

<b>Cabinet</b>  27 February 2018	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Debbie Jones, Corporate Director (Children's Services)	<b>Classification:</b> Unrestricted
<b>Determination of School Admission Arrangements for 2019/20</b>	

<b>Lead Member</b>	Amy Whitelock-Gibbs, Cabinet Member for Children's Services
<b>Originating Officer(s)</b>	Terry Bryan, Head of Pupil Services Christine McInnes, Divisional Director Education and Partnership
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Community Plan Theme</b>	A Prosperous Community

### **Executive Summary**

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

### **Recommendations:**

The Mayor in Cabinet is recommended to:

- Agree the oversubscription criteria for admission to Community Nursery Schools/Classes in 2019/20, as set out in Appendix 1.
- Agree the oversubscription criteria for admission to Community Primary Schools in 2019/20, as set out in Appendix 2.
- Agree the oversubscription criteria for admission to Community Secondary Schools in 2019/20 as set out in Appendix 3.
- Agree the schemes for co-ordinating admissions to the Reception Year and Year 7 for 2019/20, as set out in Appendix 4.
- Agree the scheme for co-ordinating 'In-Year' Admissions for 2019/20, as set out in Appendix 5.
- Agree the planned admission number for each school in Tower Hamlets in 2019/20, as set out in Appendix 6.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Council decides and implements its school admission arrangements through local consultation and collaboration, 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 that arrangements are lawful, reasonable and minimise delay to children accessing education.
- 1.2 The proposed schemes, consultation and recommendations in this report are consistent with the Council's statutory duties as set out in the most recent revision of the School Admissions Code (Dec 2014).
- 1.3 The co-ordination of admissions 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 annually determine the 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, particularly as to the legal requirements.

## **3. DETAILS OF REPORT**

A Local Authority must consult the public on its school admission arrangements if it wants to propose changes and at least once every 7 years even if there are no proposed changes. Tower Hamlets consults on its arrangements every year. This is to ensure transparency and openness on the contents of our arrangements and to give parents and the wider community opportunity to make informed representation, which can then be considered as part of the determination of the arrangements. An annual consultation is particularly important to those who might not have previously been interested in school admission arrangements, perhaps because they did not yet have a child approaching school age.

A public consultation commenced on 1<sup>st</sup> November 2017 and concluded on 5<sup>th</sup> January 2018. An analysis of the responses is included as Appendix 7 to this cabinet report. The Tower Hamlets School Admission Forum, representative of schools, parents, community organisations and other key stakeholders in the admission process discussed and agreed the proposals at its meeting on the 14<sup>th</sup> December 2017.

### 3.1 Church, Academy and Free Schools

Church, Academy and Free Schools are responsible for determining their own admissions policies. They will therefore consult separately and especially when changes are being proposed. Although these schools decide on their own admissions they must participate in the Local Authority's determined arrangements for co-ordinating admissions for entry to primary and secondary school as set out in paragraph 3.6 below.

### 3.2 Nursery Admissions Arrangements (Appendix 1)

There are no proposals to alter the existing oversubscription criteria for admission to community nursery schools and classes. Previously the Council agreed to establish a central system for the co-ordination of applications for admission to Tower Hamlets nursery schools for the 2019/20 school year.

### 3.3 Primary School Admission Arrangements (Appendix 2)

The primary school catchment system continues to ensure better outcomes for Tower Hamlets residents with a high proportion of children gaining a place at a nearby primary school. The percentage of Tower Hamlets children securing a place at one of their parent's top three preferences remain significantly above the London average with the results for the past three years shown in the chart below:

School Year	% of LBTH children securing a place at one of their top three preferences of primary school	London Average
2015/16	95%	92.5%
2016/17	96%	94%
2017/18	96%	95%

However, in order to ensure that these results remain positive there will be a need for periodic modifications to primary school catchment areas, based on projected future changes to the pupil population and the Council's plans to conduct a full review of its school place capacity. It will also need to take account of the addition of new schools in the Tower Hamlets area through the Government's free school process.

