



Children and Families Overview and Scrutiny Committee

Thursday 25 March 2010 at 7.30 pm
Committee Rooms 1 and 2, Brent Town Hall
Forty Lane, Wembley HA9 9HD

Membership:

Members

Councillors:

Motley (Chair)
Mrs Fernandes (Vice-Chair)
Arnold
Mistry
J Moher
C J Patel
Tancred

First alternates

Councillors:

Hashmi
Baker
Thomas
Kansagra
R Moher
Bessong
Hirani

Second alternates

Councillors:

Anwar
H M Patel
Mrs Bacchus
H B Patel
Singh
Clues
V Brown

Voting Co-optees

Mr C Akisanya
Mr R Lorenzato
Vacancy
Vacancy

Non-Voting Co-optees

Dr J Levison
Mrs S Tabi

Observers

For further information contact Maureen O'Sullivan, Democratic Services Officer,
0208 937 1357, Maureen.O'Sullivan@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Agenda – reports tabled at meeting

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Verbal update on issues relating to the sufficiency of primary and secondary school places, the numbers of children currently without a school place and measures taken to provide suitable education provision for children out of school.	
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Verbal update on the Building Schools for the Future (BSF) programme, due to start in Brent.	
11 Other urgent business	5 - 8
Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.	



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
 - Toilets are available on the second floor.
 - Catering facilities can be found on the first floor near The Paul Daisley Hall.
 - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

School places verbal update for Scrutiny Committee March 2010

Primary Update

Primary aged children out of school

The pressure on reception places continues with 60 reception aged children without a place on 19th March 2010. The department has been able to offer some children a full time place at a children's centre, and negotiations are underway with children's centres and schools to provide more places with immediate effect. Pressure on places is most severe in Neasden and Harlesden. The majority of applicants have been offered a place, but the offer has been declined as the school offered is not of the family's choice.

	20 th October 09	4 th December 09	10 th February 10	19 th March 10
Year 1	37	23	32	30
Year 2	19	10	10	15
Year 3	20	12	7	15
Year 4	12	4	7	4
Year 5	23	7	6	9
Year 6	4	1	6	0
	115	57	68	73

The council's admissions service is administering the co ordination of applications and offers of places at community schools in all year groups in September 2009, prior to the Department for children Schools and Families (DCSF) requirement to co ordinate applications for all schools from September 2010. This means that from September all applications for all schools in Brent will have to be made to the Local Authority. This will allow the LA to offer places at VA and foundation schools as well as for community schools. The pressure on school places is becoming greater for all primary year groups, not just Reception and Year One. Of the 35 community schools only two, Kensal Rise and Mora have significant numbers of vacancies however; these are in the upper year groups only from year 3 onwards. A number of families newly arriving in Brent are seeking school places for several children across the primary age range – it is not always possible to offer all the children in a family a place in the same school due to a shortage of vacancies.

Reception 2010 applications

3817 applications were received by the closing date of 26th February 2010. Offers will be made on 23rd April 2010.

Secondary update

11+ Transfer for September 2010

Offers were sent out on 2nd March 2010 for on time applications for 11+ transfers for September 2010. The % of applicants securing their first preference school remains in line with recent years at 68%. The co ordination of offers will continue throughout the spring and summer, giving those parents who want them, additional opportunities to secure a place at a school of their preference. The new places available at the Ark Academy have had an impact on the vacancy situation within other schools, and will provide more choice for parents as more schools have vacancies at this stage of the process than in previous years. There will be sufficient capacity in year 7 for September 2010 for all Brent pupils.

Casual in year secondary admissions

The number of children seeking in year admission to secondary schools was higher in 2009/10 and so far this year than in the previous three years. The applications are made up of new arrivals from overseas and children moving into Brent from other London boroughs, and from other parts of the UK. New arrivals have been monitored since January 2006.

Full year figures for secondary aged new arrivals

2006 - 734

2007 - 807

2008 - 777

2009 – 849


2010 – 155

All Brent secondary schools other than Cardinal Hinsley and Crest Boy's Academy are full in all year groups. Cardinal Hinsley has vacancies in all year groups and welcomes children of all faiths however; the majority of new arrivals do not want to attend a Catholic faith school or a boy's only school. Crest Boys Academy has vacancies in year 7 and 8.

Secondary aged children out of school

	20 th October 2009	4 th December 2009	12 th February 2010	19 th March 2010
Year 7	4	9	21	11
Year 8	13	15	17	9
Year 9	8	20	31	11
Year 10	18	23	29	9
Year 11	2	21	20	7
Total	45	88	118	47

The reduced March numbers reflect the recent assessment centre held between 15th to 26th February which resulted in pupils being placed in schools and projects. The next assessment centre will be held 6th – 9th April.

