

Subject:	School Admission Arrangements 2020/21		
Date of Meeting:	17 September 2018 and 14 January 2019		
Report of:	Pinaki Ghoshal – Executive Director of Families, Children & Learning		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 This report details the proposed school admission arrangements for the city's schools, for which the Council is the admission authority, for the academic year 2020-21. The committee will be asked to agree to consult on these proposals and will then receive a further report in January 2019 seeking determination of the arrangements. It is proposed that the admission arrangements will remain unchanged except for the proposals detailed below.
- 1.2 When changes are proposed to admission arrangements, all admission authorities must consult on those arrangements that will apply. 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 7 years, even if there have been no changes during that period.
- 1.3 Local Authorities must also set out schemes for co-ordinated admissions, including key dates in the admission process, and also the arrangements for consultation with own admission authority schools in the city and with other local authorities. They also establish the area (the "relevant area") within which the admission consultation should take place.

2. RECOMMENDATIONS:

- 2.1 That the Committee agree to undertake a consultation on the proposed changes to the school admission arrangements for 2020-21 as detailed in this report namely:-
- (i) Amending the admission priorities which will apply in the event of oversubscription to include children who have been in state care outside of England and have ceased to be in state care as a result of being adopted, within the definition of looked after and previously looked after children
 - (ii) Agreeing to make no change to the "relevant area".

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The School Admissions Code sets out who must be consulted when changes are proposed to school admission arrangements. They include parents of children between the ages of two and eighteen, other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions, all other admission authorities within the relevant area and any adjoining neighbouring local authorities where the admission authority is the local authority.
- 3.2 The consultation takes place approximately 18 months in advance of the school year in which pupils will be admitted under the proposed arrangements. The consultation papers for the 2020/21 admission year for the City of Brighton & Hove are attached as appendices to this report.
- 3.3 Local Authorities must also set out schemes for co-ordinated admissions, including key dates in the admission process, and also the arrangements for consultation with own admission authority schools in the city and with other local authorities. They also establish the area (the “relevant area”) within which the admission consultation should take place.
- 3.4 The School Admissions Code states that the consultation process must take place between 1 October 2018 and 31 January 2019 and must be for a minimum of six weeks. The Council must determine its admission arrangements for 2020/21 by 28 February 2019.

Admission Priority

- 3.5 Admission authorities are currently required to give highest priority to looked after children and all previously looked after children. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order). On 4 December 2017, the Rt Hon Nick Gibb, Minister of State for School Standards wrote to admission authorities to encourage them to introduce a change in their admissions policies so as to give children who have been in care overseas the second highest priority.
- 3.6 The letter informed admission authorities that, when the opportunity arises, the intention would be to make further changes to the School Admissions Code to ensure that adopted children who were previously in care outside of England also received the highest priority for admission into school.
- 3.7 No change to the School Admission Code has yet been made however the DfE has provided further advice on 6 August 2018 reaffirming the Minister’s wish that Local Authorities introduce oversubscription criteria to give these children [second highest priority] for admission to school. It is proposed to exercise discretion and respond to the encouragement provided by the Minister by amending the Council’s first admission priority to include adopted children previously in care outside of England within the definition of looked after children and previously looked after children.

- 3.8 The DfE have suggested that the following criteria be adopted: “Children who appear to the admission authority of the school to have been in state care outside of England and ceased to be in state care as a result of being adopted” with a further qualification that a child is regarded as having been in state care in a place outside of England if they were accommodated by a public authority, a religious organisation or any other provider of care whose sole purpose is to benefit society.
- 3.9 The Council proposes to be mindful of this advice within the definition of the highest priority.

Relevant Area

- 3.16 The relevant area is currently defined as the area within the Brighton and Hove city boundaries and no change is proposed to this definition for September 2020.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council could propose to make no change to its current admission arrangements. There has been no change to the School Admission Code and therefore the Council’s current priority in relation to children in the care of a local authority and previously looked after children is compliant.
- 4.2 This is not in the spirit of the request of the Minister of State for School and does not recognise that children who were previously in care outside of England should be on an equal footing as those in England for the purpose of admission to school.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 This report proposes that a public consultation on the proposals outlined is undertaken in line with the requirements of the School Admissions Code.

6. CONCLUSION

- 6.1 It is proposed that the existing admission arrangements are amended to give pupils who are adopted after being previously looked after outside of England the same priority as those children previously looked after in accordance with the Adoption Act 1976 and the Adoption and Children Act 2002.
- 6.2 It is proposed to make no further changes to admission arrangements and to undertake a public consultation with the results and final recommendations coming back to this committee in January 2019.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

Schools are funded via a local authority formula, which is largely based on pupil numbers (based on their October census for the following financial year) and

other elements for deprivation, attainment, lump sum and other premises allocations. School admission arrangements will directly affect the number of pupils each school will have, at each October census, and this will therefore affect the overall budget available to them.

Finance Officer Consulted: Andy Moore

Date: 27/07/18

Legal Implications:

- 7.1 Section 88C of the School Standards and Framework Act 1998 and the School Admissions (Admissions Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 require admission authorities to determine their admission arrangements annually. Arrangements must be determined 18 months in advance of the academic year to which they apply.
- 7.2 Where changes are proposed to admission arrangements the admission authority must first publicly consult on those arrangements. The School Admissions Code 2014 states that consultation must be for a minimum of six weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply. The admission arrangements must be determined by 28 February 2018.
- 7.3 The 1998 Act also requires local authorities to establish a relevant area in which admission authorities must consult regarding their admission arrangements. The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 requires local authorities to consult on these proposals every two years.

Lawyer Consulted:

Serena Kynaston

Date: 29/08/18

Equalities Implications:

- 7.4 An equality Impact Assessment has not been carried out. It is not expected that the proposed changes will result in a significant impact for those with protected characteristics.

Sustainability Implications:

- 7.5 There are no sustainability implications as a result of the proposals in this report.

Any Other Significant Implications:

- 7.6 None

SUPPORTING DOCUMENTATION

Appendices:

1. Various implications
2. Published Admission Numbers for Primary and Secondary schools.
3. Admission arrangements and priorities for community primary and secondary schools
4. Coordinated scheme of admissions – primary.
5. Coordinated scheme of admissions – secondary.
6. Coordinated scheme of admissions – in year arrangements

Documents in Members' Rooms

None

Background Documents

None

Crime & Disorder Implications:

- 1.1 None

Risk and Opportunity Management Implications:

- 1.2 Any change to school attendance patterns and pupil numbers will impact directly on resource allocation both revenue and capital, and on the Council's ability to meet parental expectations on school places. Pupil data and broader population data is used to identify the numbers of school places required and where they should be located. This feeds into the capital programme so that resources are allocated where they will have the most beneficial effect.

Public Health Implications:

- 1.3 None

Corporate / Citywide Implications:

- 1.4 The allocation of school places affects all families in all parts of the city and can influence where people choose to live. Failure to obtain the desired choice of school can create a strong sense of grievance. The process of expressing a preference and if disappointed, entering an appeal can create intense anxiety for many families in the city. Admission arrangements together with school place planning are framed in such a way as to be mindful of supporting the needs of communities.