There is a significant proposal to change the oversubscription criteria for Tower Hamlets community schools. The change is for an additional oversubscription criterion to be added giving priority to children of staff, after children who are admitted under the sibling criterion. This addition is detailed in the proposed primary school oversubscription criteria for 2019/20 set out in Appendix 2.

The proposed change to the oversubscription criteria is intended to assist schools in the recruitment and retention of staff who are appointed to fill a demonstrable skills shortage (e.g. ICT technicians, teachers of maths or physics) or retain a key member of staff who has worked at the school for at least two years.

Other local voluntary aided (church) and academy schools as well as schools in neighbouring boroughs already give priority to children of staff. Including this provision for Tower Hamlets community schools would ensure that they are not disadvantaged in what is becoming an increasingly competitive education recruitment market.

The Council's decision to consult on this change followed a number of representations received from schools and headteachers during the public consultation on the proposed arrangements for admission to community schools in 2018/19, which took place last year.

This year's public consultation therefore sought responses on the specific question of whether priority for children of staff should be included as an additional oversubscription criterion. The consultation explained the reasons and potential benefits and that the number of children to qualify under this criterion is likely to be very small. It also confirmed that the Council would place a limit on the number of places that can be offered under this category. From the forty eight responses to the consultation 41 (85.4%) of the respondents were in favour of the proposal for primary schools. Of the parents who took part in the consultation, 83.3% were in favour of the proposed change. The full report on the outcome and analysis from the public consultation is attached as Appendix 7 to this cabinet report.

The Tower Hamlets School Admission Forum members were united in their agreement that this additional criterion would only serve to improve staff recruitment and retention issues within Tower Hamlets community schools. Enabling them to compete in the current recruitment market, and, through this, have a wider positive impact on the educational outcomes for Tower Hamlets' children and young people.

The Council also undertook an Equalities Impact Assessment to determine whether the proposed change might significantly impact protected groups and what steps if any could be taken to lessen its impact. This was balanced against the impact of the oversubscription criterion as it currently exists against these protected groups. The findings from the Equalities Impact Assessment were that the proposed change was unlikely to have a discriminatory or detrimental impact on any protected groups of service users. All opportunities to promote equality and prevent discrimination had been taken. The report is attached as Appendix 8 to this cabinet report.

Given the support received by respondents to the public consultation and the overwhelming support from the School Admissions Forum the Authority is recommending to cabinet that the Council agrees the proposed oversubscription criteria for admission to Community Primary Schools in 2019/20.

#### 3.4 Secondary School Admission Arrangements (Appendix 3)

The outcomes for children starting secondary school remain positive and continue to exceed the London average with the percentage of Tower Hamlets children securing a place at one of their top three preferences for the past three years shown in the chart below:

School Year	% of LBTH children securing a place at one of their top three preferences of secondary school	London Average
2015/16	93.5%	88.5%
2016/17	93.5%	88.5%
2017/18	91.3%	88.6%

The fall in the Tower Hamlets percentage success rate from the previous two years is a consequence of the increasing popularity of Tower Hamlets secondary schools alongside the rise in Year 7 pupil numbers.

In line with the proposed change to the primary school oversubscription criteria the public consultation also included the question on whether children of staff should be added to the secondary school oversubscription criteria. This was based on the same reasoning outlined in 3.3 above. From the forty eight responses to the consultation 39 (81.2%) of the respondents were in favour of the proposal for secondary schools. Of the parents who took part in the consultation, 83.3% were in favour of the proposed change.

Given the support received by respondents to the public consultation and the overwhelming support from the School Admissions Forum the Authority is recommending to cabinet that the Council agrees the proposed oversubscription criteria for admission to Community Secondary Schools in 2019/20.

