


Cabinet 5 February 2014	 TOWER HAMLETS
Report of: Robert McCullough Graham Corporate Director (Education, Social Care and Wellbeing)	Classification: Unrestricted
Determination of School Admission Arrangements for 2015/16	

Lead Member	Councillor Oliur Rahman, Cabinet Member for Children's Services
Originating Officer(s)	Terry Bryan, Head of Pupil Admissions and Exclusions Anne Canning, Service Head, Learning and Achievement
Wards affected	All wards
Community Plan Theme	A Prosperous Community
Key Decision?	Yes

Executive Summary

This report presents recommendations for Cabinet to agree the Council's school admission arrangements for Tower Hamlets Community Schools and for those schools for whom the Council acts as the admission authority.

Recommendations:

The Mayor in Cabinet is recommended to:

- **Agree** the arrangements and oversubscription criteria for admission to Community Nursery Schools/Classes in 2015/16, as set out in Appendix 1.
- **Agree** the arrangements, oversubscription criteria and catchment areas for admission to Community Primary Schools in 2015/16, as set out in Appendices 2 and 3.
- **Agree** the arrangements and oversubscription criteria for admission to Community Secondary Schools in 2015/16, as set out in Appendix 4.
- **Agree** the scheme for co-ordinating admissions to Reception Year of primary school and Year 7 of secondary school for 2015/16, as set out in Appendix 5.
- **Agree** the scheme for co-ordinating 'In-Year' Admissions for 2015/16, as set out in Appendix 6.
- **Agree** the planned admission number for each School in Tower Hamlets in 2015/16, as set out in Appendix 7.

1. REASONS FOR THE DECISIONS

- 1.1 The Council decides and implements its school admission arrangements through local consultation, enabling it to fully understand and meet circumstances in its area. In doing so, the Council seeks to provide a clear framework intended to ensure arrangements are lawful, reasonable and minimise delay to children accessing education.
- 1.2 The Council is particularly concerned that its school admission arrangements should promote and enable fair access to educational opportunity, secure choice and diversity as well as respond to parental and community representation. The proposed schemes, consultation and recommendations in this report are consistent with the Council's statutory duties as set out in the most recent School Admissions Code.
- 1.3 The Council is addressing the rising need for school places and ensuring that both its school admission and school place planning arrangements work in harmony. An additional 285 primary school places have been created since 2008 and a further 90 primary places have so far been agreed for September 2014. The co-ordination of arrangements together with school catchment areas provide a framework to plan the provision of school places more coherently, taking account of existing and future school locations; travelling distance; pupil migration and changes in neighbouring boroughs.

2. ALTERNATIVE OPTIONS

- 2.1 The Council has a statutory duty to determine arrangements for admission to its community schools and to formulate a complying scheme for co-ordinating admissions at the main points of entry (i.e. reception, Year 3 for junior schools and Year 7 for transfer from primary to secondary school). If Cabinet fails to take such action the Council would be acting contrary to the law.
- 2.2 The recommendations in this report have been prepared with regard to the need for arrangements to be clear, objective and fair. Due consideration has been given to alternative admission arrangements, but any alternative action could lead to inequality and leave the Council open to legitimate complaint and legal challenge. If Cabinet wished to consider adoption of alternative arrangements, then full consideration would need to be given to the guidance provided in the report, particularly as to the legal requirements.

3. DETAILS OF REPORT

- 3.1 A Local Authority must consult on its school admission arrangements every seven years, unless it is proposing changes. Last year the Council, following consultation, made minor alterations to its primary school admission arrangements to take effect for admissions in 2014/15. The significant changes proposed for 2015/16 concern the arrangements for admission to community nursery schools/classes and the priority admission (catchment) areas for primary schools. These are explained in paragraphs 3.4 to 3.6.

