

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting: 2 April 2013
Report of: Strategic Director, Children, Families and Adults
Subject/Title: Determination of Local Authority Coordinated Scheme and Admission Arrangements

Portfolio Holder Councillor Rachel Bailey
Portfolio Holder for Children and Family Services

1.0 Report Summary

- 1.1 Cabinet are requested to approve the proposed admission arrangements and coordinated scheme as set out in the Appendices attached to this Report, which will apply to 2014 and subsequent years, subject to any review.
- 1.2 The proposed admission arrangements include the overall procedure, practices, criteria, published admission number (PAN) and supplementary information to be used in deciding on the allocation of school places.
- 1.3 The coordinated scheme, which all local authorities are required by section 88M of the School Standards and Framework Act 1998 (SSFA) and the Co-ordination Regulations to have in place, will apply to applications for places in all publicly funded mainstream primary and secondary schools, including free schools and academies, for the relevant age group i.e. at the normal point of entry into reception at 4+ and secondary transfer at 11+ for the school year 2014-15 and to applications received 'in year' (i.e. those received after the first day of the school year into the relevant age group or into any other year group).
- 1.4 Local authorities and admission authorities are under a statutory duty to consult on any proposed changes before arrangements can be determined. One exception to this is where, in its role as admission authority, the Local Authority, plans to keep a school's published admission number the same or increase it. In such circumstances, it must consult at least the governing body of the school. The published admission number is the number of pupils to be admitted at the normal point of entry to school.
- 1.5 Cabinet are advised that no changes have been proposed to the admission arrangements and coordinated admissions scheme for 2014, other than changes to the published admission numbers for some primary schools, as listed in the appendices.
- 1.6 Arrangements must be determined annually and by 15 April in the year preceding admission, in accordance with statutory requirements.

2.0 Decision Requested

2.1 Cabinet is recommended to approve

- The proposed **admission arrangements** (for community and voluntary controlled schools, (**Appendix 1**);
- The proposed **coordinated admission scheme (Appendix 2)**;
- The proposed changes to some school's published admission numbers (**Appendix 3**); and,
- The proposed **Relevant Area**
- Notification of the determined arrangements to all consultees within 14 days of determination.

3.0 Reasons for Recommendations

3.1 The recommendation will enable the Local Authority to meet its statutory duty to determine by 15 April 2013 a coordinated admissions scheme and admission arrangements for 2014, and to notify all consultees and the Secretary of State of the determination, in accordance with legal requirements.

4.0 Wards Affected

4.1 Once determined,

- the coordinated scheme will apply to all Cheshire East publicly funded mainstream primary and secondary schools, including free schools and academies;
- the determined admission arrangements will apply to all Cheshire East community and voluntary controlled schools.

5.0 Local Ward Members

5.1 All wards members.

6.0 Financial Implications (Authorised by the Borough Treasurer)

6.1 Members should note that the costs of School Admissions are charged to the Dedicated Schools Grant within the element for central expenditure.

7.0 Legal Implications (Authorised by the Borough Solicitor)

7.1 The Authority has a duty to comply with the mandatory requirements imposed by all relevant legislation including the School Admissions Code (or by statutory provisions). The School Admissions Code has been issued under Section 84 of the School Standards and Framework Act 1998 ('SSFA

1998') Chapter 1 of Part 3 of the School Standards and Framework Act (SSFA) 1998 contains the key provisions regarding schools admissions, including the statutory basis for the Code. The Code reflects changes to the law made by the Education Act 2011 and Regulations.

- 7.2 The Regulation that applies for the purpose of this report is the **School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012**; which requires that all local authorities formulate and determine a scheme for coordinating admission arrangements for publicly funded schools within their area by 15 April.

8.0 Risk Management

- 8.1 The Local Authority must determine its admission arrangements and coordinated scheme before 15 April 2013, otherwise it will be in breach of its statutory duty to comply with the provisions of the School Admissions Code.
- 8.2 The Local Authority must inform the Secretary of State whether it has secured the adoption of a qualifying scheme by 15 April. The Secretary of State may impose a scheme where a scheme has not been adopted.
- 8.3 Objections to determined admission arrangements can be referred to the Office of the Schools Adjudicator by 30 June in the determination year. The Adjudicator must consider whether the arrangements comply with the Code and the law relating to admissions. Arrangements must therefore be compliant with the provisions set out in the School Admissions Code 2012. An Adjudicator's determination is binding and enforceable.
- 8.4 Community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. There is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.

9.0 Background

- 9.1 The Local Authority's school admission arrangements and coordinated scheme are for implementation from September 2014.
- 9.2 If changes are proposed, consultation is required by 1 March (determination year) in accordance with the requirements set out in the School Admissions Code. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.
- 9.3 Arrangements must be determined by **15 April** every year, even if they have not changed from previous years and a consultation has not been required.

- 9.4 **Admission Arrangements:** The only change proposed for 2014 is in relation to an increase in the published admission number (PAN) for some schools. Governing bodies of individual schools have been consulted to agree the PAN to apply for 2014, subject to Cabinet determination. In deciding to recommend that a PAN should be allowed to increase, officers have given consideration to the school's net capacity (number of classrooms and physical size of the school) and its ability to accommodate more pupils at the normal point of entry and the impact that this may have in future years as the proposed larger intake moves through the school. Consideration has been given to the need for additional places in the area of the school. Class organisation and staffing have also been taken into account. (Appendix 3).
- 9.5 Cabinet is recommended to approve the PAN increases (Appendix 3), which will then apply from 2014.
- 9.6 Cabinet Members are advised that in making this recommendation, officers have taken advice from the Admissions Forum at its meeting on 12 March on any PAN changes that they consider could be detrimental to the school in the future due to insufficient accommodation and potential overcrowding or where there are sufficient school places in the area and surplus capacity. Whilst there is no duty to do so, consideration has also been given to the potential detriment to other schools in the area.
- 9.7 The Admission Forum gave full consideration to the issues presented and their advice is that schools are best positioned to judge whether an increase in PAN, and the resulting additional children, can be accommodated in the existing school premises without prejudice to other pupils in the school. The Forum therefore recommended that in order to promote fairness and consistency amongst all schools in Cheshire East, schools should be allowed to increase their PAN where they deem it appropriate.
- 9.8 Members are reminded that governing bodies of community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them is lower than they would wish and that there is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.
- 9.9 **Coordinated Scheme:** There are no changes proposed. Some minor amendments to dates have been made to take into account holiday periods and weekends. (Appendix 2)
- 9.10 The **Relevant Area** is the area within which the admission authority for a school must consult all other prescribed schools on its admission arrangements. No changes are proposed to the existing arrangements, which provide for the 'relevant area' for all community and voluntary controlled schools, for which the Local Authority is the admissions authority, to be the Cheshire East administrative boundary and for every other Cheshire East school to be the area normally served by the school from which most of its pupils are drawn.

10.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Appendix 1 School Admission Arrangements 2014

Appendix 2 Coordination Scheme 2014

Appendix 3 Published Admission Numbers 2014