

## REPORT TO CABINET

Title: **DETERMINATION OF SCHOOL ADMISSION ARRANGEMENTS (ADMISSION OF 'RISING 5s'), 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 proposal to admit 'rising 5s' to school.
- 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 18<sup>th</sup> December 2008. The public consultation took place from 2<sup>nd</sup> January to 28<sup>th</sup> February 2009. This consultation included the principle of admitting children aged 5 full-time to mainstream schools twice a year ('rising 5s'). By way of a separate report, Cabinet is invited to determine the criteria and procedures for admission. This Report concerns solely the proposal to admit 'rising 5s' to school as a discrete matter.
- 1.1.3 Appendices to this report are as follows.
- Appendix 1 An extract from the proposed admission arrangements for September 2010 showing specifically the reference admission of rising 5s.
- Appendix 2 Comments by the public on the proposal to admit rising 5s
- Appendix 3 Admission of rising 5s: financial considerations

### 2. RECOMMENDATION

**That the proposal to admit children as 'rising 5s' to school be adopted for September 2010**

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

The introduction of the rising 5 policy will enable all children to have additional time in school, and will bring RBWM into line with the rest of the country in this respect.

### 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 15<sup>th</sup> April each year, a scheme may be imposed by the Secretary of State.
- 3.1.2 At its meeting on 22<sup>nd</sup> May 2008, Cabinet resolved that with effect from September 2010, the Royal Borough should admit children full-time to mainstream schools twice a year, on 1<sup>st</sup> September for those who become 5 during the autumn terms and on 1<sup>st</sup> January for those who become 5 in the spring or summer terms. It resolved further that formal consultation on these arrangements should take place as part of the regular 2008 admissions arrangements consultation.
- 3.1.3 At its meeting on 18<sup>th</sup> December 2008, Cabinet approved a scheme for consultation. That consultation took place in January and February 2009.
- 3.1.4 The arrangements for admitting rising 5s now proposed for adoption by Cabinet are given as Appendix 1 (extracted from the wider admissions arrangements paper which is the subject of another Report). Appendix 2 summarises the responses specifically on rising 5s received to the public consultation.
- 3.1.5 As a result of the public and other comments received, a sentence has been inserted to clarify that provision is made to ensure that pupils born between 1<sup>st</sup> May 2005 and 31<sup>st</sup> August 2005 are not disadvantaged by the proposal to introduce 'rising 5s'. This is shown in italics in the extract mentioned above.

### 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

#### 4.1 Options – Admission of 'Rising 5s'

	<b>Option</b>	<b>Comments</b>	<b>Financial Implications</b>
1.	To accept the proposals	Recommended as being in accordance with the practice of the rest of the country and in line with local expectation following resolution of 23 <sup>rd</sup> October 2008	It is estimated that £600,000 may be required from the Dedicated Schools Grant to underwrite the influx of children under the new arrangements, as set out in Appendix 3
2.	To defer for consideration of alternatives	Not recommended as prolonging uncertainty and delaying start to school for a number of children	None
3.	To abandon the proposals	Not recommended, as being contrary to general national practice	None

	Option	Comments	Financial Implications

## 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 15<sup>th</sup> 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 In accordance with the relevant Regulations, a public consultation was carried out on admission arrangements between 2<sup>nd</sup> January and 28<sup>th</sup> February 2008. This dealt with both the rising 5 proposal and the criteria and procedural arrangements for admissions. 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. Nearly all the comment received were on the principle of admitting rising 5s. Sixteen respondents supported the notion. However, some of these respondents felt that the proposals were not sufficiently far-reaching, and would have preferred one point of admission at the start of September in the year in which a child became 5. Seven opposed the move on the grounds that it would represent too early a start for children, in some cases quoting the example of other countries where children start school at a later age. The chairman of a voluntary pre-school provider wrote to warn of the effect upon his organisation (and presumably upon similar organisations) of a consequence of the new policy, which would be to reduce the viability of such provision. The other respondents were neutral or did not convey a clear indication in their responses.

## 6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL – meeting on 24<sup>th</sup> March

## 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. The proposal to admit children full-time to mainstream schools twice a year as rising or pre-rising fives will cause funding difficulties in the first year. It is likely that up to £600,000 will need to be found from within the Dedicated Schools

Grant to allocate to schools for the increased number of pupils. Once the first year of pupils is in place, their numbers will bring a larger Dedicated Schools Grant for the second and subsequent years and so will remove the difficulty from then on. Appendix 3 reproduces the explanatory note presented at the 18<sup>th</sup> December 2008 meeting.

- 7.1.3 Changes to the admissions arrangements, including to the designated areas, might have financial implications either way for the provision of home to school transport. The impact of these has not been modelled and so it is not possible to elaborate further at this point.
- 7.1.4 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 15<sup>th</sup> April in any given year.
- 7.1.5 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.
- 7.1.6 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.
- 7.1.7 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

School Admissions Code, Department for Children, Schools and Families, 10<sup>th</sup> February 2009