

SURREY COUNTY COUNCIL**CABINET MEMBER FOR ALL-AGE LEARNING****DATE: 1 OCTOBER 2018****LEAD OFFICER: LIZ MILLS, DIRECTOR FOR EDUCATION, LIFELONG LEARNING AND CULTURE****SUBJECT: CONSULTATION ON ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR SEPTEMBER 2020****SUMMARY OF ISSUE:**

The local authority must consult on any changes it wishes to make to the admission arrangements for community and voluntary controlled schools for 2020. Consultation must run for at least six weeks between 1 October 2018 and 31 January 2019 and admission arrangements for 2020 must be determined by 28 February 2019. The local authority must also consult on its Relevant Area every two years.

This report seeks authorisation to proceed to consultation on the following:

- Wallace Fields Junior School – assessment of each child’s nearest school and home to school distance to be calculated according to the nearest of either Wallace Fields Infant or Wallace Fields Junior school (paragraphs 6-17)
- The admission of children previously in state care outside England (paragraphs 18-24)
- Surrey’s Relevant Area (paragraphs 25-26)

RECOMMENDATIONS:

That the Cabinet Member authorises the Principal Manager Admissions and Transport (Strategy) to go out to statutory consultation on the proposed changes to admission arrangements for community and voluntary controlled schools for September 2020 and also to consult on its proposed Relevant Area.

REASON FOR RECOMMENDATIONS:

There is a statutory requirement to consult on admission arrangements every seven years, or sooner if there is a proposal to change any part of a school’s admission arrangements. The local authority is proposing some changes to the admission arrangements for community and voluntary controlled schools and, as such, there is a statutory duty to consult on these changes. The consultation will also seek views on the admission arrangements for which there is no proposal for change.

There is also a statutory requirement for the local authority to consult on its Relevant Area every two years and as two years has passed since the last consultation, a further consultation is now due.

DETAILS:

1. The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2014 require all admission authorities to consult on their admission arrangements every seven years,

unless they are proposing any changes to their arrangements, in which case they must consult each year they are proposing a change.

2. Consultation must take place for a minimum of six weeks, between 1 October and 31 January and all admission authorities must then determine their arrangements by 28 February, whether or not they have been subject to consultation.
3. Surrey County Council (SCC) is proposing some changes to its admission arrangements for community and voluntary controlled schools and as such is intending to consult on these changes between 9 October and 19 November 2018.
4. The School Standards & Framework Act 1998 requires local authorities to establish Relevant Area(s) for admission policy consultations. The Relevant Area is the area in which admission authorities must consult with schools regarding their proposed admission arrangements before finalising them.
5. The Education Act 2002 requires the local authority to review and consult on its Relevant Area every 2 years.

Changes proposed to the admission criteria for community and voluntary controlled schools for 2020

Wallace Fields Junior School – Epsom & Ewell

6. Wallace Fields Junior School currently provides a feeder link on a tiered basis for children who attend Wallace Fields Infant School, as follows:
 - a. Looked after and previously looked after children
 - b. Exceptional social/medical need
 - c. Children who will have a sibling at Wallace Fields Infant School or Wallace Fields Junior School on the date of their admission and for whom Wallace Fields Junior School is the nearest school to their home address
 - d. Children attending Wallace Fields Infant School for whom Wallace Fields Junior School is the nearest school to their home address
 - e. Children for whom Wallace Fields Junior School is the nearest to their home address
 - f. Other children who will have a sibling at Wallace Fields Infant School or Wallace Fields Junior School on the date of their admission
 - g. Other children attending Wallace Fields Infant School
 - h. Any other children
7. These arrangements are in line with the admission arrangements that exist for Wallace Fields Infant School.
8. However the consequence of Wallace Fields Infant and Wallace Fields Junior schools being a short distance apart means that a small number of children gain a place at Wallace Fields Infant School on the basis of it being their nearest school with a Reception intake, but are not then eligible for a place at Wallace Fields Junior School at Year 3 because it is not their nearest school with a Year 3 intake. This despite the fact that the family has not moved address and live very close to the junior school.
9. In these cases, the school that is normally assessed to be the nearest school at Year 3 is St Martin's CofE Junior School. Families may or may not gain

entry to this school, depending on their circumstances. However they would normally prefer for their child to transfer to Wallace Fields Junior School with their friends and to remain with their siblings.

