



## **CABINET – 10 FEBRUARY 2017**

### **LEICESTERSHIRE'S POLICY ON ADMISSIONS TO MAINSTREAM SCHOOLS: DETERMINATION OF ADMISSION ARRANGEMENTS**

#### **REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES**

##### **PART A**

##### **Purpose of the Report**

1. The purpose of this report is to seek the Cabinet's approval of Leicestershire's School Admissions Policy for entry from September 2018 as detailed in Appendix A to this report, and Leicestershire's oversubscription criteria and the three co-ordinated schemes for the normal round of transfers (both of which remain unchanged), set out in Appendix B.
2. The report also details recommendations made by the Office of the Schools Adjudicator (OSA) regarding three aspects of the School Admissions Policy which required amendments to be made to the Policy in December 2016 to ensure this continued to meet the requirements of the National School Admissions Code.

##### **Recommendations**

3. It is recommended that:
  - a) The recommendations of the Office of the Schools Adjudicator (OSA) which resulted in minor amendments being made to Leicestershire's School Admissions Policy in December 2016 be noted;
  - b) The Leicestershire's School Admissions Policy for entry from September 2018, as set out in Appendix A to this report, be approved;
  - c) It be agreed that Leicestershire's oversubscription criteria and the three co-ordinated schemes for the normal round of transfers for September 2018 entry, as set out in Appendix B to this report, remain unchanged.

##### **Reasons for Recommendations**

4. The School Standards and Framework Act 1998 places an obligation on the County Council to determine the admission arrangements for community and voluntary controlled schools in Leicestershire.

5. As the admitting authority the County Council is required to confirm the school admissions arrangements by 28 February on an annual basis, even if no changes are made.
6. Amending the School Admissions Policy in response to the recommendations of the Office of the Schools Adjudicator ensured continued compliance with the National School Admissions Code.

### **Timetable for Decisions (including Scrutiny)**

7. The Policy must be determined by 28 February 2017 and must be made available on the County Council's website no later than 15 March 2017. A summary of the Admissions Policy will appear in the annual publication "Your Guide" for parents and carers, which is made available early in September of each year.

### **Policy Framework and Previous Decisions**

8. The County Council's policy in this area is relevant to admissions to community schools, voluntary controlled schools, and those Academies (including Free Schools) that have adopted the Local Authority's Admissions Policy. The Policy must contain clear and objective criteria for administering parents' requests for school places and all applications must be treated equally, regardless of whether or not the parents live in Leicestershire. To this end, the County Council must have regard to the Department for Education (DfE) School Admissions Code (released in December 2014) and School Admissions Appeals Codes. The County Council also has a statutory duty under the Education Act 1996 to ensure sufficient school places for every Leicestershire child whose parents seek one.
9. Leicestershire's Schools Admissions Policy (for entry from September 2017), its oversubscription criteria and three co-ordinated schemes for the normal round of transfers, were last considered and approved by the Cabinet on 12 January 2016.

### **Resource Implications**

10. There are no resources implications arising from this report. The cost of administering the admission arrangements is borne within existing budgets.

### **Circulation under the Local Issues Alert Procedure**

11. None. Members will be advised, via the Members' News in Brief service, when the policy is published on the County Council's website.

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## PART B

### Background

12. Leicestershire's existing Admissions Policy was agreed by the Cabinet in January 2016. At the time it was noted that no changes to the Policy were proposed due to the expectation that the DfE would be undertaking a consultation later in the year on changes to the National School Admissions Code. This consultation did not take place and it now appears to have been shelved.
13. The proposals for consultation had arisen as a consequence of the Government's White Paper 'Educational Excellence Everywhere', launched in March 2016. Indications in the White Paper promised to tidy-up and review current practices for admissions and offer greater clarity to several areas, in particular National consistency for processing delayed school starts, i.e. admissions outside of the normal year group.
14. The White Paper has since been superseded by the Green Paper '*Schools that work for everyone*', for which views from local authorities were sought through a formal consultation that ended on 12 December 2016. The County Council's response to this consultation was approved by the Cabinet on 23 November 2016. The consultation made reference (amongst other things) to the potential introduction of selective schools and changes to faith school admission arrangements. However, it has not yet been made clear by the DfE how and when this might affect the National School Admissions Code.

