

SCHOOL ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS ACADEMIC YEAR 2020-21 AND SCHOOL ADMISSION APPEAL ARRANGEMENTS FOR ALL ADMISSION AUTHORITIES FINANCIAL YEAR 2019-20 – 2020 ONWARDS

To: **Children and Young People Committee**

Meeting Date: **13 November 2018**

From: **Executive Director: People and Communities**

Electoral division(s): **All**

Forward Plan ref: **Not applicable** *Key decision:* **No**

Purpose: **To advise the Committee of the proposed admission arrangements for the 2020/21 academic year for Community and Voluntary Controlled Schools for whom the Local Authority (LA) is the admission authority.**

To seek Committee's approval to proposed changes to provision of, and funding arrangements for, a school admission appeals service for all admission authorities in Cambridgeshire for implementation effective from the 2019/20 financial year.

Recommendation: **The Committee is asked to:**

- a) approve the proposed changes to admission arrangements for Community and Voluntary Controlled Schools for the 2020/21 academic year for inclusion in the Authority's annual consultation which commences on 19th November 2018;**
- b) consider the options appraisal for the provision of, and funding arrangements for a Cambridgeshire's School Admission Appeals Service; and**
- c) approve Option 1 (as detailed in Appendix 8) for implementation for the 2019/20 financial year.**

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1. BACKGROUND

1.1 School Admission Arrangements

The School Admissions Code ('the Code'), issued under Section 84 of the School Standards and Framework Act 1998, imposes mandatory requirements in relation to the admission of children to school on the Local Authority (LA), as the admission authority for community and voluntary controlled schools in Cambridgeshire.

1.2 The purpose of the Code is to ensure that all school places are allocated and offered in an open and fair way. "In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated." (Para 14 of the Code)

1.3 **Appendix 1** is an excerpt from the Code on "How Admissions work". Appendices 2-5 relate to admission arrangements referenced later in this report.

1.4 Charging for School Admission Appeals

The School Admission Appeals Code ("the Appeals Code"), issued under Section 84 of the School Standards and Framework Act 1998, imposes mandatory requirements in relation to the appeals lodged against a decision to refuse the admission of a child to a school. The LA is responsible for arranging appeals as the admission authority for community and voluntary controlled schools in Cambridgeshire. This is currently provided as a free service.

1.5 Own admission authority schools (Voluntary Aided, Foundation and Academies) are able to buy the following services from the LA:-

- All work undertaken in preparation for the Appeal hearing in compliance with the School Admissions Appeals Code
- Presentation of the case against admission at the independent appeal hearing,
- Clerking of the appeal hearing
- The presence of a legal advisor at the appeal hearing
- Communication with parents after the appeal hearing
- Response to any subsequent complaints lodged by the family

Democratic Services, working with the school admissions team to ensure the independence of the process, book meeting rooms and liaise with panel members for each appeal scheduled. Clerking of the appeal hearing is undertaken through a commissioned arrangement, currently, with LGSS Law. **Appendix 6** details the current charges made to own admission authority schools for this service

1.6 Currently only 1 secondary school chooses not to use the appeal service provided for any admission rounds. A further 5 secondary schools, those who choose to manage their own in year admissions, are unable to use the service for appeals as the LA has not been involved in the decisions leading up to the refusal of a place.

2. MAIN ISSUES

2.1 School Admission Arrangements

The LA publishes the proposed admission arrangements for admission to all community and voluntary controlled schools in Cambridgeshire each year as part of its annual consultation process. These have remained essentially unchanged for many years, apart from where legislative changes have dictated otherwise. The determined arrangements for admission to LA admission authority schools in September 2019/20 are shown in **Appendix 2**.

2.2 Proposed Changes to Oversubscription Criteria

Children who have previously been in state care outside of England

2.2.1 The Minister of State for School Standards wrote to all LAs and admission authorities on 4 December 2017 (**Appendix 3**) concerning priority being given 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 in their oversubscription criteria.

2.2.2 Further guidance regarding this proposed change was issued by the Department for Education (DfE) in August 2018, (**Appendix 4**) with the express intention that all admission authorities will make this change as part of the annual consultation process for admission to schools in September 2020/21, the earliest opportunity for this change to be made.

2.2.3 Initial indications from Virtual School colleagues indicate that this will change will apply to extremely small numbers of children across Cambridgeshire. It is proposed, therefore, to include this within the oversubscription criteria for Community and Voluntary Controlled Schools effective from September 2020, in advance of a legislative requirement to do so. Officers will be recommending all own admission authority schools in the County to do the same.

2.3 Out of Catchment Children

2.3.1 The LA currently gives priority to out of catchment area children who have applied for and been refused a place at their catchment school. This does not align with the LA Home to School Transport Policy, which states that transport will be offered to the next nearest alternative school with a place available from the home address of the child. This can cause confusion for parents when the preference can be met, but the child does not qualify for free transport under the LA's policy as a place could have been offered at a nearer school to the child's home address. It is proposed, therefore, to remove this criterion from the current admission arrangements.