10. In other cases, a child may gain admission to either Wallace Fields Infant or Wallace Fields Junior School on the basis of it being their nearest school only for a younger/older sibling to not be eligible for admission to the other school because it is not their nearest school.
11. To remedy this it is proposed to amend the arrangements for Wallace Fields Junior School to provide for the assessment of each child's nearest school to be calculated according to the nearest of either Wallace Fields Infant or Wallace Fields Junior school, as follows (changes highlighted in bold):
 - a. Looked after and previously looked after children
 - b. Exceptional social/medical need
 - c. Children who will have a sibling at Wallace Fields Infant School or Wallace Fields Junior School on the date of their admission and for whom **either Wallace Fields Infant School or Wallace Fields Junior School** is the nearest school to their home address
 - d. *Children attending Wallace Fields Infant School for whom **either Wallace Fields Infant School or Wallace Fields Junior School** is the nearest school to their home address
 - e. Children for whom **either Wallace Fields Infant School or Wallace Fields Junior School** is the nearest to their home address
 - f. Other children who will have a sibling at Wallace Fields Infant School or Wallace Fields Junior School on the date of their admission
 - g. Other children attending Wallace Fields Infant School
 - h. Any other children
12. In addition, it is proposed to add text to the end of the criteria to clarify that home to school distance will be calculated to the nearer gate of either school, as follows:

'If the number of children who qualify under any criterion is greater than the number of places remaining available at the school, any remaining places will be offered to children who meet the criterion on the basis of proximity of the child's home address to the nearest official school gate at either Wallace Fields Infant School or Wallace Fields Junior School, with children living nearest receiving the greater priority.'
13. The proposed changes can be seen in Section 8 a) ii) of Enclosure 1.
14. The impact of these changes is low. For 2018 admission, three children missed out on an offer of a place at Wallace Fields Junior School on the national offer day, because it was not their nearest school with a Year 3 intake, despite them having gained a place at Wallace Fields Infant School as their nearest school. The three children who gained a place at Wallace Fields Junior School in their place all lived further away but had it as their nearest school.
15. The Headteacher and Governors at both Wallace Fields Infant and Wallace Fields Junior schools support this change as they are keen to serve the community around both schools. They agree that they do not wish some families to gain a place at the infant school as a result of it being their nearest school, only to find that the same children can't transfer to the junior school on the same basis, despite having not changed address. Nor do they wish that

children admitted to one school on the basis of nearest school cannot have a sibling considered on the same basis for the other school.

16. Such a change to the points used to measure nearest school would also require a change to the points used to measure home to school distance and this would ensure consistency when considering admission to either school.
17. This change is subject to the Headteacher and governors of Wallace Fields Infant School also making the same change to their admission arrangements for 2020.

