

Open report on behalf of Heather Sandy, Interim Director - Education

Report to:	Councillor Mrs P A Bradwell OBE, Executive Councillor: Adult Care, Health and Children's Services
Date:	Between 10 February 2020 and 21 February 2020
Subject:	School Admissions Policies and Co-ordinated Schemes for 2021 Intake
Decision Reference:	I019251
Key decision?	Yes

Summary:

Lincolnshire County Council is required under the School Admissions Code (2014) to formulate and publish a co-ordinated scheme in respect of admissions to all publicly funded schools within its area. This details how applications will be processed to provide clarity for parents, schools and other admissions authorities.

The Council, as the Admission Authority for all community and voluntary controlled primary schools within Lincolnshire is also required to determine the admissions policy 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 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 for 2021 entry to school, to take effect from 1 September 2021 for in year admissions:

- 1) as the Primary co-ordinated scheme, the scheme attached at Appendix A.
- 2) as the Secondary co-ordinated scheme, the scheme attached at Appendix B.

- 3) as the admissions policy for community and voluntary controlled Primary schools, the arrangements attached at Appendix C.
- 4) as the admissions policy for Spalding High School, the arrangements attached at Appendix D.
- 5) as the Sixth form admissions policy for Spalding High School, the arrangements attached at Appendix E.

Alternatives Considered:

- 1) Not to determine the schemes and the admissions arrangements referred to above.
- 2) To determine the admissions policy unchanged from 2020 entry, with the only amendments relating to dates.

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 admissions policies where it is the Admission Authority for the school.

The scheme and 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.

If the Council determined the policy unchanged (aside from dates) this would be outdated with how UK armed forces personnel are accommodated and would likely result in more frequent school moves for these children or an increase in appeals heard for these pupils which can cause uncertainty and be time consuming for these families.

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 (LA) 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. The only change to these schemes (except dates) was to insert information about parental disputes and multiple offers.

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.

A 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 with schools and neighbouring LA's for 6 weeks between 22 November 2019 and 3 January 2020. As already indicated, the only proposed changes to the schemes related to the calendar for the annual admissions cycle and the additional clarification for those with multiple offers and when parents are in dispute. There were no comments to the dates in the scheme, nor the additions and amendments. Other LA's (Leicestershire and North East Lincolnshire) responded to the consultation to acknowledge the consultation so they are aware it took place.

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 2021.

b) Admission arrangements

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 reduce a school's Published Admission Number (PAN) or add or remove an oversubscription criterion. The only change to the policy is the alteration to PANs and the process for Armed Forces applicants.

The formal consultation was undertaken from 22 November 2019 to 3 January 2020 and proposed making changes to the published admission number for some schools and amendment to the process for children of UK armed forces personnel and returning crown servants. Details of these two aspects of proposed changes are as follows:

Published Admissions Number changes

Bardney Church of England Primary

The proposed policy contains an increase in PAN at this school from 20 to 30. The governing body is confident that there is sufficient space to cope with the increased cohort and wish to formally increase the PAN to 30. This will allow them to remove mixed age teaching as the increased cohort moves through the School. There is no requirement to consult on an increase in PAN so opinions were not sought on this matter unless interested parties included this in general responses. There were no comments on this increase. It is therefore recommended that this is adopted.

Helpringham Primary School

Governors' request was to reduce the PAN from 25 to 20 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, whilst running less classes. Sufficiency studies suggest that there are sufficient places in the area to accommodate this amendment. There were no comments on this proposal and the revised PANs are included within Appendix C.

Tetford – Edward Richardson School

Governors' request was to reduce the PAN from 17 to 15 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. Sufficiency studies suggest that there are sufficient places in the area to accommodate this amendment. There were no comments on this proposal and the revised PANs are included within Appendix C.

Grantham – Gonerby Hill Foot School

Governors' request was to reduce the PAN from 50 to 40 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. Sufficiency studies suggest that there are sufficient places in the area to accommodate this amendment. There were two comments on this proposal both strongly agreeing with the increase. The revised PANs are included within Appendix C.