- 3.2 Between 1st of November and 30th December 2013 the public and key stakeholders were consulted on the proposed changes and the arrangements that were previously determined. The consultees included parents, schools, and community organisations. A number of communication channels were used to engage stakeholders. There were advertisements and press releases in community newspapers and other publications, including the East End Life newspaper, Bangla Times, Sylheter Khabor, Janomot, London Bangla and Bangla Mirror. Publicity on Council's websites and electronic noticeboards in Libraries, One Stop Shops, Ideas Stores, schools and other Council and Community buildings throughout the borough. A special event was held with the parents of Chisenhale Primary School and views sought from school headteachers and governing bodies through Headteachers Bulletin, forums and meetings. A report and analysis of the responses to the consultation, is attached as **Appendix 8**. The responses are also referred to in this report.
- 3.3 The Tower Hamlets School Admission Forum, which discussed the proposals in detail at its meeting on 11th December 2013, has endorsed all the recommendations in this report. The Forum's approval is extremely important, given that it is representative of all the key stakeholders in the admission process, including parents, schools, community organisations, diocesan bodies and the Council of Mosques.
- 3.4 Nursery School Admissions Arrangements – The Council proposes to bring its nursery admission policy in line with arrangements for primary school admissions. To ensure consistency in the way places are offered and that, where possible, children attend their nearest school. The proposals include:
- The introduction of priority admissions (catchment) areas for nursery schools/classes and a new tie-break criterion, which gives priority to families in the catchment area for whom it is their child's nearest nursery school. The proposed nursery oversubscription criteria and catchment areas are attached as **Appendix 1**.
 - A Common Application Form – capturing all relevant information to determine admission under the new policy.
 - Single closing date and borough wide offer day - in response to views from schools/nurseries the proposal was to introduce a standard closing date for all nursery applications and to announce all offers on the same day. This will ensure that as many families as possible receive a nursery offer at the earliest stage.
 - Criteria to determine priority for either a full-time or part-time place – to enable this area of the policy to be applied fairly and consistently, ensuring that priority is given according to the child or family's particular needs.
- 3.5 From 14 respondents to the consultation the majority agreed with the proposals for a common nursery application form, single closing date and the criteria to determine a child's priority for a full or part-time nursery place. Respondents were split equally between whether or not they agreed with the proposed nursery catchment area and admission arrangements. Those who disagreed felt that catchment areas giving priority for children for whom the school is nearest, would limit their options if the preferred school was not the nearest. Those in favour felt that bringing the nursery arrangements in line with primary schools would ensure continuity, minimising the disruption to a child's education by having to change schools between nursery and reception.

- 3.6 The Council recognises the concern that catchment areas and a tie-break criterion, based on the nearest school might limit parental choice. However, the overriding aim is to create a pattern in admissions that help to ensure a more even distribution across the available school place provision. Giving all families fair opportunity to access a nearby school. The use of geographical obstacles (i.e. major roads or canals) as the catchment area boundaries also enables safer walking journeys. It is, perhaps, inevitable that catchment areas designed in this way will limit the opportunities for families who wish to seek admission to a school outside of their catchment area, particularly if the school is a significant distance away from their home. However, Catchment areas can ensure that families, who are not offered a place at their preferred school(s), also have access to an alternative that is within reasonable walking distance to their home.
- 3.7 Primary School Admission Arrangements – The early outcomes of the primary school catchment system introduced last year has been positive with a higher proportion of children gaining a place at a local primary school. However, there will still be the need to make periodic modifications to the school catchment areas, in recognition of the rising pupil population and planned school developments.
- 3.8 The particular focus in the recent consultation was on proposed changes to the catchment areas in Bow and Poplar, to take account of expansions to Stebon and Woolmore Schools in September 2014, the change to enable St Paul's Way Trust to cater for primary pupils from September 2014, and the proposed expansion of Olga Primary School in September 2016. The proposal was to remove the catchment area currently known as Area 3 (Bow South) and replace it by expanding both of the catchment areas currently known as Area 2 (Bow North) and Area 4 (Poplar). This would reduce the number of primary school catchment areas from seven to six and would give families in the Bow and Poplar areas more choice as well as opportunity to access a nearby school.
- 3.9 The consultation took the opportunity to reaffirm the changes made to the tie-break criterion for admission to primary schools last year. In the event of oversubscription within a school catchment area priority is given to children for whom the school applied for is their nearest school and then to children who live nearest to the school by the shortest walking distance. The tie-break gives precedence to families for whom the school is their nearest school, regardless of whether or not other applicants live closer. It seeks to ensure an equal opportunity for those families living in parts of the borough not served by local schools. The proposed primary admissions arrangements and a map detailing the catchment area changes are attached as **Appendices 2 and 3**.
- 3.10 The significant majority of respondents to the consultation agreed with both the existing primary school admissions criteria and the tie-beak criterion. They also agreed with the proposed changes to the catchment areas for Bow and Poplar. The Council recognises the concern for parents to be clearly informed about which school is their nearest and which schools are likely to be oversubscribed prior to making their application. The Council will therefore consult with parents on how this information can be made more accessible.