2.4 Children of School Staff

2.4.1 Peterborough City Council, currently gives priority to the children of staff before the admission of children from out of catchment within their admission arrangements, in recognition of recruitment difficulties. Cambridgeshire does not, although many own admission authority schools in the county now do. Recruitment of staff can be difficult in some areas of the county and it is proposed, therefore, to align policies across the two LAs. This will result in the inclusion of an over-subscription criterion which gives priority for the admission of the children of members of staff, provided that they have

been employed for a minimum of two years and/or are recruited to fill a vacant post, for which there is a demonstrable skills shortage.

2.5 The proposed arrangements for admission to Community and Voluntary Controlled schools in Cambridgeshire, taking account of the proposed changes in 2.4, 2.5 and 2.6 is shown in **Appendix 5**.

2.6 **Charging for School Admission Appeals**

As stated in section 1.5, Cambridgeshire charges own admission authority schools who wish to use its appeals service. This arrangement has been in place for several years and has never been challenged. However, some recent correspondence (**Appendix 7**), shared by a colleague in a neighbouring LA, suggests that as a result of a change to Department for Education (DfE) Operational Guidance, it will no longer be possible to differentiate between own admission authority schools and those for which the LA is the admissions authority (Community and Voluntary Controlled Schools).

2.7 As own admission authority schools will have already made buy-in decisions regarding the school admission appeals service before the end of the last academic year, the earliest any change could come into effective would be for the start of the 2019 financial year.

2.8 The table below shows the number of appeals lodged and heard over the last four years and the total cost of delivering the appeals service in those years.

<i>Academic Year</i>	<i>No of appeals lodged</i>	<i>No of appeals heard</i>	<i>Total cost of service</i>
<i>2014/15</i>	<i>721</i>	<i>486</i>	<i>£128,590</i>
<i>2015/16</i>	<i>812</i>	<i>471</i>	<i>£105,602</i>
<i>2016/17</i>	<i>711</i>	<i>480</i>	<i>£109,031</i>
<i>2017/18</i>	<i>606</i>	<i>476</i>	<i>£105,711</i>

2.9 Officers have identified three possible options in response to the DfE letter attached as Appendix 7. The options appraisal is set out in **Appendix 8**. Officers' view is that Option 1 would provide the best means of securing a fair, independent and consistent school admissions appeals service for Cambridgeshire families irrespective of the status of the school at which they are seeking a school place.

2.10 Taking an average of the last four years it has been identified that an amount of £110,000 would be sufficient to enable the delivery of appeal services to all schools in the next financial year as described in Option 1. It is proposed that this amount would be found within the overall available Central Services School Block (CSSB), including any uplift received, without the need to ask schools for additional funding or any anticipated impact on any other services/budget. If approved by Committee this will be recommended to the School Finance Forum in January for adoption effective from the start of the 2019/20 financial year.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

3.3 Supporting and protecting vulnerable people

This is a pre-emptive change to LA policy to support priority for the admission of a vulnerable group of children to school, prior to the legislative change required to amend the Code.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

Should the LA choose not to continue to provide this service to own admission authority schools as set out in Option 1 there will be resource implications across a number of services

With an increasing number of academy conversions year on year, there will be a reducing number of LA maintained schools for whom we would be legally required to provide an appeal service. Within Education this would call into question the need for a full-time Education Admission Appeals and Fair Access Officer in the future.

A reduced number of appeals would see a reduced requirement for appeal panels to be convened. This would reduce the role of officers in Democratic Services who currently set up the appeals hearings and liaise with panel members. Additionally, a reduced number of hearings will dilute experience and knowledge within the existing pool of panel members, which could impact on their ability to undertake the role effectively.

There would also be an impact for colleagues in LGSS Law Ltd who currently provide clerking services to the appeal hearings through a Service Level Agreement with the Admissions Team.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

There are no significant implications within this category

4.3 Statutory, Legal and Risk Implications

This is a pre-emptive change to a legislative change we have been advised will follow at the earliest opportunity available to the DfE.

4.4 Equality and Diversity Implications

There are no significant implications within this category

4.5 Engagement and Communications Implications

This proposed changes will be published as part of the 6 week consultation process which will take place between Monday 19th November and Friday 16th January 2019. A decision on whether to proceed to implementation will need to be taken by 28 February 2019 and the resulting determined admission arrangements for 2020/21 published on the Council's website.

4.6 Localism and Local Member Involvement

All schools and other interested parties are invited to respond to the annual consultation process. All schools will have the option not to use the Appeals Service delivered by the LA.

4.7 Public Health Implications

There are no significant implications within this category.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Martin Wade
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by Finance?	Yes Name of Financial Officer: Paul White
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Shahin Ismail
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Jon Lewis
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Jo Dickson
Have any localism and Local Member involvement issues been cleared by your Service Contact?	Yes Name of Officer: Jon Lewis
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Tess Campbell

Source Documents	Location
School Admissions Code	https://www.gov.uk/government/publications/school-admissions-code--2