### 3.5 Co-ordinated Admission Scheme - Reception Year 3 and Year 7 (Appendix 4)

The Local Authority has a statutory responsibility to co-ordinate admissions for children starting primary school, moving from infant to junior school and those transferring from primary to secondary school. The aim is to ensure that as many children as possible are able to receive an offer of a school place at the earliest stage. The scheme and timetable is devised in conjunction with the other London LAs

### 3.6 Co-ordinated Admission Scheme – In-Year Admission (Appendix 5)

The Local Authority also co-ordinates admissions for children who require a school place outside of the normal points of entry. This is not a statutory requirement, but it is an essential safeguarding provision that provides the Local Authority with the most effective way of ensuring that children missing from education can be identified and supported back into school quickly, particularly children who have experienced more complex problems and would therefore face tougher obstacles to them getting back into suitable education.

A scheme for co-ordinating in-year admissions is also essential at a time when the numbers of children requiring school places outside the normal points of entry remains high. The Local Authority and its schools have put in place a number of measures to support existing residents and new arrivals to the area, including an established Fair Access Protocol that enables vulnerable children to be placed in education provision quickly as well as ensuring that every school takes its fair share of children who are difficult to place.

The consultation proposed a significant change concerning the points at which children who are already on roll at a Tower Hamlets school should transfer to

a different Tower Hamlets school. Under existing arrangements school transfers are timetabled to take place at the start of each half-term. However, there is considerable concern from school headteachers that this is too frequent and is causing unnecessary disruption to children's education and their subsequent levels of attainment. This view is supported by the evidence from a previous national study and analysis on pupil mobility<sup>1</sup>. The proposal is therefore to change the points at which a child could transfer school to the start of each new school term rather than each half term. Essentially, school transfers would now only take place in the September, January and April of the school year.

This new timetable will give the existing school time and opportunity to work with the family to resolve problems, particularly if a transfer is being sought because there has been a disagreement between the parents or child and the school. Exceptions will continue to be made in cases where children are making an unreasonable journey to a school or where there is an exceptional medical or social need for early transfer, but these will only be agreed following discussion with all parties involved.

The Authority has already established a number of methods to enable parents to have better information about in-year school transfers, partly aimed at discouraging unnecessary moves, and to reinforce parents' responsibilities to keep schools and the Authority informed of planned moves. This further provision should enable a system that ensures that school transfers take place when appropriate and or necessary.

From the 48 responses to the public consultation 37 (77%) were in favour of the proposed change to the timetable and arrangements for school transfers. The School Admissions Forum members were also largely in favour of this change and its comments, along with those from other respondents, are included in the report on the outcome and analysis from the public consultation, attached as Appendix 7 to this cabinet report.

Given the support received by respondents to the public consultation and the support from the School Admissions Forum the Authority is recommending to cabinet that the Council agrees the proposed scheme for co-ordinating 'In-Year' Admissions for the 2019/20 school year.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 This report explains the proposals for determining the admission arrangements to Tower Hamlets community schools and those for which the Council acts as the admission authority.
- 4.2 The capital consequences for the growing number of pupils in schools have already been advised to Cabinet and have been reflected in the Council's capital programme as far as current resources permit. There are no direct revenue funding implications for future years in respect to pupil numbers which are fully funded by the Dedicated Schools Grant.
- 4.3 There are no direct financial implications arising from the decision being made in this report.

