

Southend-on-Sea Borough Council

Report of Deputy Chief Executive (People)

to

Cabinet

on

10th October 2017

Report prepared by: Catherine Braun – Group Manager
Access and Inclusion

Agenda
Item No.

School Admissions Arrangements for Community Schools 2019/20

Executive Councillor: Councillor James Courtenay

A Part 1 (Public) Agenda Item

1. Purpose of Report

- 1.1 The report outlines reasons to review Admission Arrangements for Southend community schools for the academic year 2019/20 and recommends changes to admission criteria to be the subject of a formal consultation process.
- 1.2 The report also contains a summary of a recent public engagement exercise regarding changes to catchment areas for primary schools in Leigh-on-Sea and recommends one option to be the subject of a formal consultation process.

2. Recommendations

- 2.1 **That the proposed Admission Arrangements for Southend Community Schools for the academic year 2019/20 (incorporating revised admission criteria), as set out in Appendix 1, be approved for a formal consultation process in accordance with the Admissions Code 2014.**
- 2.2 **That the proposed changes to catchment areas for primary community schools in Leigh-on-Sea, as set out in Section 5.10 of the report (and in Appendix 2) be approved for a formal consultation process in accordance with the Admissions Code 2014.**
- 2.3 **That the formal consultations referred to in recommendations 2.1 and 2.2 be undertaken between: 6th November 2017 and 15th December 2017 in accordance with Admissions Code 2014**

3. Background

- 3.1 The Council has the responsibility to determine in relation to school admissions:
 - a) the Admission Arrangements for Community Schools (admission numbers, admission criteria and catchment areas);
 - b) the Coordinated Admissions Scheme, which sets out the way in which admissions for all schools (including academies and other own admission authority schools) will operate.

- 3.2 The 2019 Coordinated Admissions Scheme was approved in principle by Council on the 19th September 2017, with the agreement that approval of any minor amendments, following consultation with all schools, be delegated to the Deputy Chief Executive (People) in consultation with the Executive Councillor for Children & Learning.
- 3.3 For community schools, the local authority (as the admission authority) **must** consult on the Admission Arrangements at least every seven years, even if there are no changes.
- 3.4 Through consultation with community schools, there are proposed changes for the 2019 Admission Arrangements, specifically the admission criteria and for some schools changes to catchment areas and therefore, if agreed by Cabinet there is a requirement for a full public consultation.
- 3.5 The current Admission Arrangements were last consulted on and approved by Cabinet in September 2013 (six years ago). If a consultation does not take place this year for 2019 arrangements, according to the Admissions Code 2014, a consultation **must** take place next year for the 2020 Admission Arrangements.
- 3.6 Own Admission Authorities (Academy and Foundation Schools) have absorbed the Council's catchment areas and therefore to consult on catchments provides an added level of complexity as the local authority will require the full collaboration and agreement of all schools in any area that has proposed changes to catchments.
- 3.7 For community schools, the local authority (as the admission authority) **must** consult the governing body of each school where it proposes either to increase or keep the same PAN (Published Admission Numbers).
- 3.8 Admission Arrangements for community schools must be determined by 28th February 2018 and included in a composite prospectus by 15th March 2018.
- 3.9 It is anticipated that the majority of Academy Primary Schools in Southend-on-Sea will be consulting for their 2019/20 arrangements. Many academies have indicated that they will be proposing changes to their arrangements (namely the criteria).

4. Admission Arrangements for 2019/20

4.1 Published Admission Numbers

- 4.1.1 There are currently no proposed changes to the Admission Limits from 2018/19. The proposed admission limits for all community primary schools for September 2019 are shown on Page 3 of the Admission Arrangements for Community Schools at **Appendix 1**.

4.2 Admission Criteria

- 4.2.1 From a consultation exercise requests were made by the Community School Head Teachers and Chair of Governors changes to make changes to Admission Arrangements for Community Schools for academic year 2019/20 incorporating revised admission criteria. It is recommended that these changes to Admission Arrangements be the subject of a formal consultation process. The proposed changes are shown in **Appendix 1**.