- 3.11 It is recommended that Cabinet agrees the school admission criteria and the revised catchment areas for admission to community primary schools for 2015/16 school year, as set out in Appendices 2 and 3 to this report.
- 3.12 Secondary School Admission Arrangements There are no proposals to alter the existing arrangements and oversubscription criteria for admission to secondary schools, which are set out in **Appendix 4**. The enlargement and change of character of Bow School necessitated the use of transitional arrangements to deal with admissions to Year 7. These were presented separately to Cabinet on 10 April 2013 and agreed by the Mayor. Under normal admission arrangements and taking account of equalities duties, it is not possible to restrict or cap the number of places in a mixed school for either gender. However, where the intention is to support the school with the change of character, transitional arrangements are able to assist the promotion of a balanced roll of boys and girls over time.
- 3.13 For four years from September 2014, girls will only be admitted to Bow School at Year 7, until the year groups have both girls and boys. The Year 7 places will be designated equally with 135 places for girls and 135 places for boys. The places will be filled in this priority order:
- Pupils who apply from each gender will be considered in accordance with banding arrangements and the admissions criteria for community schools up to a maximum of 135 places for boys and 135 places for girls. This may mean that some pupils may be initially refused a place because the target number for that gender has been filled.
 - Any places remaining after national offer day and applications received outside the normal point of entry will be filled in accordance with the admission criteria regardless of gender.
 - After September 2018, the school will operate the normal admission arrangement for community schools in Tower Hamlets.
- 3.14 In response to concerns from secondary headteachers about the potential for an increased gender imbalance in mixed schools, the Authority is undertaking a modelling exercise to consider the likely impact and how secondary admission arrangements could be modified to promote a better gender balance. Any modifications will need to take account of projected capacity requirements and the necessary equalities legislation.
- 3.15 The consultation enabled respondents to raise an issue about the accessibility of local secondary school places for children in the Bow North area. The increasing pupil population and the relocation of Bow Secondary School has led to concern from Bow North residents that there will be limited opportunity to access a nearby secondary school place at secondary transfer. It was proposed that the Council consider implementing a designated priority admission area for a nearby secondary school, such as, Morpeth, or that the 'nearest school' tie-break criterion was introduced for secondary school admissions. This would alleviate the problem for families living in Bow North, given that their distance from the preferred nearby secondary school was generally further away than other applicants at secondary transfer.
- 3.16 In recognition of this concern the Council has therefore decided to carry out an ancillary review of secondary transfer outcomes, further considering the impact of Bow School's relocation for children in the Bow North area. This is with a view to consulting on the introduction of a priority admission area for Morpeth School in 2016/17.