### Recommendations of the OSA

15. In summer 2016, a parent raised a complaint with the Office of the Schools Adjudicator (OSA) objecting to certain aspects of the admissions policy of a Leicestershire primary academy. In responding to questions arising from the OSA, the academy said that its policy was modelled on aspects of the Leicestershire Policy. This prompted the Adjudicator to comprehensively review Leicestershire's Policy to ensure that it complied with the National Code, and on 6 October 2016 it recommended to the County Council that the Policy be amended in order to clarify the following:
  - Reference to delayed entry requests which stated "*priority will be given to children in the appropriate age range*". The OSA took the view that the presence of this phrase makes the status of an agreed application to be admitted out of the normal age group uncertain, rendering the process for making such an application unclear and therefore contrary to paragraph 2.17 of the Code which states that "*Admission authorities must make clear in their arrangements the process for requesting admission out of the normal age group.*"

- Reference to deferred entry requests. The OSA considered that this did not comply with paragraph 2.16 of the National Code because it failed to state that attendance on a part-time basis below the age of compulsory schooling is an entitlement.
  - Reference to the wording of the oversubscription criterion 7 relating to religious faith within both the Policy and the accompanying footnote. Schools designated as having a religious character under section 69(3) of the School Standards and Framework Act 1998 are the only maintained schools which may have faith-based admission arrangements, including any faith-based oversubscription criteria. The only primary schools for which the Council is the admission authority which have a religious character are a small number of Church of England voluntary controlled schools. They are accordingly the only schools in which faith may play any part in admissions. However, the OSA considered that the oversubscription criterion 7 (and the accompanying footnote) in the Council's Policy could be construed as making a general statement and as being applicable to any school for which the Council is the admission authority which would be contrary to paragraph 14 of the National Code. The OSA also advised that greater clarity should be provided to state what is required to secure priority for admission to voluntary controlled primary schools in the County on the grounds of religious belief, in order to ensure full Code compliance.
16. On a positive note, and notwithstanding the clarity being sought by the Adjudicator, the remainder of the Policy was unchallenged and deemed Code compliant and the Policy overall therefore remains fundamentally unchanged.
17. The OSA required that the Leicestershire Admission Policy be amended by 31 December 2016 and this was done.

### **Background Papers**

National School Admissions Codes December 2014  
<http://ow.ly/Waxbl>

Report to the Cabinet - 16 March 2015 - Leicestershire's Policy on Admission to Mainstream Schools: Determination of Admission Arrangements  
<http://ow.ly/dZMy308bChf>

Report to the Cabinet, 12 January 2016 - Leicestershire's Policy on Admissions to Mainstream Schools: Determination of Admission Arrangements and minutes of that meeting.  
<http://ow.ly/iMj1308bCyc>

Report to the Cabinet - 23 November 2016 - Response to Department for Education Consultation Document – Schools that Work for Everyone

<http://ow.ly/uAdM308bCpK>

### **Appendices**

Appendix A - Leicestershire School Admissions Policy September 2018 entry

Appendix B - School Admissions Oversubscription Criteria entry September 2018

The three Co-ordinated Admission Schemes include:  
First Time Admissions; Infant to Junior transfers; Secondary School transfers and Mid-Term transfers during the 2018-19 Academic Year

Appendix C - Equality and Human Rights Impact Assessment

### **Equality and Human Rights Implications**

18. An Equality and Human Rights Impact Assessment questionnaire was completed to ensure no child would be disadvantaged based on the proposals that had been put forward (this is attached as Appendix C to this report).