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<sup>1</sup> 'Between the cracks' RSA Study Exploring In-Year Admissions in Schools in England (July 2013)

## **5. LEGAL COMMENTS**

- 5.1 Cabinet is asked to agree the admission arrangements (including oversubscription criteria) for 2019/2020 as set out page one of the report. The full details of the arrangement are set out in the Appendices 1 to 6. The recommended proposals comply with the provisions outlined below.
- 5.2 The Council is the admission authority for all community and voluntary controlled schools in Tower Hamlets. At least two voluntary aided schools and four academy schools also use the same admissions arrangements. The Council is responsible for administering the co-ordinated scheme for all Tower Hamlets schools, including academy and free schools so that parents apply to their home local authority (irrespective of where the school might be) and receive one offer of a school place.
- 5.3 Section 88C of the School Standards and Framework Act 1998 (“SSFA”) 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”) as amended and the mandatory requirements of the School Admissions Code (“the Code”).
- 5.4 The Admission Regulations and the Code require that for the school year 2019/2020, the Council must –
- (a) Carry out any consultation required by SSFA section 88C and the Regulations between 1 October 2017 and 31 January 2018;
  - (b) Allow consultees at least six weeks to respond; and
  - (c) Determine its admission arrangements on or before 28 February 2018.
- 5.5 Once the Council has determined its arrangements it must notify the appropriate bodies, set out in the Code, and publish a copy of the determined arrangements on its website by 15 March in the determination year for the whole offer year, for any school or Academy in Tower Hamlets.
- 5.6 The Council must consult the public on its admission arrangements at least once every 7 years unless it is proposing changes then it must consult on the changes. Where there are no changes proposed, the Council is not required by the Regulations to consult, but can still do so if it chooses and should do so where it is considered necessary to properly assess the impacts of the arrangements. The Council consults on its arrangements every year.
- 5.7 The consultation carried out for the purposes of assessing the impact of the admission arrangements complies with the requirements in paragraphs 5.4(a) and (b) above. Further once the consultation has concluded, adequate time must be given for consideration and response. Finally, the product of consultation must be conscientiously taken into account before any final decision is taken.
- 5.8 When 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 Code, which applies to all maintained schools. One requirement of the Code is that the Council must set an admission number (the Planned or Published Admission Number (PAN) for each relevant age group. 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 PAN (Appendix 6).

- 5.9 The function of setting the admission arrangements is an Executive one and therefore it is for the Mayor in Cabinet to make.
- 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 do not. Relevant information on these considerations is provided in the One Tower Hamlets section of the report.

## **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 explain the background, identifies the issues of concern and highlights the potential benefits.

## **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 Best Value is a core objective of the proposals outlined as they seek to secure the best outcomes for the population in the context of fair access to high quality local school provision.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 The underpinning principle of the admission policy for 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 the Authority's pupil place planning strategy, seek to alleviate pressures on school places in parts of Tower Hamlets as well as reduce the number of children who are travelling out of their immediate areas to access a school place.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 Admission arrangements must be reviewed periodically in accordance with the DfE School Admissions Code (2014). Failure to do so could lead to legal challenge and a loss of confidence in the Council as an admission authority.
- 9.2 Although, in practice, the Council maintains a high standard in ensuring that a very high percentage 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 policies could mean that arrangements would no longer reflect these underlying social equity principles.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

10.1 There are no crime and disorder implications

## **11. SAFEGUARDING IMPLICATIONS**

11.1 These proposals, particularly the arrangements for the Local Authority to co-ordinate admissions at all points of entry, demonstrate that the Council is working collaboratively with schools and other agencies to safeguard and promote the well-being of all children in the borough.

### **Linked Reports, Appendices and Background Documents**

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#### **Linked Report**

- None

#### **Appendices**

- Appendix 1 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community nursery classes in 2019/20.
- Appendix 2 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community primary schools in 2019/20.
- Appendix 3 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community secondary schools in 2019/20.
- Appendix 4 Proposed scheme for co-ordinating admissions to Reception and Year 7 for 2019/20
- Appendix 5 Proposed scheme for co-ordinating In-Year admissions for 2019/20
- Appendix 6 Planned Admission Number for each school in Tower Hamlets for 2019/20
- Appendix 7 An analysis of the responses to the public consultation
- Appendix 8 An Equalities Impact Assessment on the proposal to include priority for children of staff within the school admission oversubscription criteria.

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

- None

**Officer contact details for documents: N/A**