

# Report of the Strategic Director of Children's Services to the meeting of the Executive to be held on 01 February 2022

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## **Subject:**

**Determination of Primary and Secondary Admission Arrangements**

## **Summary statement:**

**This report asks the Executive to determine the admission arrangements including:**

- To approve the Admission Arrangements for Community and Voluntary Controlled Schools for 2023/24
- To approve an in-year variation to the Admissions Arrangements for 2022/23 and the In-Year Admission Arrangements for 2021/22 to ensure compliance with the new School Admissions Code
- To approve the Co-ordinated Admission Schemes for Primary, Secondary and In-Year Admissions following statutory consultation with admissions authorities for 2023/24
- To note the 'own admission authority schools' proposing changes to their admission policies for 2023/24
- To note Published Admission Numbers for 2023/24
- To approve the updated Guidance on deferring entry to school, part time places and delaying entry to school
- To approve the updated policy on Directing a School to Admit

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## **Portfolio:**

**Education, Employment and Skills**

## **Overview & Scrutiny Area:**

**Children's Services**

## 1. SUMMARY

**This report asks the Executive to determine the admission arrangements including:**

- To approve the Admission Arrangements for Community and Voluntary Controlled Schools for entry to school in September 2023/24
- To approve an in-year variation to the Admissions Arrangements for 2022/23 and the In-Year Admission Arrangements for 2021/22 to ensure compliance with the School Admissions Code
- To approve the Co-ordinated Admission Schemes for entry to school in September 2023/24 for Primary, Secondary and In-Year Admissions (following statutory consultation with admissions authorities)
- To note the 'own admission authority schools' proposing changes to their admission policies for entry to school in September 2023/24
- To note Published Admission Numbers for entry to school in September 2023/24
- To approve the updated guidance on deferring entry to school, part time places and delaying entry to school
- To approve the updated policy on directing a school to admit

## BACKGROUND

### **Admission Arrangements for entry to school in 2023/24:**

- 2.1.1 All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places available. Admission arrangements are determined by admission authorities.
- 2.1.2 The Local Authority is the admission authority for community and voluntary controlled schools in the area. As such, the Local Authority is required to determine admission arrangements for the schools by complying with the relevant statutory procedures. Voluntary Aided, Foundation Schools and Academies are responsible for determining their own admission arrangements.
- 2.1.3 When changes are proposed to admission arrangements, all admission authorities must consult on the admission arrangements that will apply for admission applications in the following academic year. If no changes are made to admission arrangements, they must be consulted on at least every 7 years.
- 2.1.4 All admission authorities must determine admission arrangements every year even if they have not changed from the previous year and consultation has not been required.
- 2.1.5 Admission authorities must determine admission arrangements for entry in 2023 by 28 February 2022 (even if consultation has not taken place).
- 2.1.6 There are no proposed changes to the admission arrangements for community or voluntary controlled schools in Bradford and therefore a consultation has not been undertaken.

2.1.7 The admission arrangements for community and voluntary controlled primary schools for 2023/4 are shown in Appendix A. Appendix A also shows the admission arrangements for community secondary schools for 2023/24.

### **Admission arrangements for 2022/23 and in-year admission arrangements for 2021/22**

2.1.8 The Local Authority is permitted to make in-year variations to admission arrangements that have already been determined in limited circumstances, including agreeing changes to ensure admission arrangements are compliant with a mandatory requirement of the School Admissions Code.

2.1.9 The new School Admissions Code came in to force on 1 September 2021. The new Code gives equal admissions priority to looked after children and previously looked after children, including those who have been in state care outside of England and ceased to be in state care as a result of being adopted.

2.1.10 The admissions arrangements that were determined for entry to school in 2021/22 and 2022/23 split priority for admission for looked after children across two criteria and therefore, a variation is proposed to the admissions arrangements for 2022/23 and in-year arrangements for 2021/22 to comply with the requirement for a single criterion.

2.1.11 Please refer to Appendix C to view the updated admission arrangements for 2021/2022 and 2022/23.

### **Co-ordinated Schemes**

2.1.12 A co-ordinated scheme sets out how the local authority will co-ordinate offers to all schools in the area to ensure every child receives one offer of a school place. The co-ordinated admissions schemes for primary schools, secondary schools and in-year admissions can be found in Appendices D, E and G.