UK Armed Forces applicants and returning crown servants

Appendices C and D contain an amendment to the process for children of UK armed forces personnel and returning crown servants. The LA is committed to removing disadvantage for children of UK armed forces personnel in line with the military covenant and an amendment to this policy aims to bring this more in line with the military covenant and the School Appeals Code (2012).

The amendment clarifies that parents must have a posting order 'to the UK', rather than 'to the area' in order for an address in Lincolnshire to be accepted and used to consider the application in advance of a move. There is no change to practices but it is intended to provide clarity for parents and schools. The previous definition often does not allow children to secure places in schools close to home in advance of a move if residing in private accommodation so this is intended to provide clarity for those applicants. Those without a posting to the UK will still be able to apply but

their current address will be used when considering the school's oversubscription criteria and they will not be offered an alternative if their preferences are unable to offer until they arrive.

The amendment removes the requirement for parents to be moving onto a quartering address or use the forces unit as the accepted address. Under previous versions of the policy applicants have not been forwarded to schools to be considered above PAN if they have moved into private accommodation rather than forces accommodation. It could be argued that this is not in the spirit of the covenant as these children are still impacted by frequent school moves. Due to changes in the way that armed forces personnel are accommodated (known as future accommodation model), Lincolnshire County Council risks having a policy which, although lawful, does not fit with military practice and therefore does not have the intended consequence in line with the military covenant.

The amendment removes the requirement for a posting order to be provided in order for a school to consider whether it can offer a place to a forces child when they have reached their published admissions number and therefore are technically full. The school has the ultimate decision whether to offer a place in this circumstance (as they do currently) and there is no requirement that they do offer an additional place. The removal of the requirement to have a posting is more in line with the requirement of the Appeals Code (2012) which allows for additional places to be granted purely if the child has a parent who is a serving member of the armed forces without reference to a posting. This removal of a requirement for a posting order does not extend to allowing the parent to use a Lincolnshire address in advance of the move. Any application will be based on their current address until they move unless accompanied by an official posting.

There were no responses to the consultation concerning the changes to the way these applications are processed.

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

As the Admission Authority for this school, the Council is required to determine the admissions policy for admissions to year 7 and the separate policy for the sixth form. Appendix D contains the proposed admissions policy for the school and Appendix E contains the proposed admissions policy for the sixth form.

The Council consulted with appropriate parties within the same timescale outlined above to alter the policy to allow greater flexibility for applicants from children of UK armed forces personnel in line with other maintained schools. There were no responses to this proposal.

The only alteration proposed for the sixth form policy from its last determination is to change the courses offered to reflect availability. There was no legal requirement to open consultation on this policy for this amendment to be implemented so opinions have not been sought.

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. The changes from the 2020 policy to alter the way applications for children of armed forces personnel are processed is not related to a particular protected characteristic.

The Equality Impact Analysis is attached at Appendix F.

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

This report sets out for approval the following co-ordinated schemes and admissions criteria for 2021 entry to school, to take effect from 1 September 2021 for in year admissions:

- the Primary co-ordinated scheme (Appendix A)
- the Secondary co-ordinated scheme (Appendix B)
- the admissions policy for community and voluntary controlled Primary schools (Appendix C)
- the admissions policy for Spalding High School (Appendix D)
- the Sixth form admissions policy for Spalding High School (Appendix E)

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 The Local Member Been Consulted?

Yes

b) Has The Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This decision is to be considered by the Children and Young People Scrutiny Committee on 17 January 2020. The comments of the Committee will be provided to the Executive Councillor.

d) Has a Risks and Impact Analysis been carried out?

See body of report.

e) Risks and Impact Analysis

See body of report.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Scheme for Co-ordinated Admissions to Primary Schools for 2021-2022
Appendix B	Scheme for Co-ordinated Admissions to Secondary Schools for 2021-2022
Appendix C	Admission Arrangements for Community and Voluntary Controlled Primary Schools for 2021 intake
Appendix D	Admission Arrangements for Spalding High School for September 2021
Appendix E	Year 12 (Sixth Form) Admission Policy for Spalding High School 2021
Appendix F	Equality Impact Analysis

8. Background Papers

Document title	Where the document can be viewed
School Admissions Code	Children's Services

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