

**Open Report on behalf of Debbie Barnes, Executive Director of Children's Services**

Report to:	<b>Councillor Mrs P A Bradwell, Executive Councillor for Adult Care, Health and Social Services</b>
Date:	<b>21 - 26 February 2018</b>
Subject:	<b>School Admission Polices and Co-ordinated Schemes for 2019 Intake</b>
Decision Reference:	<b>I015039</b>
Key decision?	<b>No</b>

**Summary:**

Lincolnshire County Council is required under the School Admissions Code 2014 to formulate and publish a co-ordination scheme in respect of admissions to all publicly funded schools within its area.

The Council, as the Admission Authority for all community and voluntary controlled primary schools within Lincolnshire is also required to consult on any proposed changes to the oversubscription criteria for these schools.

The Council as the Admission Authority for Spalding High School must determine the arrangements for this school, including the separate sixth form admission arrangements.

The Executive Councillor is required by the School Admissions Code 2014 to determine the co-ordinated schemes and the oversubscription criteria and admissions arrangements referred to above and this report provides the necessary detail to enable these decisions to be made.

**Recommendation(s):**

That the Executive Councillor approves the following as the co-ordinated schemes and admissions criteria to take effect from 1 September 2018 and to apply to decisions on applications for the normal year of intake in schools at the start of the school year in September 2019:

- 1) as the Primary co-ordination scheme, the scheme attached at Appendix A
- 2) as the Secondary co-ordination scheme, the scheme attached at Appendix B
- 3) as the oversubscription criteria for community and voluntary controlled Primary schools, the criteria attached at Appendix C
- 4) as the oversubscription criteria for Spalding High School the criteria attached at Appendix D
- 5) as the Sixth Form arrangements for Spalding High School, the criteria attached at Appendix E.

**Alternatives Considered:**

Not to determine the schemes and the admissions arrangements referred to above.

**Reasons for Recommendation:**

Lincolnshire County Council is required under the School Standards and Framework Act 1998, subordinate legislation and Codes to co-ordinate admissions and determine oversubscription criteria where it is the Admission Authority for the school.

The arrangements identified in the Report introduce clarity to the process, are agreed with the relevant schools where appropriate and have not been the subject of any adverse comment in the course of consultation.

If no determined schemes were in place the Council would be in breach of its statutory duties and the Secretary of State could impose schemes which do not reflect local factors.

**1. Background**

The School Standards and Framework Act 1998 (the 1998 Act) provides the statutory framework in respect of school admissions. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) and the School Admissions Code (the Code) provides more detailed provisions as to those duties.

a) Co-ordination of admission arrangements:

Section 88M of the 1998 Act requires a Local Authority to formulate for the academic year a scheme, co-ordinating the arrangements for the admission of pupils to schools within their area. This provision is supplemented by Regulations 26 to 32 of the Regulations and paragraph 2.20 of the Code.

The co-ordinated scheme details how parents can apply for places at schools and the processes to be followed thereafter.

A Local Authority is required to consult on the proposed scheme where it is substantially different from the scheme adopted for the previous academic year. The Local Authority is not required to consult if there are no changes to the scheme save that it must consult on the scheme at least once every seven years.

The proposed schemes for primary and secondary schools (Appendices A & B) were consulted on for 6 weeks beginning on 6 November 2017. The only proposed changes to the schemes related to the calendar for the annual admissions cycle. There were no responses to the proposed schemes consulted on.

As the proposed schemes have previously been consulted upon and comply with the necessary statutory requirements, the Executive Councillor is requested to determine those as the co-ordinated schemes for the primary and secondary intake for the academic year 2019.

b) Admission arrangements/oversubscription criteria:

The Council is the Admission Authority for all community and voluntary controlled schools in Lincolnshire. As the Admission Authority for these schools, the Council is required to consult on changes of principles, for example to add or remove an oversubscription criterion.

The Council commenced consultation on 6 November 2017 with all relevant bodies. The consultation proposed making minor changes to the wording of the faith criteria for certain voluntary controlled schools with the aim of improving their clarity so that parents could more easily understand how the test would be met. The School Admissions Code requires clarity in admission arrangements.

The reason for this proposed change is to respond to challenges arising from the independent appeals process.

The proposed minor wording changes to faith criteria were agreed with the Governors of the affected schools prior to the consultation. With this in mind and because the amendments would, in the view of the Admission Authority, make the faith criteria more clearly compliant with the Code, it is proposed to amend the faith criteria accordingly.