- 4.2.2 **Appendix 1** currently identifies criteria for Leigh community schools (those identified in grey) based upon proposed arrangements that will need to be modified to fit the final proposal. The criteria proposed are dependent upon the outcome of either a catchment or priority area model, to be decided by Members.
- 4.2.3 A summary of responses from the Phase 1 Listening and Engagement sessions, Catchment Consultation email responses and the Catchment Area survey (including community feedback on proposed admission criteria) can be found within **Appendix 2**.
- 4.3 Proposal to introduce the criteria: ‘Pupils of Temple Sutton Nursery’**
Children will be ranked in this admission category for Temple Sutton Primary School if they are on roll in Temple Sutton Nursery which is part of the school during the year before admission. In regard to the main round children must be part of Temple Sutton Nursery before the application closing date of 15th January of any given year. This is to enable the admission authority to rank applications accordingly. Children admitted to the nursery after 15th January will be ranked under these criteria after the national offer day (16th April).
- 4.4 Proposal to introduce the criteria: Pupils eligible for pupil premium at West Leigh Infant School**
- 4.4.1 The DfE has encouraged introducing priority for pupils eligible for ‘pupil premium’. West Leigh Infant School would like to afford parents this priority to allow, in any year of oversubscription, that this group gains priority for admittance.
- 4.4.2 The reasons identified for not introducing this criteria by other community schools has predominantly been due to pupils eligible for pupil premium having historically gained admission to the school through current arrangements.
- 4.4.3 Parents will need to indicate on the application form or/and supplementary information form or notify the Local Authority in writing if they are eligible or registered for pupil premium. Any disclosure for pupil premium will be used only to rank applications against the admission criteria and will not be held for any other purpose.
- 4.5 Proposal to introduce the criteria: ‘Pupils of staff’**
- 4.5.1 The ability to recruit and retain good and outstanding teachers has been raised as a significant concern by Southend schools (and identified across Essex) due to significant reductions in eligible teachers applying for posts and continuing in the profession. This proposal has been requested by schools to encourage good teachers to apply to and remain in Southend community schools.
- 4.5.2 Children will be ranked in admission criteria 3 if they are children of staff in either or both of the following circumstances:-
- a) where the member of teaching or professional staff has been employed at the school (for infant and junior schools it will be staff at either school) for two or more years at the time at which the application for admission to the school is made,
 - and/or
 - b) the member of staff is recruited to fill a vacant post for which there is a demonstrable specialist skill shortage.

- 4.5.3 Pupils of staff are prioritised in the criteria as agreed with the Head Teachers of each school, some placing before or after catchment criteria.
- 4.5.4 Two schools in Southend have had this category in their admission criteria for a number of years and over the last five years only one child has gained admission under this criterion.
- 4.5.5 A number of own admission authority schools have identified that they will be consulting on adding this criteria to their arrangements for 2019/20. Choosing to not add a priority for children of staff to community school criteria could disadvantage community schools from employing and retaining good teachers.

4.6 Explanatory notes

- 4.6.1 The explanatory notes have been updated to align to the requirements of The School Admissions Code 2014.
- 4.6.2 Details in the explanatory notes are as provided to Cabinet with the proposed 'Coordinated Scheme 2019/20' at the meeting of 19th September 2017 and are currently under consultation with schools. It is not anticipated there will be any significant changes.

4.7 Fraudulent or Intentionally Misleading Applications

- 4.7.1 The pre-consultation and engagement exercise received a number of concerns from the public regarding potentially fraudulent or intentionally misleading applications impacting negatively upon over subscription for the schools in South Leigh.
- 4.7.2 It has been suggested that high numbers of parents are regularly making fraudulent applications or taking a second property under a short tenancy lease within the catchment area during the reception application round with no intention of living in the area post National Offer Day.
- 4.7.3 The Council has committed to a full evaluation of current processes for identifying and withdrawing fraudulent or intentionally misleading applications and where possible and in accordance with the admission code, strengthen current systems.

5 Catchment Areas

- 5.1 The proposed catchment areas for community primary schools for academic year 2019/20 have been added to the Proposed Admissions Arrangements for Community Schools document (**Appendix 1**), pending decision from Cabinet.
- 5.2 **Appendix 2** summarises the recent pre-consultation engagement exercise with the public regarding changes to catchment areas for primary schools in Leigh-on-Sea. Members are asked to consider and agree the preferred option for catchment areas for Leigh primary community schools to be included in the proposed formal consultation for 2019 arrangements in accordance with Admissions Code 2014
- 5.3 Results from the online survey identified that Model B was preferred by a small majority (31%).
- 5.4 Admission Forum from its meeting of the 26th September 2017, discussed the merits and disadvantages of all models and the impact upon children and families, discounting those models that didn't provide a clear solution.

