

Cabinet Decision 7 February 2017	 TOWER HAMLETS
Report of: Debbie Jones, Interim Corporate Director (Children's Services)	Classification: Unrestricted
Determination of School Admission Arrangements for 2018/19	

Lead Member	Councillor Rachel Saunders, Cabinet Member for Education & Children's Services
Originating Officer(s)	Terry Bryan, Head of Pupil Services Christine McInnes, Divisional Director Education and Partnership
Wards affected	All wards
Key Decision?	Yes
Community Plan Theme	A Prosperous Community

Executive Summary

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

Recommendations:

The Mayor in Cabinet is recommended to:

1. Agree the oversubscription criteria for admission to Community Nursery Schools/Classes in 2018/19, as set out in Appendix 1.
2. Agree the proposal to establish central system for the co-ordination of applications for admission to Tower Hamlets nursery schools and classes as outlined in paragraph 3.8.
3. Agree the oversubscription criteria for admission to Community Primary Schools in 2018/19, as set out in Appendix 2.
4. Agree the oversubscription criteria for admission to Community Secondary Schools in 2018/19, as set out in Appendix 3.
5. Agree the schemes for co-ordinating admissions to the Reception Year and Year 7 for 2018/19, as set out in Appendix 4.
6. Agree the scheme for co-ordinating 'In-Year' Admissions for 2018/19, as set out in Appendix 5.
7. Agree the planned admission number for each school in Tower Hamlets in 2018/19, 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

- 3.1 A Local Authority must consult the public on its school admission arrangements at least once every 7 years, unless it is proposing changes. Tower Hamlets consults on its arrangements every year. This is to ensure that they continue to promote and enable fair access, secure choice and diversity, and give parents and the wider community opportunity to make informed representation.
- 3.2 The public consultation took place between 1st November and 30th December 2016. An analysis of the responses is attached as Appendix 7.
- 3.3 The Tower Hamlets School Admission Forum, representative of all the key stakeholders in the admission process, including parents, schools, community organisations, diocesan bodies and the Council of Mosques, discussed and agreed the proposals at its meeting on the 8th December 2016.

3.4 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 3.9 below.

3.5 Nursery Admissions Arrangements (Appendix 1)

There are no proposals to alter the existing oversubscription criteria for admission to community nursery schools and classes, but the Local Authority is proposing the establishment of a central system for the co-ordination of applications for admission to Tower Hamlets nursery schools and classes as outlined in paragraph 3.8.

3.6 Primary School Admission Arrangements (Appendix 2)

There are no proposals to alter the existing arrangements and oversubscription criteria for admission to primary schools. The primary school catchment system, first introduced for the 2013/14 school year, has led to 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 is now significantly above the London average with the results for the past four 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
2013/14	93%	92%
2014/15	95%	92%
2015/16	95%	92.5%
2016/17	96%	94%

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 in the pupil population and the Council's planned developments to increase its school place capacity. It will also need to take account of the addition of new schools to the Tower Hamlets area through the Government's free school approval process.

In response to the public consultation, significant representation was received from headteachers of community primary schools. With the current teacher shortage, a number of headteachers have requested that the Authority consider the introduction of a 'children of staff criterion' to assist in attracting and retaining teaching staff. This would mean the Authority introducing an additional oversubscription criterion giving priority to children of staff who have been employed at the school for more than two years.

Such a change would be permitted under the current regulations, but the Authority **must** first publically consult to allow parents, schools, religious authorities, the local community and neighbouring local authorities to give their views and comments on what would be a significant change. There is not, at this stage, the opportunity to gather and consider the public view until the Authority next consults on its school admission arrangements for the 2019/20 school year. The Authority will therefore consult on this proposed change when determining its admission arrangements for 2019/20 school year. .

3.7 Secondary School Admission Arrangements (Appendix 3)

There are no proposals to change the existing arrangements and oversubscription criteria for admission to secondary schools. The outcomes for children starting secondary school remain positive and continue to exceed the London average. The percentage of Tower Hamlets children securing a place at one of their top three preferences over the past four years is 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
2013/14	91%	90%
2014/15	93%	90%
2015/16	93.5%	88.5%
2016/17	93.5%	88.5%

3.8 Proposal for the Central Coordination of Admissions to Nursery Schools/Classes

In 2015 the Local Authority made changes to the application arrangements and oversubscription criteria for admission to Community Nursery Schools and Classes, to bring them into line with the arrangements for primary school admissions as follows:

- The introduction of priority admissions zones (catchment areas) and a new tie-break criterion, giving priority to families in the catchment area who are applying to their child's nearest nursery school.
- A Common Application Form.
- A single closing date and borough wide offer day, ensuring that as many families as possible receive a nursery offer at the earliest stage.
- New criteria to determine priority for either a full-time or part-time place.

The early outcomes as a result of these changes have proved beneficial and have been positively received by schools and families. It has prompted a request from Council Members to explore the possibility of the Local Authority taking full responsibility for the management of the nursery admissions process, by establishing a central system for the co-ordination of applications for admission to community nursery schools and classes. This idea was then discussed with the Tower Hamlets School Admission Forum, a group representative of key stakeholders, including parents, community organisations and headteachers of nursery and primary schools.

