

REPORT TO CABINET

Title: **DETERMINATION OF SCHOOL ADMISSION ARRANGEMENTS (CRITERIA AND PROCEDURES), SEPTEMBER 2010**

Date: 26 March 2009

Member Reporting: Councillor Mrs Quick

Contact Officer(s): Rhidian Jones, Principal Education Officer, Children's Commissioning (tel.01628 796779)

Wards affected: All

1. SUMMARY

1.1.1 This report concerns the annual consultation on general admission arrangements, and specifically the criteria and procedures.

1.1.2 Local authorities are required to consult annually upon, and then to determine, their school admission arrangements. Cabinet approved a scheme for public consultation on 18th December 2008. The public consultation took place from 2nd January to 28th February 2009. Cabinet is now invited to determine the arrangements as presented in Appendix 1. This consultation included the principle of admitting children aged 5 full-time to mainstream schools twice a year ('rising 5s'), and this is the subject of a separate Report to Cabinet.

1.1.3 Appendices to this report are as follows.

Appendix 1 Proposed admission arrangements for September 2010 (including rising 5's). This incorporates comments arising from the recent Consultation

Appendix 2 Comments by the public on the scheme of admissions criteria and procedures

Appendix 3 Background information to the determination of admission arrangements, repeating information contained in the report of 18th December 2008 seeking permission to consult on the admission scheme

2. RECOMMENDATION:

That the proposed school admission arrangements including the admissions criteria be adopted for September 2010

What will be different for residents as a result of this decision?

The determination of admission arrangements is a statutory requirement. It is central Government's intention that admissions schemes for residents should be as simple and as equitable as possible. The proposals clarify procedures for schools and parents in making their applications.

3. SUPPORTING INFORMATION

3.1 Background

- 3.1.1 In accordance with s.89B of the School Standards and Framework Act 1998, all local authorities must have a coordinated admissions scheme for primary and secondary schools. Should an authority fail to put such a scheme in place by 15th April each year, a scheme may be imposed by the Secretary of State.
- 3.1.2 At its meeting on 18th December 2008, Cabinet approved a scheme for consultation. Some of the background details to support the request for approval are repeated in Appendix 3 to this Report: these include a note of changes made on 18th December to the existing scheme.
- 3.1.3 The admission arrangements now proposed for adoption by Cabinet are given as Appendix 1. Appendix 2 summarises the responses received to the public consultation.
- 3.1.4 As a result of the public and other comments received, the following principal changes have been made to the scheme: (a) a feeder infant to junior school criterion has been added; (b) for the secondary voluntary controlled school, the new denominational criterion has been moved from above to beneath the feeder school criterion. In addition, provision is made to ensure that pupils born between 1st May 2005 and 31st August 2005 are not disadvantaged by the proposal to introduce 'rising 5s', but this is the subject of a separate Report to Cabinet. These changes are highlighted in the attachment by being printed in red italics.

4. OPTIONS AVAILABLE AND RISK ASSESSMENT

4.1 Options – Admissions arrangements (Criteria and Procedures)

	Option	Comments	Financial Implications
1.	To accept the proposals for admission arrangements, with or without modification	Recommended to remain in line with statutory requirements	No additional costs
2.	Not to accept the proposals for admission arrangements	Not recommended: this would place the authority in breach of Regulations (see 3.2.1 below)	No additional costs

4.2 Risk assessment

- 4.2.1 *Admission scheme and rising 5.* Local authorities are required to coordinate admission schemes and publish their arrangements by 15th April. Adoption of the proposed scheme, with or without amendments will satisfy the statutory requirement. The rewritten scheme will provide a greater clarity for parents and officers operating the scheme. This will reduce some risk of appeals and complaints arising from unclear information. The Secretary of State would be entitled to impose a scheme in place of once agreed by an authority.

5. CONSULTATIONS CARRIED OUT

- 5.1.1 *Admissions arrangements, including rising 5s.* In accordance with the relevant Regulations, a public consultation was carried out on admission arrangements between 2nd January and 28th February 2008. This included consultation on the rising 5 proposal as well as on the criteria and procedures. Advertisements were placed in local free newspapers, copies of the arrangements were sent to schools and other organisations, and a press release was issued. 29 replies were received, and their contents summarised in Appendix 2. Most of the comments were on the principle of the admission of rising 5s. Few comments were received on the criteria: in particular these warned of the importance of allowing deferred entry, as is already set out in the admission arrangements (and this in turn arises from the proposal to admit rising 5s).

6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL – meeting on 24th March

- 6.1.1 *Admission arrangements*

7. IMPLICATIONS

- 7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	N/A	N/A	N/A

- 7.1.2 Financial. There are no significant financial implications arising from the implementation of these admission criteria and procedures. Financial implications arising from admitting rising 5s are dealt with in a separate Report.

- 7.1.3 Legal. S.89 of the School Standards and Framework Act 1998 provides that the admission authority for every maintained school must determine the school's admission arrangements every school year. The Education (Determination of School Admission Arrangements) Regulations 1989, as amended, set out the details of this duty, which includes that arrangements must be determined before 15th April in any given year.

- 7.1.4 S.9 of the Education Act 1996, as amended by the School Standards and Framework Act 1998, obliges an authority to have regard to the concept of parental preference,

whereby parents express a preference for their child to attend a specific school. Education in accordance with parental preference is subject to the provision of efficient education and the avoidance of unreasonable public expenditure.

- 7.1.5 The admission arrangements are governed by a strict legislative framework. Unless there is a major change in circumstances the admission arrangements cannot be altered at short notice.
- 7.1.6 Human Rights. The convention right under the Human Rights Act relevant to this report is Article 2 of the First Protocol, the right not be denied an education. This convention right will not be affected by this decision. This decision does not affect any victims as defined under the Act.

Background Papers:

Education Act 1996

School Standards and Framework Act 1998

Education (Determining School Admission Arrangements) Regulations 1998

Education (Determination of School Admissions Arrangements) Regulations 1999

Education Act 2002

Five Year Strategy for Children and Learners, Department for Education and Skills, 2004

Specialist Schools Programme Application Guidance 2004/5

School Admissions Code, Department for Children, Schools and Families, 10th February 2009