The admission of children previously in state care outside England

18. On 4 December 2017, Nick Gibb, Minister of State for School Standards, wrote to local authorities and admission authorities regarding the admission to school of children previously in care outside of England. In his letter, Nick Gibb set out his intention to make changes to the School Admissions Code to ensure children who were previously in care outside England but had ceased to be in state care as a result of being adopted, also receive the highest priority for admission to a school in England.
19. However, until such time that a new Code could be issued, in his letter, Nick Gibb encouraged admission authorities to use their discretion and give these children second highest admissions priority in their oversubscription criteria.
20. As such a change could not be applied without consultation and as consultation was already underway on admission arrangements for 2019, this matter was left to be reviewed as part of the admission arrangements for 2020.
21. Since December 2017, local authorities and admission authorities have sought further guidance from the Department for Education on the application of this proposal, such as the definition of children who were previously in care outside England and what evidence might be suitable to validate such a claim.
22. In August 2018, the Department for Education issued advice on the 'admission into school of children previously in state care outside of England'. This reaffirms the Government's commitment to change the School Admissions Code to ensure children who were previously in state care outside England but have left that care as a result of being adopted, receive the same highest priority as looked after and previously looked after children in each school's admission criteria. However until such time that the School Admissions Code is changed, the advice sets out the Government's wish for admission authorities to give these children second highest priority for admission. It also stipulates that any change must be consulted upon in the normal way.
23. Any change to the School Admissions Code will be subject to consultation and the will of Parliament. Until such time that the School Admissions Code is changed, it is proposed to include this category of children within the second criterion that exists for community and voluntary controlled schools, namely 'Exceptional social/medical need'.
24. It is proposed to add the following wording to the section on exceptional social/medical need within the admission arrangements for community and voluntary schools (see Section 10 of Enclosure 1):

‘Children who were previously in state care outside of England, and have ceased to be in state care as a result of being adopted, may be considered under this criterion. A child will be regarded as having been in state care 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. Evidence will need to be provided to demonstrate that the child was in state care abroad and left that care as a result of being adopted.’

Surrey’s Relevant Area

25. The Relevant Area that Surrey intends to publish for schools for the next two years is set out in ENCLOSURE 3.
26. There are no changes proposed and this remains as it was determined in 2017.

Other changes that are not subject to consultation

Schools that will be considered in the assessment of nearest school

27. Section 12 of Enclosure 1 sets out that a school will be considered in the assessment of nearest school if it has admitted children without regard to faith or boarding in the previous three admissions years.
28. Whilst no change is proposed to this policy, each year a review of the previous three years’ intakes must take place to ensure that the schools to be considered in the assessment of nearest school are in line with this policy.
29. For information, for 2020 admission, this policy means that the following schools will no longer be listed in Appendix 3 as schools which will **not** be included in the assessment of nearest school when the admission criteria for community and voluntary controlled schools are applied:

St Joseph’s Catholic Primary School in Epsom
St Joseph’s Catholic Primary School in Redhill
30. This is because each of these schools has admitted children without regard to faith in the last three years.

<u>CONSULTATION:</u>

31. A paper setting out the proposed changes to the admission arrangements for community and voluntary controlled schools was passed to the School Admissions Forum on 28 September 2018.
32. The School Commissioning team has been involved in considering the proposals for change.
33. All schools directly affected by the proposed changes have been consulted.
34. Parents, schools and other stakeholders will have the opportunity to comment on the proposed admission arrangements, including any changes being proposed, throughout the six week consultation.

35. As the local authority is only responsible for consulting on the admission arrangements for community and voluntary controlled schools, the details of any school that becomes an academy before consultation begins will be removed from the paperwork.

RISK MANAGEMENT AND IMPLICATIONS:

36. The risks of consulting on these changes are low. There may be some local opposition to some of the proposals from those cohorts or groups that may be disadvantaged by the proposals but it is important to identify those concerns as part of the consultation.

Financial and Value for Money Implications

37. The admission criteria for the majority of community and voluntary controlled schools in Surrey conform to Surrey's standard criteria. The more schools that have the same admission criteria, the more the processes can be streamlined and thus present better value for money. However, where required, the admission criteria for some schools vary from Surrey's standard but these can currently be managed within existing resources.

Section 151 Officer Commentary

38. The Section 151 Officer confirms that the proposed changes to admission arrangements will be met within existing resources.

Legal Implications – Monitoring Officer

39. The proposed admission arrangements comply with legislation on School Admissions and the requirements of the School Admissions Code.
40. The local authority will carry out a consultation on all changes for a period of six weeks between 9 October and 19 November 2018, which is in accordance with statutory requirements.
41. The consultation will be carried out with all persons required under the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2014.
42. The local authority will give due regard to the responses to the consultation before considering the recommendations to put before Cabinet.
43. The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by the Cabinet Member in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report and in the attached equalities impact assessment (EIA).

