

**SURREY COUNTY COUNCIL****CABINET****DATE: 29 JUNE 2021****REPORT OF CABINET MEMBER: MS DENISE TURNER-STEWART, CABINET MEMBER FOR EDUCATION AND LEARNING****LEAD OFFICER: LIZ MILLS, DIRECTOR EDUCATION AND LIFELONG LEARNING****SUBJECT: VARIATION TO ADMISSION ARRANGEMENTS FOR SURREY'S COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS FOR SEPTEMBER 2021 AND SEPTEMBER 2022****ORGANISATION STRATEGY PRIORITY AREA: EMPOWERING COMMUNITIES****Purpose of the Report:**

Surrey County Council is responsible for determining the admission arrangements for 91 community and voluntary controlled schools by 28 February each year. The admission arrangements for 2021 and 2022 were determined by Cabinet on 28 January 2020 and 26 January 2021 respectively, and thereafter ratified by Full Council.

On 13 May 2021 the DfE issued a new School Admissions Code which, subject to Parliamentary procedure, is due to come into force on 1 September 2021. This new School Admissions Code requires all admission authorities to give top priority to children adopted from state care outside England, alongside looked after and other previously looked after children. In order to implement this change for community and voluntary controlled schools, the local authority must formally agree a variation to its admission arrangements for 2021 and 2022.

Academies, foundation, free, trust and voluntary aided schools are responsible for setting their own admission arrangements and, as such, their admission arrangements are not covered in this report.

**Recommendations:**

It is recommended that Cabinet make the following recommendation to the County Council:

1. That, subject to the new School Admissions Code coming into force on 1 September, the admission arrangements for community and voluntary controlled schools for 2021 and 2022 are varied to give top priority for children adopted from state care outside England, alongside looked after children and other previously looked after children.

**Reason for Recommendations:**

- It will ensure the local authority complies with the new School Admissions Code that is due to come in to force on 1 September 2021.
- It will ensure that children adopted from state care outside England are given the same priority for admission as children adopted from state care in England.

**EXECUTIVE SUMMARY**

1. On 13 May 2021 the DfE issued a new School Admissions Code (Code) which, subject to Parliamentary procedure, is due to come into force on 1 September 2021.
2. Paragraph 1.7 of the new Code requires that children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted to be given equal first priority in admission arrangements, alongside looked after children and children who were previously looked after by English local authorities.
3. This new provision for criterion 1 to include 'children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted', necessitates a variation to be made to the determined admission arrangements for 2021 and 2022, to take effect from 1 September 2021. Without this variation, the admission arrangements that have already been determined will no longer comply with the Code from this date.
4. As this variation is necessary to comply with a mandatory requirement of the Code, it will not be necessary to refer a variation request to the Schools Adjudicator.
5. This group of children were previously considered within the admission arrangements under criterion 2 for social/medical need and so this change will not materially change the pattern of admission to any school. The number of children expected to be considered under this category is expected to be very low, with just one child qualifying for placement at a community/voluntary controlled school on the basis of being adopted from state care outside England for September 2021.
6. This variation will be conditional on the Code passing through its Parliamentary process (i.e. a date on or around 1 July 2021). As this variation is due to be considered before then, it must be expressed to be conditional on the Code passing through Parliament. The variations would then come into effect on 1 September 2021.
7. All applications received before 1 September 2021 will have been processed in accordance with the existing (2014) Code and offers made and places allocated will be unchanged.
8. Any applications received on or after 1 September 2021 will be processed in accordance with the new Code which will mean that when dealing with in-year applications for the 2021/2022 academic year, children who are determined as being adopted from state care outside England must be given equal highest priority with looked after children and other previously looked after children.
9. Any child who is on a waiting list for a school before 1 September 2021 and meets the definition of a child adopted from state care outside England will be ranked again on 1 September 2021 following the new Code coming into force so that the child is given equal highest priority with looked after children and other previously looked after children.
10. Sections 9 and 10 of Enclosure 1 (2021 arrangements) and Enclosure 2 (2022 arrangements) have been updated to reflect this change with changes highlighted for clarity.
11. No other changes are proposed to the admission arrangements for community and voluntary controlled schools for 2021 or 2022.

## **CONSULTATION**

12. No consultation has been carried out as this is a statutory change to comply with the new Code that, subject to Parliamentary procedure, is due to come into force on 1 September 2021.

## **RISK MANAGEMENT AND IMPLICATIONS**

13. The risk of implementing this change is very low because it is a change to comply with a statutory requirement within the new School Admissions Code.

## **FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

14. 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. The change proposed as part of this variation will apply to all community and voluntary controlled schools.
15. This change impacts on the priority of children as opposed to the number of children requiring places. There is therefore not expected to be an impact on overall sufficiency as a result.

## **SECTION 151 OFFICER COMMENTARY**

16. Although significant progress has been made over the last twelve months to improve the Council's financial position, the medium-term financial outlook beyond 2021/22 remains uncertain. The public health crisis has resulted in increased costs which may not be fully funded. With uncertainty about the ongoing impact of this and no clarity on the extent to which both central and local funding sources might be affected in the medium term, our working assumption is that financial resources will continue to be constrained, as they have been for the majority of the past decade. This places an onus on the Council to continue to consider issues of financial sustainability as a priority in order to ensure stable provision of services in the medium term. As such, the Section 151 Officer supports the proposed changes to the admissions arrangements for 2021 and 2022. There is no expected direct impact on the Medium Term Financial Strategy.

## **LEGAL IMPLICATIONS – MONITORING OFFICER**

17. The proposed admission arrangements will comply with legislation on school admissions and the School Admissions Code, should it be approved by Parliament on or around 01 July 2021.
18. Admission authorities are permitted to make a variation to their admission arrangements without applying to the Schools Adjudicator where the change is to comply with a statutory requirement of the School Admissions Code. Where this applies, no consultation is required.
19. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that

Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

#### **EQUALITIES AND DIVERSITY**

20. The Equalities Impact Assessment has been completed and is attached in Enclosure 3. The adoption of determined admission criteria is a mandatory requirement supported by primary legislation.
21. The proposal to vary the admission arrangements to give top priority to children adopted from state care outside England complies with a statutory requirement for this group to be considered equally to children adopted from care in England.

#### **OTHER IMPLICATIONS**

22. 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	No significant implications arising from this report
Public Health	No significant implications arising from this report

#### **CORPORATE PARENTING/LOOKED AFTER CHILDREN IMPLICATIONS**

23. The proposed variation to the admission arrangements gives top priority to children adopted from state care outside England, alongside looked after and other previously looked after children.

#### **SAFEGUARDING RESPONSIBILITIES FOR VULNERABLE CHILDREN AND ADULTS IMPLICATIONS**

24. Giving top priority to children adopted from state care outside England will contribute to the County Council's priority for safeguarding vulnerable children.

#### **WHAT HAPPENS NEXT**

- The variation to the admissions arrangements for 2021 and 2022, as agreed by Cabinet, will be ratified by the full County Council on 13 July 2021.
- The determined admission arrangements will thereafter be published on Surrey's website.
- All Surrey schools will be notified of the variation to the determined admission arrangements for 2021 and 2022.
- Surrey's website will be updated to make clear that children adopted from state care outside England will be included within criterion one of the admission arrangements.

#### **Contact Officer:**

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**Annexes:**

**Enclosure 1** Admission arrangements for Community & VC schools - 2021

**Enclosure 2** Admission arrangements for Community & VC schools - 2022

**Enclosure 3** Equality Impact Assessment

**Sources/background papers:**

- School Admissions Code 2014
- School Admissions Code 2021

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