The consultation also proposed that all Community and Voluntary Controlled schools would keep reserve lists for any oversubscribed cohort. The Code requires as a minimum that these lists be kept until 31 December in the normal year of entry. Keeping reserve lists for all oversubscribed cohorts secures that any available places are offered in accordance with the oversubscription criteria as required by the Code.

Finally the consultation proposed that all Community and Voluntary Controlled Schools would admit up to the Published Admission Number (PAN) in all cohorts, making provision to consider refusals below this number in exceptional circumstances. The 1998 Act's requirement to admit up to PAN applies only to the normal year of intake. This proposal was shared with schools before consultation and as a result the Governors of Normanby by Spital Primary School requested that the school's published admission number be adjusted from 12 to 10. The reason for the Governors' request was to secure that the Governors would be able to admit up to PAN in all cohorts, organise the classes as they preferred, and comply with the Infant Class Size Regulations. There were no comments on this proposal and the revised PAN is included within appendix C.

Appendix C contains the proposed oversubscription criteria and PANs for all community and voluntary controlled primary schools. There were no comments received from any other bodies or persons on the proposal to amend the faith criteria or on any other aspect of the arrangements.

c) Admission arrangements for Spalding High School Year 7 and Sixth Form:

As the Admission Authority for this school, the Council is required to consult on the proposed oversubscription criteria for admissions at Year 7. The only proposed change to the oversubscription criteria, agreed with the school before consultation, was to use straight line distance rather than "driving" distance. This change was introduced to the admission arrangements for Community and Voluntary Controlled primary schools from the 2017 intake and proved reliable in operation because it is unaffected by changes to the road network not reflected in electronic mapping data. There were no comments on this proposal.

For the reasons given above it was proposed to keep reserve lists for all oversubscribed cohorts and to admit up to PAN in all cohorts (subject to qualification for a grammar school), there were no comments on these proposals.

Appendix D sets out the proposed oversubscription criteria for Year 7 for Spalding High School.

As the Admission Authority for this school, the Council is required to consult on the proposed oversubscription criteria for admissions to the sixth form.

The proposed changes, agreed with the school prior to consultation, were to revise the required GCSE grades to reflect national changes to GCSE grades from the A\* to G to a 9 to 1 format and to bring all the information on the grades required together in one document; in previous sets of arrangements grade requirements for individual subjects were in the Sixth Form Prospectus. These changes were required for clarity. There were no responses to these proposals.

Appendix E contains the proposed oversubscription criteria for the sixth form provision at Spalding High School.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

\* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic

\* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

\* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

Section 85 of the Equality Act 2010 requires a school to ensure that it is not discriminating against pupils with protected characteristics in the way in which it admits pupils. Applying an oversubscription criterion relating to faith would therefore potentially be unlawful.

However, Schedule 11, Part 2 of the Equality Act 2010 allows schools designated under Section 69(3) of the 1998 Act as schools with a religious character to apply a faith criterion in respect of admission. The voluntary controlled schools where it is proposed to retain faith criteria are all designated and therefore it would be lawful to apply such criteria.

Otherwise the admissions arrangements generally apply across the board regardless of protected characteristics and are not considered to impact differentially on people with a protected characteristic.

#### Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The JSNA and JHWS have been taken into account but are not considered to have any direct implications for the admission arrangements.

## Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

Crime and Disorder considerations have been taken into account but are not considered to have any direct implications for the admission arrangements.

### **3. Conclusion**

The Executive Councillor is asked to consider the contents of the Report and determine the school admission arrangements for academic year 2019.

#### **4. Legal Comments:**

The legal background to the decision is set out in the Report. The recommendations are lawful, consistent with the Policy Framework and within the remit of the Executive Councillor.

#### **5. Resource Comments:**

There are no financial implications arising from the recommendations in this report when making comparisons to existing arrangements.

### **6. Consultation**

#### **a) Has Local Member Been Consulted?**

n/a

#### **b) Has Executive Councillor Been Consulted?**

Yes

#### **c) Scrutiny Comments**

N/A

#### **d) Have Risks and Impact Analysis been carried out?**

See the body of the Report

## e) Risks and Impact Analysis

See the body of the Report

## 7. Appendices

Appendix A	Scheme for Co-ordinated Admissions to Primary Schools 2019-20
Appendix B	Scheme for Co-ordinated Admissions Secondary School Transfers for 2019-20
Appendix C	Admission Arrangements for Community and Voluntary Controlled Primary Schools for 2019 intake
Appendix D	Admission Arrangements for Spalding High School for September 2019
Appendix E	Year 12 (Sixth Form) Admission Policy for Spalding High School 2019

## 8. Background Papers

Document	Location
School Admissions Code	Children's Services

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