- 3.17 It is recommended that cabinet agree the arrangements and oversubscription criteria for admission to Community Secondary Schools in 2015/16, as set out in Appendix 4.
- 3.18 Co-ordinated Admission Schemes - The Local Authority is responsible for administering a co-ordinated scheme for all Tower Hamlets schools, including academy and free schools. The purpose is to ensure that (as far as is reasonably practicable) every child receives an offer of a school place as early as possible. For admissions to the reception year and Year 7 of secondary School the process and timescales have not altered from the previous year. They are in line with national closing and offer dates and the procedures for cross-borough applications to be made through the home local authority.
- 3.19 The proposed co-ordinated schemes Reception and Year 7 admissions are set out in **Appendix 5**.
- 3.20 There is no longer a statutory requirement to co-ordinate the admission of children to school outside the normal points of entry i.e. reception and Year 7. However, the Authority recognises that co-ordinated admissions provide the most effective way for ensuring that children out of school are tracked and placed as quickly as possible. This safeguarding element has been a particular strength of in-year co-ordination since its introduction and the Authority will therefore continue to co-ordinate in-year admissions as a maintaining local authority and in accordance with the proposed scheme set out in **Appendix 6**.
- 3.21 The significant majority of respondents agreed with the proposed schemes for co-ordinated admissions in 2015/16. It is recommended that cabinet agrees the arrangements, as set out in Appendices 5 and 6.
- 3.22 Planned Admission Numbers - The proposed planned admissions number (PAN) for schools in Tower Hamlets for the 2015/16 year of entry is attached as **Appendix 7**. Cabinet's attention is drawn particularly to those schools where proposed changes are indicated. These changes reflect the demand for school places in those areas.
- 3.23 The Authority must consult annually on the PAN for its community schools and a school can ask for its PAN to be raised. If the Authority refuses the matter can be referred to the School Adjudicator, and the assumption will be that the school will be allowed to raise its PAN. Particularly, a school that is rated by Ofsted as good or outstanding.
- 3.24 Own Admission Authority Schools (i.e. academies, free schools, foundation, voluntary aided and trusts) are not required to consult on any proposal to increase their PAN. In the light of this schools/academies may not notify the Council of changes to their admission number until after their admission arrangements have been determined in April 2014.
- 3.25 The significant majority of respondents agreed with the planned school admissions number for 2015/16. It is recommended that cabinet agrees the arrangements, set out in Appendix 7.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report informs Cabinet of the proposals for determining the admission arrangements to community and voluntary controlled nursery, primary and secondary schools in Tower Hamlets for 2015/16.
- 4.2 The capital consequences of the growing number of pupils in schools have already been advised to Cabinet and have been reflected in the Council's capital programme so far as resources permit. There are no revenue financial implications for future years in respect of pupil numbers which are fully funded by the Dedicated Schools Grant. This is with the exception of the costs of home-school travel which have arisen through previous patterns of school place provision and admissions policies.
- 4.3 The recently introduced changes to catchment areas are expected to reduce the number of primary aged pupils whose travel distances exceed two miles. Currently, the authority meets the costs of home-school travel for such pupils; budget provision in 2013/14 is £0.910m. The report refers to the new catchment areas providing more children in local schools. So, these changes will assist in delivering savings in transport costs that have already been agreed as part of the budget for 2014/15 and beyond (-£20k 2014/15 and a further -£70k for 2015/16). In the longer term, it may be possible to achieve greater savings. Changes in patterns of admission, however, may take many years to embed, as pupils already in school may not move until secondary school. Home to school services are provided by the Council's own in-house Transport Service and officers will need to work closely to ensure that the Council's costs are managed downwards as demand falls. Officers will need to keep this under review for the service and resource planning processes for future years.

5. LEGAL COMMENTS

- 5.1 The Council is the admission authority for all community and voluntary controlled schools in Tower Hamlets. The Council is responsible for administering the co-ordinated scheme for all Tower Hamlets schools, including academy and free schools.
- 5.2 Section 88C of the School Standards and Framework Act 1998 requires the Council in its role as admission authority to determine the admission arrangements that will apply in line with regulations (currently, the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 ("*the Admission Regulations 2012*") and the mandatory requirements of the School Admissions Code.
- 5.3 The Council is required, as an admission authority, to set ("determine") admission arrangements annually by 15 April every year, even if the arrangements have not changed from previous years (Regulation 17 of the School Admission Regulations). Once the Council has determined its arrangements it must notify the appropriate bodies, set out in the Code, and must publish a copy of the determined arrangements on its website by 1 May in the determination year for the whole offer year, for any school or Academy in Tower Hamlets (Regulation 18 of the School Admission Regulations).

