be published on the Brent website by 31 December 2019 and will be appended to the Admission Arrangements when they have been determined.

5.0 Financial Implications

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

6.0 Legal Implications

- 6.1 The council as Admission Authority has a duty to undertake consultation on admission policies in order to determine admission arrangements, including admission numbers under Part III of the School Standards and Framework Act 1998 and the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012/8.
- 6.2 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
- 6.3 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. The criterion proposed to be consulted upon to give priority to children previously in state care outside England, is not referenced by legislation or the School Admissions Code 2014, but may be considered for inclusion as the School Admissions Code does not give a definitive list of acceptable oversubscription criteria.
- 6.4 The local authority must determine the Admission Arrangements for 2021/22 by 28 February 2020.

7.0 Equality Implications

- 7.1 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.
- 7.2 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.
- 7.3 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 Admission Criteria ensure fair access to school places. Cabinet

is referred to the contents of this report for further information, in particular section 4.0.

8.0 Consultation with Ward Members and Stakeholders

8.1 The Cabinet member for Education, Skills and Employment has been briefed on the proposed changes set out in section 4.0. All ward members will be consulted on the proposed changes set out in section 4.0.

9.0 Human Resources/Property Implications

9.1 There are no human resources or property implications.

Related Documents

Cabinet report January 2019: Brent Council's School Admission Arrangements for 2020/21

Report sign off:

Brian Grady

Operational Director