	<p style="text-align: center;">Children and Families Overview and Scrutiny Committee</p> <p style="text-align: center;">25 March 2010</p> <p style="text-align: center;">Report from the Director of Children and Families</p>
For information	Wards Affected: All
Transforming Learning in Brent (BSF)	

1.0 Summary

- 1.1 Building Schools for the Future (BSF) is an ambitious and far-reaching long-term change programme. It offers local authorities in England a once in a generation opportunity to transform educational provision and significantly improve educational outcomes and life chances of children, young people and families.
- 1.2 BSF has one primary focus which is to achieve a step change transformation in educational outcomes for children. Although BSF must deliver state of the art buildings and link into regeneration, sports and community strategies it is first and foremost a catalyst for delivering transformational learning. Although the expectation from central government departments is that BSF will now deliver more than just transforming learning but also play an important part in transforming communities.
- 1.3 Partnership for Schools (PfS) officially launched Brent into the BSF programme on 2nd March 2010. Their strategy for change needs to be submitted to PfS by 14 September 2010.

2.0 Next Steps

- 2.1 Discussions regarding a Joint LEP procurement with Barnet and Enfield have been undertaken. These have resulted in the Joint LEP with Barnet and Enfield not being taken forward- further detail can be provided on the background if required. A paper is to be presented to Executive in June on the possibility of undertaking a joint procurement with other authorities in the BSF programme.

2.2 External advisers are being procured to support Brents BSF programme in relation to: technical advice (including FM and ICT), finance, partnering and legal. These appointments will be along the line of the scope of service set by PfS for the national BSF programme.

2.3 All secondary schools are currently working on developing their school Strategy for Change documents with support from the Council and from the National College for School Leadership.

3.0 **Brent's First Phase**

3.1 BSF is delivered in phases and the Council's agreed first phase is as follows:

- **Alperton:** 100% rebuild with an expansion of 1FE on a single site as an all through school with a 2FE primary school
- **Cardinal Hinsley:** 100% rebuild with an extra 1FE
- **Queens Park:** Refurbishment and remodelling with an expansion of 2FE
- **Copland:** 100% rebuild

This is to be ratified by the external adviser team once in place.

3.2 Funding of around £80m will be provided by the Government to deliver phase 1. The anticipated cost of phase 1 is currently expected to be around £94m. There is a strategy in place to fund the £14m gap and this will be reviewed and ratified by the external advisers once appointed.

Contact Officers

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Director of Children & Families
John Christie

Note for Children and Families Scrutiny Committee

Brent Council's Policy Regarding Admissions for Faith Schools

The Council does not set admissions policies for faith schools. The framework for oversubscription criteria and admission policies for all schools are set out by law in the School Standards and Framework Act 1998 and associated regulations. These regulations state the requirements for admissions to all schools including faith schools. Faith schools are classed as Voluntary Aided schools and are their own individual admission authority. This means the Governors at the school determine the admissions criteria for the school and are responsible for applying their criteria. Faith Schools give priority to pupils based on faith based criteria.

The Local Authority is responsible for setting admission arrangements for all Community schools in the borough and the council is the admissions authority for these community schools. The only community schools in Brent are primary and nursery schools. The admission arrangements for Voluntary Aided and Foundation schools are set by the Governors of the school. In Brent there are 15 secondary schools in the following categories:

4 Academies, 7 Foundation Schools and 4 Voluntary Aided schools

All admissions arrangements set must be consulted upon and determined by 15 April the year before they are due to come into effect, i.e. the admission arrangements that will determine how places will be allocated for places starting in September 2011 have to be determined by 15 April 2010. The legislation changed last year regarding consultations of admission arrangements which means that admissions arrangements only have to be consulted upon every three years unless the admission authority are proposing major changes to the admissions arrangements agreed for the previous year. The duty of the local authority is set out in the School Admission Code of Practice and states:

Local authorities have a duty under section 13A of the EA 1996 (as substituted by the EIA 2006) to ensure fair access to educational opportunity and have a key role in ensuring that school admission arrangements are lawful and comply with the mandatory provisions of this Code. They must ensure that admission arrangements for schools in their area for which they are the admission authority comply with all statutory requirements, are clear, objective and fair.

The Local authority is required to have an Admissions Forum:

Section 85A of the SSFA 1998 requires all local authorities to establish an Admission Forum. Admission Forums provide a vehicle for admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements, consider how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. Their main focus is to consider the fairness of arrangements in their local context. Admission authorities of all maintained schools and Academies, when exercising their functions, must have regard to any advice offered by the Forum. Local authorities may establish a joint

forum with one or more other local authorities to consider and advise on admissions in more than one authority area.