2.1.13 Changes have been proposed to the co-ordinated schemes including:

- To amend the format to provide greater clarity to the reader.
- To automatically add applicants to a waiting list of a school they have applied to but have not been offered (unless they have secured a higher preference school). This applies to primary and secondary admissions and not to in-year admissions.
- To update the definition of how an alternative school is identified if an applicant cannot be offered a preference school
- To provide greater clarity to the definition of when a child goes on roll
- To provide greater clarity as to when and how preferences can be updated after national offer day
- To include information to set out how applications will be considered from UK crown servants or UK military families
- To include information to set out how applications will be considered from applicants who have the right to reside in the UK and are intending to move or return to Bradford from overseas.

2.1.14 In accordance with the provisions set out in the School Admissions Code, as changes have been proposed to the co-ordinated schemes, consultation has taken place with other admission authorities in the area and other relevant local authorities. The analysis of the consultation is provided in Appendix F. There will be further discussion with other 'own admitting authorities' as to how we can implement globally the changes consulted upon.

### **Published Admissions Numbers (PANs)**

2.1.15 The PAN is number of school places that the admission authority must offer in each relevant age group of a school for which it is the admission authority. Admission numbers are part of a school's admission arrangements.

2.1.16 Published Admission Numbers (PANs) for Primary and Secondary Schools for entry in September 2023 are shown in Appendix H.

### **Other admissions documents**

2.1.17 The guidance on deferring entry to school, part time places and delaying entry to school and the policy on directing a school to admit have been shared with schools in the area. No feedback has been received that will alter the proposed guidance.

2.1.18 There is no statutory duty to consult on or seek formal approval on these policies, however these are important documents relating to the applications of school admissions arrangements so they have been included with this report.

## **3. OTHER CONSIDERATIONS**

### **3.1 Own admission authority schools**

A number of own admission authority schools have consulted on changes to their admission policies. Details can be found on individual school websites and will be published on the Bradford Council website in the Autumn term, see Appendix F.

Own admission authorities must also consult with other admission authorities including the Local Authority. Where the Local Authority does not support the changes outlined in the individual consultations we will formally feedback to the school/academy or MAT the Local Authorities position. In the case of PAN reductions, we do not support any reductions that would interfere with the Local Authorities statutory duty to ensure sufficient school places.

This is based on the projected numbers for basic need which ensures we have sufficient school places to offer places to every Reception and Yr7 child due in school in September 2021, enabling us to meet our statutory duty, as reported to the DfE in the SCAP return.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 Schools receive funding through the Fair Funding Formula which allocates funding to schools based on the number of pupils attending the school.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

There are no identified risks.

#### **6. LEGAL APPRAISAL**

- 6.1 The local authority is the admission authority for community and voluntary controlled schools in the area, and is required to determine arrangements for those schools by complying with the relevant statutory procedures. Voluntary aided, foundation, trust schools and academies are responsible for determining their own admission arrangements.
- 6.2 In accordance with the new School Admissions Code 2021 when changes are proposed to admission arrangements for entry in September 2023, all admissions authorities must consult on their admission arrangements. Where the admission arrangements have not changed from the previous year there is no requirement to consult subject to the requirement that admission authorities must consult on their admission arrangements at least once every seven years even if there have been no changes during that period. Consultation must last for a minimum of 6 weeks and must take place between 1 October and 31 January in the determination year
- 6.3 In accordance with the School Admissions Code 2021 all admission authorities must determine their admission arrangements, including their Published Admission Number (PAN), every year, even if they have not changed from previous years and a consultation has not been required, by 28 February in the determination year.
- 6.4 Once admission authorities have determined their admission arrangements, they must notify the appropriate bodies and must publish a copy of the determined arrangements on their website by 15 March in the determination year and continue displaying them for the whole school year in which offers for places are made.
- 6.5 As part of determining their admission arrangements all admission authorities must set a PAN for each 'relevant age group'
- 6.6 Own admission authorities are not required to consult on their PAN where they propose to either increase or keep the same PAN. For a community or voluntary controlled school, the local authority (as admission authority) must consult at least the governing body of the school where it proposes to either increase or keep the same PAN. All admission authorities must consult where they propose a decrease to the PAN. Own admission authorities must notify the local authority of their intention to increase the school's PAN and reference to the change should be made on the school's website.
- 6.7 Each year all local authorities must formulate and publish on their website by 1 January in the relevant determination year, a scheme to co-ordinate admission arrangements for the normal admissions round and late application for all publicly

funded schools within their area. Where the scheme is substantially different from the scheme adopted for the previous academic year, the local authority must consult the other admission authorities in the area and any other local authorities it determines. Where the scheme has not changed from the previous year there is no requirement to consult, subject to the requirement that the local authority must consult on the scheme at least once every seven years even if there have been no changes during that period. Following any such consultation, which must be undertaken with a view to ensuring the admission of pupils in different local authorities is, as far as reasonably practicable, compatible with each other, the local authority must determine the qualifying scheme and must take all reasonable steps to secure its adoption. A local authority must inform the Secretary of State whether they have secured the adoption of the qualifying scheme by 28 February in the determination year.