Equalities and Diversity

44. An Equality Impact Assessment (EIA) is attached as ENCLOSURE 4. The adoption of determined admission criteria is a mandatory requirement

supported by primary legislation. The policy as it relates to community and voluntary controlled schools does not discriminate by age, gender, ethnicity, faith, disability or sexual orientation.

45. Measures have been taken to reference vulnerable groups both in terms of exceptional arrangements within admissions, the Special Educational Needs (SEN) process and the Fair Access Protocol. In addition, a right of appeal exists for all applicants who are refused a place at a particular school.

Other Implications:

46. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	Set out below.
Safeguarding responsibilities for vulnerable children and adults	Set out below.
Environmental sustainability	Set out below.
Public Health	No significant implications arising from this report

Corporate Parenting/Looked After Children implications

47. As required by the School Admissions Code, the proposed admission arrangements give top priority to children who are Looked After by a local authority and to those children who have left care through adoption, a child arrangements order or a special guardianship order.
48. As set out in advice issued by the Department for Education, the proposed admission arrangements respond to the wish of the Minister of State for School Standards, to give second highest priority to children previously in state care outside of England who have ceased to be in state care as a result of being adopted.

Safeguarding responsibilities for vulnerable children and adults implications

49. The efficient and timely administration of the schools admission process coupled with the equitable distribution of school places in accordance with the School Admission Code and parental preference contribute to the County Council's priority for safeguarding vulnerable children.

Environmental sustainability implications

50. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change.
51. The admission arrangements enable the majority of pupils to attend their nearest school and in doing so reduces travel and supports policies on cutting carbon emissions and tackling climate change.

WHAT HAPPENS NEXT:

- If approval is given to consult, the local authority will consult on the proposed admission arrangements for six weeks between 9 October and 19 November 2018.
- As the local authority is only responsible for consulting on the admission arrangements for community and voluntary controlled schools, the details of any school that becomes an academy before consultation begins will be removed from the paperwork.
- Details will be distributed to:
 - all schools and nurseries in the county including a form of wording that they may wish to display on their website, in newsletters or on notice boards.
 - out of County schools which are close to the border of Surrey
 - each of Surrey's neighbouring local authorities
 - each Diocesan Body representing schools in the county
 - all Surrey County Council Members and Borough/District Members, asking them to share the details with local community and resident groups as appropriate
 - Parish Councils within the area of Surrey County Council
 - Surrey MPs
- A paper summarising the outcome of the consultation and making recommendations will then be passed to Cabinet on 29 January 2019 for decision and then to Full Council on 5 February 2019 to ratify the decision so that the admission arrangements for Surrey's community and voluntary controlled schools and the coordinated schemes for 2020 can be determined before the statutory deadline of 28 February 2019.
- As the local authority is only responsible for determining the admission arrangements for community and voluntary controlled schools, the details of any school that becomes an academy before determination will be removed from the paperwork.
- The admission arrangements for September 2020 will then be published by 15 March 2019 on Surrey's website and a notice will be sent to all those consulted.

Contact Officer:

Claire Potier – Principal Manager Admissions and Transport – 01483 517689.

Consulted:

School Admissions Forum
School Commissioning Team
Schools affected by the proposals
Director – Education, Lifelong Learning & Culture

Annexes:

ENCLOSURE 1	Draft admission arrangements for community and VC schools
APPENDIX 1	Draft published admission numbers
APPENDIX 2	Draft schools to be considered as on adjoining/shared sites
APPENDIX 3	Draft schools to be considered in assessment of nearest school
APPENDIX 4	Catchment map for Southfield Park
APPENDIX 5	Catchment map for Woodmansterne Primary

ENCLOSURE 2 Draft coordinated schemes
ENCLOSURE 3 Draft Relevant Area
ENCLOSURE 4 Equality Impact Assessment

Sources/background papers:

- School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2014
- School Standards and Framework Act 1998
- Education Act 2002
- School Admissions Code
- Equality Act 2002
- DfE advice on the admission into school of children previously in state care outside of England

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