

Open Report on behalf of Debbie Barnes OBE, Head of Paid Service and Executive Director of Children's Services

Report to:	Councillor Mrs P A Bradwell OBE, Executive Councillor for Adult Care, Health and Children's Services
Date:	Between 13 - 20 February 2019
Subject:	School Admission Polices and Co-ordinated Schemes for 2020 Intake
Decision Reference:	I017099
Key decision?	No

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 2019 and to apply to decisions on applications for the normal year of intake in schools at the start of the school year in September 2020:

- 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.

To Determine the scheme 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 confirm clarity to the process, are agreed with the relevant schools where appropriate and have not been the subject of substantial 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 but 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 therefore there was no need to consult on the schemes as there are no significant changes.

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 2019-2020.

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.

Appendix C contains the proposed oversubscription criteria and PANs for all community and voluntary controlled primary schools.

The Governors of Cherry Willingham Primary School requested that the schools' published admission number be adjusted from 45 to 30. The reason for the 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 responses to this consultation. As consultations either yielded no results. It is recommended that the reduction in PAN is adopted. The revised PAN is included within appendix C.

The Governors of Barrowby Primary School requested that the LA consult on the reduction of their Published Admission Number from 34 to 30 pupils. The reason for the request was to secure that the Governors would be able to admit up to PAN in all cohorts, organise the classes as they preferred in single year group classes, and to comply with the Infant Class Size Regulations.

There were 25 responses to the consultation, 92% either agreeing, strongly agreeing or with no opinion. An overview of responses, including consideration of the two negative responses is included at Annex F. There were no comments received from any other bodies or persons on any other aspect of the arrangements except the faith Criterion. The use of faith in this way was considered during consultation for the policy for 2019/20 admissions and was adopted as lawful criterion, within the scope of the School Admission Code (2014).

Upon analysis of the financial impact over the next seven years the Governing Body do not feel that this is in the best interests of the school at present due to the unknown impact of Poplar Farm school and the presence of the bulge class within the school. They would like to review this in the future if the school is consistently undersubscribed.

It is recommended that the PAN of Barrowby school is not amended and remains at 34 as it is for now, with a view to reconsider this again in the future.

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 any proposed changes to the oversubscription criteria for admissions at Year 7. There were no proposed changes this year. The Council last consulted on the arrangements in 2017, therefore no consultation is required this year.

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 any proposed changes to the oversubscription criteria for admissions to the sixth form. There were no proposed changes this year. The Council last consulted on the arrangements in 2017, therefore no consultation is required this year.

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 2020.

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

This has not been considered by a scrutiny committee.

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 2020-21
Appendix B	Scheme for Co-ordinated Admissions Secondary School Transfers for 2020-21
Appendix C	Admission Arrangements for Community and Voluntary Controlled Primary Schools for 2020 intake
Appendix D	Admission Arrangements for Spalding High School for September 2020
Appendix E	Year 12 (Sixth Form) Admission Policy for Spalding High School 2020

Appendix F	Collated responses to Barrowby Consultation.
------------	--

8. Background Papers

Document	Location
School Admissions Code	Children's Services

This report was written by Emily Nicholls, who can be contacted on 01522 553304 or Emily.Nicholls@lincolnshire.gov.uk .