There is no requirement for local authorities to co-ordinate in-year applications for schools for which they are not the admission authority. They may, however, co-ordinate in-year applications for any or all own admission authority schools in their area with the agreement of the relevant admission authority. Local authorities must publish information on their website by 31 August at the latest each year to explain how in-year applications can be made and how they will be dealt with from September onwards in that year. This includes setting out which schools they will co-ordinate the applications for and which schools will manage their own in-year admissions.

- 6.7 Paragraph 3.6 of the School Admissions Code 2021 provides that once admission arrangements have been determined for a particular school year they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of the Code, admissions law, a determination of the Schools Adjudicator or any misprint in the admission arrangements.
- 6.8 The School Admissions Code provides that all schools must have oversubscription criteria for each relevant year group and the highest priority must be given to looked after children and previously looked after children. The new 2021 Admissions Code expands the definition of previously looked after children to include those children who appear (to the local authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. State care is further defined as being in the care of public authorities, religious authorities or other organisations that act in the public benefit and could encompass a wide range of institutions. The obligation to give top priority to this vulnerable group of children came into force from 1 September 2021. As such, the local authority was required to vary its admission arrangements for 2021/22 in line with paragraph 3.6 of the 2021 Code to ensure compliance with a mandatory requirement of the Code.
- 6.9 Under section 14 of the Education Act 1996, the Local Authority has a statutory duty to provide sufficient school places for all pupils in its area.

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

Admission arrangements must not discriminate directly or indirectly against any group or individual.

### **7.2 SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The proposals would not impact on greenhouse gas emissions.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

There are no community safety implications from this report.

### **7.5 HUMAN RIGHTS ACT**

There are no direct Human Rights implications arising from this report.

### **7.6 TRADE UNION**

No implications for Trade Unions.

### **7.7 WARD IMPLICATIONS**

No implications for Ward Councillors.

### **7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

N/A

### **7.9 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

No implications for children and young people.

### **7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

General Data Protection Regulation principles relating to individuals' data and rights under the Data Protection Act 2018 will be respected.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

In accordance with the statutory School Admissions Code:

- 9.1 To approve the Primary and Secondary Admission Arrangements
- 9.2 To approve the Primary and Secondary Co-ordinated Admissions Scheme
- 9.3 To approve the In-Year Co-ordinated Admissions Scheme

## **10. RECOMMENDATIONS**

- 10.1 That the Executive approve the Primary and Secondary Admission Arrangements.
- 10.2 That the Executive approve the Primary and Secondary Co-ordinated Admissions Scheme.
- 10.3 That the Executive approve the In-Year Co-ordinated Admissions Scheme.
- 10.4 That the Executive note the proposed changes to the admission arrangements for own admission schools listed in Appendix F.
- 10.5 That the Executive note the Published Admission Numbers contained in Appendix H.
- 10.6 That the Executive note the updated guidance on deferring entry to school, part time places and delaying entry to school
- 10.7 That the Executive note the updated policy on directing a school to admit

## **11. APPENDICES**

- Appendix A: Admission Arrangements for Community and Voluntary Controlled Primary Schools 2023/24
- Appendix B : Admission Arrangements for Community Secondary Schools 2023/24
- Appendix C: Admission Arrangements for Community Schools for 2021/22 and 2022/23
- Appendix D: Co-ordinated admission scheme for primary schools 2023/24
- Appendix E: Co-ordinated admission scheme for secondary schools 2023/24
- Appendix F: Own Admitting Authorities Consulting on Changing Admissions Policies
- Appendix G: Co-ordinated admissions scheme for In Year Applications and Mid-Term Policy 2023/24
- Appendix H: School Published Admission Numbers (PANs)
- Appendix I: The analysis of the consultation on the changes to the co-ordinated schemes that has taken place with other admission authorities in the

area and other relevant local authorities. A summary of the feedback received from schools in relation to the updated guidance on deferring entry to school, part time places and delaying entry to school and the policy on directing a school to admit and

## **12. BACKGROUND DOCUMENTS**

School Admissions Code 2021