


<b>Cabinet</b>	 <b>TOWER HAMLETS</b>
27 February 2019	
<b>Report of:</b> Debbie Jones, Corporate Director, Children and Culture	<b>Classification:</b> Unrestricted
<b>Determination of School Admission Arrangements for 2020/21</b>	

<b>Lead Member</b>	<b>Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People</b>
<b>Originating Officer(s)</b>	Terry Bryan, Head of Pupil Services and School Sufficiency
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	Yes
<b>Forward Plan Notice Published</b>	22 January 2019
<b>Reason for Key Decision</b>	To be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
<b>Strategic Plan Priority / Outcome</b>	<b>Children and young people are protected so they get the best start in life and can realise their potential</b>

### Executive Summary

This report 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.

This report also provides a brief update on school place planning following the report on 28 November 2018.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree the oversubscription criteria for admission to Community Nursery Schools/Classes in 2020/21, as set out in Appendix 1, noting the inclusion of priority for the children of staff in Tower Hamlets community schools.
2. Agree the oversubscription criteria for admission to Community Primary Schools in 2020/21, as set out in Appendix 2.
3. Agree the oversubscription criteria for admission to Community Secondary Schools in 2020/21 as set out in Appendix 3.

4. Agree the schemes for co-ordinating admissions to the Reception Year and Year 7 for 2020/21, as set out in Appendix 4.
5. Agree the scheme for co-ordinating 'In-Year' Admissions for 2020/21, as set out in Appendix 5.
6. Agree the planned admission number for each school in Tower Hamlets in 2019/20, as set out in Appendix 6, noting the change in numbers at Elizabeth Selby Infants, Lawdale Juniors and Bow Secondary (detailed in Appendix 7 and 8).
7. Agree the proposal to increase school places through the development of a new primary school at Millharbour.

## **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 compliant 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 THE REPORT**

- 3.1 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.
- 3.2 A public consultation commenced on 5<sup>th</sup> November 2018 and concluded on 4<sup>th</sup> January 2019. An analysis of the responses is included as Appendix 9 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 4<sup>th</sup> December 2018.

#### Church, Academy and Free Schools

- 3.3 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 paragraphs 3.18 – 3.20 below.

#### Nursery Admissions Arrangements (Appendix 1)

- 3.4 The LA has a central system for co-ordinating admissions to nursery schools and nursery classes. This scheme enables parents to apply online for a nursery place at a Tower Hamlets community nursery school, a nursery class or Early Years Unit attached to a community primary school. These schools offer a mixture of part-time and full-time places for children aged 3 to 5 (inclusive).
- 3.5 There is a proposal to change the existing oversubscription criteria for admission to community nursery schools and classes. This change is for an oversubscription criterion to be added giving priority to children of staff, after children who are admitted under the sibling criterion. To qualify, staff must have been employed at the school for two or more years or who have been recruited to fill a vacancy for which there is a demonstrable skill shortage. Priority will be limited to one place for each nursery class.
- 3.6 This change is intended to assist schools in recruiting and retaining staff. It also brings the nursery admissions arrangements in line with those already established for community primary and secondary schools.

- 3.7 This proposal is supported by the Tower Hamlets School Admission Forum and has had positive responses in the public consultation. Out of a total of 38 individual responses, 30 (79%) supported the proposal. Those who wrote additional feedback said this was because the proposal would improve staff recruitment and retention, which would then improve educational standards. A full analysis of the consultation results is provided in Appendix 9.
- 3.8 The Council has previously undertaken 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 10 to this report.
- 3.9 Given the benefits of this policy and the support received by respondents to the consultation, Cabinet is recommended to agree the oversubscription criteria for admission to Community Nursery Schools/Classes in 2020/21, as set out in Appendix 1.

Primary School Admission Arrangements (Appendix 2)

- 3.10 There are no proposed changes to the existing admissions policy and oversubscription criteria for admission to community primary schools for the 2020/21 school year.
- 3.11 The primary school catchment system continues to ensure positive 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 has remained above the London average, as shown in the table below:

School Year	% of LBTH children securing a place at one of their top three preferences of primary school	London Average
2016/17	96.5%	94.4%
2017/18	96.4%	95.7%
2018/19	96.5%	96.1%

- 3.12 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 in the pupil population and the Council's plans to reorganise its primary school provision in parts of the borough.
- 3.13 As no changes have been proposed for the 2020/21 school year, there were limited comments on the oversubscription criteria for primary school admissions. The majority of respondents agreed that the criteria were fair and

reasonable. A full analysis of the consultation results is provided in Appendix 9.