The Forum agreed that there were many potential benefits to the Local Authority co-ordinating nursery admissions. It would:

- Provide parents with one source of information for all admissions stages;
- Enable parents to apply online to one central agency;
- Assist the Local Authority with its pupil place planning and forecasting need for the reception year of primary school;
- Be more resource effective as it would help to create a database ready for the reception year admission process;
- Facilitate better support for families in securing their free nursery entitlement and thus enable the Local Authority to fully comply with its statutory duty;
- Provide the LA with access to information on the demand for nursery places as well as improve the management and funding of these places;
- Identify children entering maintained provision without any prior pre-school experience;
- Better facilitate the transfer of information for children with special educational needs thus enabling schools to undertake the necessary planning to best meet their needs;
- Enable the tracking of children who have accessed the disadvantaged 2 year old entitlement.

The Authority therefore decided to include the proposal for the central co-ordination of nursery admissions in its annual public consultation on school admissions which took place from 1st November to 30th December 2016.

From the thirty four respondents to the consultation over 70% supported the proposal for a central system to co-ordinate applications for admission to nursery. Those that disagreed were concerned that a central system would remove the personal connection that parents have with schools and limit a school's ability to support families who were in most need. It was felt the current system, where schools were approached directly, gave parents more control of the nursery admission process. Those that agreed with the proposal felt that a centralised system would make things clearer and easier for parents as well as remove the need for them to apply to more than one agency. The new system would need to be heavily publicised across a number of platforms supported by events to raise public awareness.

School Admission Forum members were united in their agreement that they could only see benefits to a system of co-ordinated nursery admissions. It would enable parents to apply for multiple nursery places on one application, receive notification of the outcomes at the same time; and be confident that the process was transparent and fair. There would also be important safeguarding provisions and pupil place planning benefits for the Authority in being able to establish a central record of nursery applications and placements.

Given the support received by respondents and the overwhelming support from the School Admissions Forum the Authority is recommending to cabinet that the Council moves to a system for the central co-ordination of admissions to community nursery schools and classes. However, in order to ensure that the new system is able to work effectively from the outset, the Authority is also recommending that the change is formally introduced in September 2018, the start of the application process for nursery admissions in the school year in 2019/20. This will give sufficient time for the Authority to publicise and raise awareness of the impending change as well as engage with nursery and primary headteachers and other key stakeholders through the planning processes.

If cabinet agrees to the recommendation it will require additional staffing resources and some minor ICT development at a cost of 75k per annum. This cost will be contained within existing budgets.

3.9 Coordinated 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

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

The Authority 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 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 Authority and its school partners have put in place a number of measures to support existing residents and new arrivals to the area. This includes an established Fair Access Protocol that enables vulnerable children to be placed in educational provision quickly as well as ensuring that every school takes its fair share of children who are difficult to place.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The proposal for the central coordination of the nursery admissions, if approved, will lead to additional costs of £75k which will be charged to the DSG budget. However, the service manager has advised that the costs can be funded from existing budgets.

5. LEGAL COMMENTS

- 5.1 The Council is asked to agree the admission arrangements (including oversubscription criteria) for 2018/2019 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.
- 5.2 The Council is the admission authority for all community and voluntary controlled schools in Tower Hamlets. At least one voluntary aided school and one academy 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 2018/2019, the Council must –
- (a) Carry out any consultation required by SSFA section 88C and the Regulations between 1 October 2016 and 31 January 2017;
 - (b) Allow consultees at least six weeks to respond; and
 - (c) Determine its admission arrangements on or before 28 February 2017.
- 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 Where changes are proposed to admission arrangements, the Council must first publicly consult on those arrangements. The Council must consult the public on its admission arrangements at least once every 7 years unless it is proposing 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 recommendations include proposals for the central co-ordination of nursery admissions in its public consultation [Appendix 1]. There is no statutory requirement for the proposal but it is a reasonable proposal in order to bring them in line with arrangements for primary school admissions. There is no statutory requirement to co-ordinate admissions for children who require a school place outside the normal points of entry (In-Year Admissions). However, the Council does so, as a safeguarding provision (Appendix 5).

- 5.8 Any consultation carried out for the purposes of assessing the impact of the admission arrangements should comply with the following principles: (1) it should be at a time when proposals are at a formative stage; (2) the Council must give sufficient reasons for any proposal to permit intelligent consideration and response; (3) adequate time must be given for consideration and response; and (4) the product of consultation must be conscientiously taken into account. The analysis of the responses to this year's consultation is at Appendix 7, which includes how the Council has taken account of those responses.
- 5.9 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).
- 5.10 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 explains 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 for community school admission arrangements 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.

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 of 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 must 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 Report

- None

Appendices

- Appendix 1 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community nursery classes in 2018/19.
- Appendix 2 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community primary schools in 2018/19
- Appendix 3 Proposed admission arrangements and oversubscription criteria for Tower Hamlets community secondary schools in 2018/19.
- Appendix 4 Proposed scheme for co-ordinating admissions to Reception and Year 7 for 2018/19
- Appendix 5 Proposed scheme for co-ordinating In-Year admissions for 2018/19
- Appendix 6 Planned Admission Number for school in Tower Hamlets in 2018/19
- Appendix 7 Analysis of the Responses to the Public Consultation

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

- None

Officer contact details for documents: N/A