- 5.4 Where changes are proposed to admission arrangements, the Council must first publicly consult on those arrangements. For admission arrangements for the academic year 2015/ 2016 consultation must commence no earlier than 1st November 2013. Consultation must last at least 8 weeks and be completed no later than 1st March in the determination year (by 1 March 2014). During consultation the Council must publish its proposed admission arrangements on its website and send copies on request to specified people and bodies.
- 5.5 Section 3 of the Report (and the appendices referred to) sets out the consultation that has taken place. When considering the proposed admission arrangements (which is intended to be in February 2014), the Council must have due regard to the responses to the consultation and this is also detailed in the report. The consultation must be undertaken with a view to ensuring that the admission of pupils in Tower Hamlets is compatible with other local authorities, as far as reasonably practicable.
- 5.6 The feedback from the consultation (and the findings from the Equality Impact Assessment) have highlighted issues of school accessibility in some parts of the borough which the report has given due regard. A commitment has been made to address those concerns in the future by consulting on the introduction of a priority admission area for 2016/2017 (see paragraphs 3.15 and 3.16). It appears from the comments and recommendations set out in the body of the report and Appendix 8 and that a proper consultation has taken place and due regard has been given to the responses.
- 5.7 Following the consultation the Council must inform the Secretary of State by 15 April whether it has secured the adoption of a qualifying scheme.
- 5.8 In determining its admission arrangements, the Council is required by section 84(3) of the School Standards and Framework Act 1998 to act in accordance with the relevant provisions of the School Admissions Code, which applies to admissions to all maintained schools. One requirement of the Code is that the Council must set an admission number (the Planned or Published Admission Number or PAN) for each relevant age group (Appendix 7). For a community or voluntary controlled school, the Council (as admission authority) must consult at least the governing body of the school where it proposes either to increase or keep the same PAN.
- 5.9 The report contains proposals to bring the nursery school admission arrangements into line with the arrangements for primary schools. There is no statutory requirement to do this, but it is good practice. Consultation has been undertaken on the proposals. The outcomes and response to the feedback is set out in the report.
- 5.10 In determining the admission arrangements, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Relevant information on these considerations is provided in the One Tower Hamlets section of the report. **The equality analysis referred to in Appendix 9 was not available at the time of clearing this report for MAB. This will need to be provided prior to the report being published for Cabinet and the report will need further legal clearance when the analysis is available.**

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1. The Council aims to establish and promote admission arrangements that seek to eradicate inequality and maximise the accessibility of school places. These policies are circumscribed by law and statutory guidance. They comply with equalities legislation and, as far as possible, are inclusive of the community. The Council is also mindful of its duty to ensure that school admission decisions meet parental preference, where possible. It monitors outcomes to ensure that any proposed policy change explains the background, identifies the issues of concern and highlights the potential benefits.
- 6.2. The proposals in this report, particularly the tie-break criterion for nursery and primary schools and the changes to primary school catchment areas, reflect the findings from the Council's recent equalities impact assessment on school admission arrangements. A background document to this report.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 The underpinning principle for the admission policy to community schools is to provide local places for local children. This reduces the need for pupils to travel long distances to school. The existing admission arrangements aligned with proposed school expansions seeks to alleviate the pressure on school places in parts of Tower Hamlets and reduce the number of children who are travelling out of their immediate areas to access the nearest available school place.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1. Admission arrangements must be reviewed periodically in accordance with the DfE School Admissions Code. Failure to do so could lead to legal challenge and a loss of confidence in the Council as an admission authority.
- 8.2. Although, in practice, the Council reaches a high standard in ensuring that 93% of families obtain a place at one of their preferred schools, there is still the need for it to regularly monitor and review its school admissions arrangements. The Council also needs to ensure that these arrangements continue to provide fair and equal access to school places for all children. The risk of not implementing the proposed changes could mean that the Council arrangements would no longer reflect these underlying social equity principles.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no crime and disorder implications.

10. EFFICIENCY STATEMENT

- 10.1 The Council's seeks to ensure there is an adequate level of accessible school place provision. Reducing the potential for surplus places whilst providing for the delivery of efficient education and the efficient use of resources. Arrangements are reviewed regularly and policies are adequately resourced to ensure effective service delivery.
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Linked Report

- None

Appendices

- Appendix 1 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community nursery classes in 2015/16.
- Appendix 2 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community primary schools in 2015/16.
- Appendix 3 Proposed changes to the catchment areas for community primary schools in 2015/16.
- Appendix 4 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community secondary schools in 2015/16.
- Appendix 5 Proposed scheme for co-ordinating admissions to Reception and Year 7 for 2015/16
- Appendix 6 Proposed scheme for co-ordinating In-Year admissions for 2015/16
- Appendix 7 Planned Admission Number for each Tower Hamlets School in 2015/16
- Appendix 8 An Analysis of the Responses to the Public Consultation
- Appendix 9 Equalities Impact Assessment on the Admission Arrangements for Tower Hamlets Schools (2013) – (includes its own appendices).

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- None