### Secondary School Admission Arrangements (Appendix 3)

- 3.14 There are no proposed changes to the existing admissions policy and oversubscription criteria for admission to community secondary schools for the 2020/21 school year.
- 3.15 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 table below:

School Year	% of LBTH children securing a place at one of their top three preferences of secondary school	London Average
2016/17	93.5%	89.1%
2017/18	91.3%	88.7%
2018/19	91.2%	87.3%

- 3.16 The slight fall in the Tower Hamlets and London percentage success rates over the previous three years reflects the pressure on secondary school places as a result of rising Year 7 pupil numbers.
- 3.17 As no changes have been proposed for the 2020/21 school year, there were limited comments on the oversubscription criteria for secondary school admissions. All respondents supported the existing arrangements.

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

- 3.18 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 which enables parents to apply for a place in their own borough as well as in other boroughs through a single application form.
- 3.19 There are no proposed changes to the existing co-ordinated scheme for admissions to Reception, Year 3 and Year 7 for the 2020/21 school year.
- 3.20 As no changes have been proposed for the 2020/21 school year, there were limited comments on the co-ordinated admissions scheme. The majority of respondents felt that the existing arrangements were working well. Full analysis of the consultation results is provided in Appendix 9.

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

- 3.21 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.
- 3.22 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.
- 3.23 There are no proposed changes to the existing co-ordinated scheme for admissions to Reception, Year 3 and Year 7 for the 2020/21 school year.
- 3.24 As no changes have been proposed for the 2020/21 school year, there were limited comments on the co-ordinated admissions scheme for in-year admissions. The majority of respondents felt that the existing arrangements were working well. Full analysis of the consultation results is provided in Appendix 9.

### Published Admission Numbers for Schools in Tower Hamlets (Appendix 6, 7, 8)

- 3.25 The Published Admission Number (PAN) sets the maximum number of children that each school will admit to the reception year (primary), Year 7 (secondary) or Year 9 (UTC) in the school year 2020/21. The proposed PANs for each school in Tower Hamlets is listed Appendix 6.
- 3.26 There are no changes to the PANs for the majority of schools, but the LA is proposing to reduce the PAN at three of its community schools as follows:
- *Reduction at linked Elizabeth Selby Infants and Lawdale Juniors Schools from 75 to 60 places.* This change is proposed because schools' places have not been filled over the past five admission years; there is restricted teaching and outdoor space; and a falling demand for primary school places in the local area. Full details of the proposal are provided in Appendix 7.
  - *Reduction at Bow Secondary School from 270 to 240 places.* This change is proposed because schools' places have not been filled over the past five admission years and there is restricted teaching and outdoor space to accommodate both the school's statutory and growing sixth form provision. Full details of the proposal are provided in Appendix 8.

- 3.27 These changes will assist the schools in their long-term planning and allow them to continue to achieve improved educational outcomes for pupils. The proposals are supported by the governing bodies at each school. There is also sufficient provision in the local areas to mitigate these reductions and they will not impact parental preference.
- 3.28 The Tower Hamlets Admissions Forum supports these proposals and recognise the benefits that reductions to Published Admission Numbers will have for these schools. Responses from the public consultation are also positive. Out of 35 individuals who responded to the questions, 31 (89%) supported the proposal to reduce the PANs at Elizabeth Selby and Lawdale, and 32 (91%) supported the proposal to reduce the PAN at Bow. A full analysis of the consultation results is provided in Appendix 9.

#### Update on School Place Planning – Primary school sites at Millharbour and Alpha Square

- 3.29 The School Place Planning report presented to Cabinet on 28 November 2018 provided an annual update on the current position, projected demand, and the LA's plans to manage the supply of school places, to ensure that the right provision is in the right place at the right time. There has been progress on one of the primary school site allocations since this report which now requires a decision from Cabinet.
- 3.30 Millharbour is a site allocation for a 2FE primary school with a nursery scheduled to open in September 2023. The Millharbour scheme received planning permission in September 2015 (PA/14/01246). The 'option period' for the delivery of the school was triggered in December 2018, so the LA must now make a decision on whether to take forward the school by September 2019 and this will be made in the context of the LA's school place planning strategy and other schemes being developed in the area.
- 3.31 Alpha Square site is a 2 form of entry (FE) primary school within the Marsh Wall West site allocation in the north Isle of Dogs, also scheduled to open in September 2023. It is within very close proximity (approximately 300 metres, or a 4 minute walk) to the Millharbour site.
- 3.32 Current projections indicate that the demand for places would not be sufficient to support both these two schools opening within such close proximity by 2025/26. The LA has already confirmed that it will take forward a new primary school at Wood Wharf which is due to open in September 2022 and will provide 2 forms of entry. The Isle of Dogs catchment is therefore projected to require 2FE (equivalent to one primary school) of primary provision by 2025/26, and an additional 2FE by 2027/28.
- 3.33 It is recommended to Cabinet that the LA take forward the Millharbour primary school for a planned opening in September 2023 because it provides a greater number of places through the provision of a nursery.
- 3.34 Plans are in place to ensure that there will be sufficient school provision to meet demand if a school is not developed at Alpha Square. The emerging Local Plan proposed the allocation of four additional sites for new primary