- 5.5 One of the alternative models discussed (Model K), received support from all forum members. It was identified that the model continued to provide choice and prioritises all current catchment arrangements in lower birth years. It also addresses and allows parents to have a reasonable expectation on a catchment area for years of higher demand, providing greater assurance for those living on the Southend borders. Members recognised that the model was a softer and less drastic approach than Model A (based upon worst case scenario) and demonstrates that community and school concerns have been listened to.
- 5.6 A private vote, excluding all local authority officers and admission forum members, schools and academies with a vested interest in the outcome was taken. Members voted unanimously, resulting in a recommendation for Model K, which identifies priority areas for those that have been moved out of catchment, in areas of frequent over subscription, including siblings.
- 5.7 The council was in support of this recommendation and requested the collaboration from affected Own Admission Authorities to agree this model for formal consultation. All own admission authorities gave their agreement to the model with the exception of one.
- 5.8 Legra Academy Trust wanted assurances regarding the size of the areas being moved to Darlington School (average pupil product) and raised concerns regarding the lack of clear break away from the current catchment model. For these reasons, Legra would only agree to support Model K catchment changes under certain conditions:
- 'That there is no priority for pupils in the new Darlington catchment area in the event that Chalkwell and/or Leigh North Street are under subscribed in any one year
 - That the catchment areas for Chalkwell and Leigh North Street are changed so that there is no overlap with the new Darlington catchment area.'
- 5.9 Catchment areas must be designed so that they are reasonable and clearly defined. Where there are proposed changes to catchment areas, all affected admission authorities should work in collaboration to ensure that all catchment areas are aligned across the borough prior to consultation, with no areas left unidentified.
- 5.10 The final recommended model proposes the following elements (refer to **Appendix 2** Pages 26 – 28):
- (a) To move a section of West Leigh Schools current catchment area (area 1) to Leigh North Street but identify these roads as a priority area, which in years of any under subscription will prioritise these residents over any other area after catchment applications. Equally, all siblings within both catchment and the area 1 priority area will have equal precedence before catchment.
 - (b) To move a section of Leigh North Street Primary's current catchment area (area 2) to Darlington School, prioritising all siblings before catchment.
 - (c) To move a section of Chalkwell Hall Schools current catchment area (area 3) to Darlington School, prioritising all siblings before catchment.
 - (d) To move a section of Fairways Primary's current catchment area (area 4) to Blenheim Primary School, prioritising all siblings before catchment.

- (e) To move a section of Blenheim Primary School's current catchment area (area 5 & 6) to Eastwood Primary School.

5.11 Roads affected by the above changes are contained with **Appendix 4**.

5.12 It was the wish of the Admissions Forum and the Council that the final recommendation included priority areas for current Leigh North Street Primary and Chalkwell Hall Schools within their proposed arrangements. Legra Academy Trust believes that the use of priority areas would be detrimental to Darlinghurst School's improvement journey. Therefore, in order to allow the Council to consult on the changes to catchment, it has adopted the conditions required by Legra Academy Trust in the final recommended model in 5.10 above..

6 Consultation

6.1 When changes are proposed to Admission Arrangements, all admission authorities must consult on their Admission Arrangements that will apply for admission applications the following school year. Applications for 2019 admissions will be accepted from September 2018.

6.2 Consultation must last for a minimum of 6 weeks and must take place between 1st October and 31st January in the determination year. The recommendation is that consultation for Primary Community Schools begin on the 6th November 2017 running for six weeks to 15th December 2017. Own admission authorities that have worked in collaboration with the Council in relation to catchment areas have requested that the local authority include own admission authorities proposed changes within the local authority consultation document and consult on their behalf.

6.3 The Council and own admission authorities must consult with:

- a) parents of children between the ages of two and eighteen;
- b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
- c) all other admission authorities within the relevant area
- d) whichever of the governing body and the local authority who are not the admission authority;
- e) any adjoining neighbouring local authorities where the admission authority is the local authority; and
- f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.

6.4 For the duration of the consultation period, the admission authority must publish a copy of their full proposed Admission Arrangements (including the proposed PAN) on their website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought. For this purpose, although the Council will include all schools proposing changes to their catchment areas and arrangements in the consultation documentation, Own Admission Authorities will be responsible for collecting and collating consultation responses.

6.5 Admission authorities must also send upon request a copy of the proposed Admission Arrangements to any of the persons or bodies listed above inviting comment. Failure to consult effectively may be grounds for subsequent complaints, objections to the Office of the Schools Adjudicator and appeals.

