

	<p align="center"><b>Cabinet</b> 15 October 2018</p>
	<p align="center"><b>Report from the Strategic Director of Children and Young People</b></p>
<p><b>Consultation on Admissions Arrangements for Community Schools for 2020/21</b></p>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Key
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
<b>No. of Appendices:</b>	<p>Four:</p> <ul style="list-style-type: none"> <li>• List of Primary Community Schools in Brent</li> <li>• Oversubscription Criteria for Brent Community Schools in 2019/20</li> <li>• Proposed Primary School Published Admission Number Reductions</li> <li>• Planning Area Map with Consultation Schools</li> </ul>
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b> <small>(Name, Title, Contact Details)</small>	<p>Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Email: <a href="mailto:Brian.grady@brent.gov.uk">Brian.grady@brent.gov.uk</a> Tel: 020 8937 4713</p>

## 1.0 Purpose of the Report

1.1 This reports seeks Cabinet approval to consult on proposed changes to the Admission Arrangements for Brent Community Schools for 2020/21. The changes proposed are:

- a) to reduce the Published Admission Numbers of the primary schools set out in paragraph 4.2 and
- b) to introduce a criterion that gives priority to children previously in state care outside of England and who have ceased to be in state care as a result of being adopted.

## **2.0 Recommendations**

That Cabinet:

- 2.1 Agree 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 2020/21. The consultation is as required by the Admissions Code, revised December 2014.
- 2.2 To note that the results of the consultation will be reported back to the Cabinet for final decision on the proposals in February 2019.

## **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 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 2015 for the 2017/18 offer year.
- 3.4 The current Admissions Arrangements for Brent Community Schools for 2019/20 are included as Appendix 2.
- 3.5 Any consultation to amend or maintain admissions 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).
- 3.6 Admission authorities are required to determine their admission arrangements by 28 February in the determination year.
- 3.7 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) reducing the Published Admission Number (PAN) for primary schools that have seen a reduction in demand over recent years; and
- b) the introduction of a criterion for all community schools to give priority to children previously in state care outside of England and who have ceased to be in state care as a result of being adopted.

4.2 i) All admission authorities must consult where they propose a PAN decrease. It is proposed to reduce the admission number of the schools set out in the table below. The proposed reductions are in response to concerns raised by the relevant schools that their admission numbers are currently too high given recent patterns of demand. Appendices 3 and 4 provide further information on each school.

ii) In all cases the PAN could be increased in the future without a need to consult.

<b>School</b>	<b>Existing PAN (2018/19 and 2019/20)</b>	<b>Proposed PAN (2020/21)</b>	<b>Reception Offers for September 2018</b>	<b>Reception Numbers on roll January 2018</b>
Harlesden Primary School	90	60	58	52
Uxendon Manor Primary School	120	90	102	74

4.3 On 4 December 2017, the Minister of State for School Standards wrote to all local authorities and admission authorities asking them to consider giving priority in their oversubscription criteria to children who have previously been in state care outside of England, and have ceased to be in state care as a result of being adopted. When the opportunity arises, the Minister intends to amend the School Admissions Code (the Code) to ensure that children who were previously in state care outside of England, and have ceased to be in state care as a result of being adopted, also receive the same highest priority for admission into a school in England. Until such a time, local authorities are asked to consider introducing an oversubscription criterion to give these children second highest priority for admission into school, subject to consultation.

4.4 On 6 August 2018 further guidance was issued by the Department for Education providing additional advice on determining eligibility and suggested wording for an oversubscription criterion. It is proposed that this recommended wording is used for consultation purposes:

*Children who appear to Brent Council to have been in state care outside of England and ceased to be in state care as a result of being adopted. A child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.*

- 4.5 On the basis that such children are vulnerable as they may have experienced abuse and neglect prior to being adopted, the Department for Education is of the view that these children should be put on an equal footing for the purposes of admission into school with those children who are looked after and previously looked after by a local authority in England. The Department for Education encourages admission authorities to introduce a priority for such children in their admission arrangements now so that it provides the maximum benefit possible for the children concerned, and until changes are formalised in the School Admissions Code.

## **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 admission arrangements for 2020/21 by 28 February 2019.

## **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 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.

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

- 8.1 As this report affects all wards, consultation with specific ward members has not been conducted. All ward members will be consulted on the proposed changes set out in section 4.0.

**Report sign off:**

**GAIL TOLLEY**

Strategic Director of Children and Young People