schools in the Isle of Dogs catchment to 2031 which will ensure that the LA is able to meet the demand for an additional 2FE by 2027/28 after the Wood Wharf and Millharbour schemes are delivered.

- 3.35 This recommendation is in line with the approach to schools in the emerging Local Plan and at the Examination in Public. The Plan allocates more school sites than required to meet projected need, and one of the consequences of this is that there may not be sufficient demand in the area when a site comes forward for delivery. The sites at Millharbour and Alpha Square provide an example of why the Plan's approach is necessary to ensure the LA can provide sufficient school places.
- 3.36 If the LA decides not take forward the school at Alpha Square, it is unlikely that the Secretary of State will approve an application to open a new mainstream free school on the site. The Department for Education's policy is that free schools will now be targeted in areas of basic need and in the third of local authority areas with the lowest school performance standards with limited capacity to improve, which would not apply to Tower Hamlets.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 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.

#### **5. OTHER STATUTORY IMPLICATIONS**

##### Best Value Implications

- 5.1 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.

##### Environmental Implications

- 5.2 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.



## Risk Management Implications

- 5.3 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.
- 5.4 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.

## Safeguarding Implications

- 5.5 These proposals, particularly the arrangements for the Local Authority to co-ordinate admissions at all points of entry, enable it to work collaboratively with schools and other agencies to safeguard and promote the well-being of all children in the borough.

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

- 6.1 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 for 2020/21.
- 6.2 There are no direct financial implications arising from the decision on 'Determination of School Admission Arrangements'.
- 6.3 Agreement of the proposal to increase school places through the development of a new primary school at Millharbour ensures that the Council meets its statutory duty to provide sufficient school places, and is aligned with the Local Plan and the recent 'Planning for School Places' report. £4.25m has already been allocated to this project in the capital programme, based on the estimated cost for the LA to 'fit out' the shell and core provided by the developer.

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Council is asked to agree the admission arrangements (including oversubscription criteria) for 2020/2021 as set out in paragraph 2 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.
- 7.2 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"). The consultation which has been

undertaken complies with the requirements of the Admission Regulations and the Code. The analysis of the responses to this year's consultation is at Appendix 9, which includes how the Council has taken account of those responses.

- 7.3 The Council must determine its admission arrangements on or before 28 February 2019, and publish this on its website by 15 March 2019.
- 7.4 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).
- 7.5 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.

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

### **Linked Report**

- Planning for School Places – 2018/19 Review and Recommendations (November 2018)

### **Appendices**

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| Appendix 1 | Proposed admission arrangements and oversubscription criteria for Tower Hamlets community nursery classes in 2020/21.   |
| Appendix 2 | Proposed admission arrangements and oversubscription criteria for Tower Hamlets community primary schools in 2020/21.   |
| Appendix 3 | Proposed admission arrangements and oversubscription criteria for Tower Hamlets community secondary schools in 2020/21. |
| Appendix 4 | Proposed scheme for co-ordinating admissions to Reception and Year 7 for 2020/21  |
| Appendix 5 | Proposed scheme for co-ordinating In-Year admissions for 2020/21  |
| Appendix 6 | Published Admission Number for each school in Tower Hamlets for 2020/21   |
| Appendix 7 | Proposal to reduce the Published Admission Number at Elizabeth Selby Infants and Lawdale Juniors                        |
| Appendix 8 | Proposal to reduce the Published Admission Number at Bow  |

	Secondary
Appendix 9	An analysis of the responses to the public consultation
Appendix 10	An Equalities Impact Assessment on the proposal to include priority for children of staff within the primary and secondary school admission oversubscription criteria

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

- None

**Officer contact details for documents:**

N/A