6.6 Admission authorities must determine Admission Arrangements for entry in September 2019 by 28th February 2018. A Composite Prospectus of all admission

authorities Admission Arrangements will be available to view and download from Southend Borough Council's website from the 15th March 2018. Anyone wishing to object to the published arrangements can do so by objecting to the Office of the Schools Adjudicator from the 15th March to the 15th May 2018.

7 Other Options

- 7.1 **Appendix 2** outlines the other options proposed by Officers of the Council and members of the community. All options were given full consideration but discounted either due to not providing a solution to the problem or not having the agreement of Own Admissions Authorities.
- 7.2 Admission Forum favoured Model K (page 22 of **Appendix 2**). The final recommendation in **5.10** (and page 26 of **Appendix 2**) is an adaptation of this model.
- 7.3 The only model which has the support and agreement from all Own Admission Authorities is the final recommendation as stated in **5.10** of this report.

8 Reasons for Recommendation

- 8.1 Through consultation with community schools, there are proposed changes for the 2019 Admission Arrangements, specifically the admission criteria and therefore, if agreed in principle by Cabinet there is a requirement for a full public consultation regardless of the preferred option and outcome regarding catchment areas.
- 8.2 The current Admission Arrangements were last consulted on and approved by Cabinet six years ago. If a consultation does not take place this year for 2019 arrangements, according to the Admissions Code 2014, a consultation must take place next year for the 2020 Admission Arrangements. The recommendation is to consult for the 2019 arrangements and for the consultation to take place for six weeks in November and December 2017.
- 8.3 With regard to the proposed changes to catchment areas, if not agreed, the risk of doing nothing means that admission authorities are knowingly ignoring those schools who are unlikely to offer places to catchment children. According to the Admissions Code this would be deemed as unreasonable. The consequences would see some families being required to travel unreasonable distances (over 2 miles) to get their children to next nearest school with available places and an increase in children being offered alternative schools from their admission preferences.
- 8.4 Officers have already begun engaging the public around changes in recommendation 2.1 and 2.2. Therefore it would be appropriate to continue to formal consultation even if the final decision was no change in relation to catchment areas.

9 Corporate Implications

9.1 Contribution to Council's Vision & Corporate Priorities

These arrangements will assist pupils within the Borough to access quality learning opportunities to achieve the best possible outcomes for all children.
'Ensure residents have access to high quality education to enable them to be lifelong learners and have fulfilling employment.'

9.2 Financial Implications

There will be additional costs for running a formal consultation, however this is a requirement of the administration of school admissions and is funded from the Dedicated Schools Grant

9.3 **Legal Implications**

The determination of Admission Arrangements for community schools and the provision of a coordinated admissions scheme is a statutory requirement.

9.4 **People Implications**

Risk of children not receiving a primary school place within their catchment school

9.5 **Property Implications**

No risks to council property

9.6 **Consultation**

Requirement within the Admissions Code 2014 to formally consult on any changes to Admission Arrangements

9.7 **Equalities and Diversity Implications**

The pre-engagement process has been open to all groups and no issues were raised with regard to access to the work group sessions, online questionnaire, being aware of the process and open day session.

As presented models B, D, F and L could impact on one socio-economic group if the changes to catchment borders go ahead. The cost of travel and ease of access to allocated schools could become a difficulty for some.

9.8 **Risk Assessment**

If the Council does not agree a scheme, one will be imposed by the DfE, and the Council's reputation will suffer.

9.9 **Value for Money**

No direct implications.

9.10 **Community Safety Implications**

Consideration should be given for travel planning around schools and safe routes to schools

9.11 **Environmental Impact**

None envisaged

10 **Background Papers**

10.1 School Admissions Code 2014 —

<https://www.gov.uk/government/publications/school-admissions-code--2>

and School Admission Appeals Code 2012 -

<https://www.gov.uk/government/publications/school-admissions-appeals-code>

11 **Appendices**

Appendix 1 — Proposed Admissions Arrangements for Community Schools for September 2019 including Published Admission Numbers on Page 3.

Appendix 2 – Summary Report from Phase 1 Public Engagement Review of Primary School Catchment Areas in Leigh on Sea

Appendix 3 – Public E-petition

Appendix 4 – Addresses affected by the catchment changes

Appendix 5 – Equality Impact Assessment