It is important that Admission Forums reflect the needs of their local community. Their membership must reflect the types of schools in the locality: a representative from each faith group represented by schools in the area, parent and community representatives, up to two local authority representatives (as the admission authority for community and voluntary controlled schools), local employers, other representatives e.g. Choice advisers.

The Brent Admissions Forum is made up of Councillors, Headteachers, School Governors, Parent Governors and Diocesan Board Representatives.

The statutory role of the Admissions is:

Admission Forums have a key role in ensuring a fair admissions system that promotes social equity and must, under section 84 of the SSFA 1998, act in accordance with this Code. Part of their role is to advise local authorities and admission authorities on matters relating to school admissions – any advice that they give must then be made available to any person with an interest.

Admission Forums must:

- a) consider how well existing and proposed admission arrangements serve the interests of children and parents within the area of the local authority;
- b) promote agreement on admission issues;
- c) review the comprehensiveness, effectiveness within the local context, and accessibility of advice and guidance for parents by the local authority, both through the published composite prospectus and the delivery of Choice Advice within the area of the Forum;
- d) consider the effectiveness of the authority's proposed co-ordinated admission arrangements, and advise on whether the authority's proposed co-ordinated admission arrangements differ substantially from the previous year;
- e) consider the means by which admissions processes might be improved and how actual admissions relate to the admission numbers published;
- f) monitor the admission of children who arrive in the authority's area outside a normal admission round with a view to promoting arrangements for the fair distribution of such children among local schools, taking account of any preference expressed in accordance with arrangements made under section 86(1) of the SSFA 1998 and in accordance with the Code.
- g) promote the arrangements for children with special educational needs, children in care and children who have been excluded from school;
- h) monitor the effectiveness of local authority Fair Access Protocols and
- i) consider any other admissions issues that arise.

The Jewish Free School's previous policy

Previous JFS policy applied a faith test which was validated by the Office of Chief Rabbi of the United Hebrew Congregation of the Commonwealth (OCR). Applicants completed a Supplementary Information Form which was sent to the OCR who determined whether the pupil was recognised as being Jewish.

Their policy read:

1.1 JFS ('the School') seeks to admit, up to the planned admissions number, children who are recognised as being Jewish by the Office of the Chief Rabbi of the United Hebrew Congregation of the Commonwealth (OCR) and children who are converting to Judaism under the auspices of the OCR (or an authority acceptable to the OCR) and the OCR is satisfied that the child has reached an advanced stage such that completion of the conversion is expected in the course of the school year in which the child would be admitted.

Why/how it was challenged

This was challenged by a family whose son was not offered a place by JFS as the OCR did not consider their child to be Jewish in line with their requirements. Even though the father was considered to be Jewish, the child's mother was not born Jewish. She had undergone a conversion however her conversion was not recognised by the OCR as being valid as it had been undertaken in a non Orthodox Synagogue. The family initially made a formal objection to the Office of the Schools Adjudicator (OSA) in July 2007 the outcome of this initial objection regarding 1.1 of the policy was not successful. The family took the decision of the OSA to court via a Judicial Review. The case was heard in July 2008 and again went in favour of JFS. The family appealed this decision at The Court of Appeal where on 10 July 2009 determined that 1.1 of JFS' admissions policy for 2007/8 was unlawful and the school were instructed reconsider the admission of the appealing families' child.

This decision was challenged by the school and was heard by the Supreme Court in October 2009. The Supreme Court decision was delivered on 16 December 2009. The majority of the judgements upheld the decision of the Court of Appeal.

The Council's stance during the legal battle

The Council were not directly involved in the legal case, but were kept informed of progress as an interested party.

The final outcome

The courts ruled that use of criterion 1.1 is unlawful. (See last paragraph on page 2)

What it now means for JFS and other schools

JFS and other Jewish schools cannot use "children who are recognised as being Jewish by the Office of the Chief Rabbi of the United Hebrew Congregation of the

Commonwealth (OCR) and children who are converting to Judaism under the auspices of the OCR (or an authority acceptable to the OCR) and the OCR is satisfied that the child has reached an advanced stage such that completion of the conversion is expected in the course of the school year in which the child would be admitted.” to determine who is recognised as being Jewish. They have to use a test of practice, similar to that used by other faith schools.

Is there anything we have done or need to do as a result of the final judgement?

Other Jewish faith primary schools in Brent have used very similar if not the same criteria. These schools have been notified and have amended their admissions policies to ensure that they are not unlawful in accordance with the judgement. The Local Authority has ensured that the schools have reworded their policies in accordance with the judgement. The Local Authority will monitor future admission policies and oversubscription criteria to ensure compliance with the judgement.

Mustafa Salih
Assistant Director – Finance & Resources