

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	1 st April 2014
Report of:	Strategic Director, Children and Families
Subject/Title:	Determination of Local Authority Coordinated Scheme and Admission Arrangements (Forward Plan Ref: CE 13/14-83)
Portfolio Holder	Councillor Rachel Bailey, Children and Family Services and Rural Affairs

1.0 Report Summary

- 1.1 Cabinet are recommended to approve the coordinated scheme and admission arrangements (attached) for 2015 and subsequent years, subject to any review.
- 1.2 The coordinated scheme (**Annex 1**), which all local authorities are, under section 88M of the School Standards and Framework Act 1998 (SSFA), required to have in place, will apply to applications for places in all publicly funded mainstream primary and secondary schools (i.e. including academies) for the school year 2015-16.
- 1.3 The proposed admission arrangements (**Annex 2**) include the overall procedure, practices, criteria, published admission number (PAN) and supplementary information to be used in deciding on the allocation of school places. Current admission numbers and proposed changes for community and voluntary controlled schools for 2015 (which the Local Authority is responsible for as the admission authority for these schools) are set out in **Appendix 1**.
- 1.4 The recommendation will enable the Local Authority to meet its statutory duty to determine by 15 April 2014 a coordinated scheme and admission arrangements.

2.0 Recommendations

- 2.1 Cabinet is recommended to approve
 - The proposed **coordinated admission scheme**, which all local authorities are required by section 88M of the School Standards and Framework Act 1998 (SSFA) to have in place (Annex 1).
 - The proposed **admission arrangements** for Cheshire East community and controlled schools, which are the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places (Annex 2).

3.0 Reasons for Recommendations

- 3.1 The recommendation will enable the Local Authority to meet its statutory duty to determine by 15 April 2014 a coordinated admissions scheme and admission arrangements to apply for 2015 and subsequent years.

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 academies and the 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

- 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

- 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.

8.0 Risk Management

- 8.1 The Local Authority must determine its coordinated scheme and admission arrangements before 15 April 2014 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.

8.5 An Equality Impact Assessment is attached as **Annex 3**

9.0 Background

9.1 The Local Authority's school admission arrangements and coordinated scheme are for implementation from September 2015.

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. Arrangements must nevertheless be determined by **15 April** every year, even if they have not changed from previous years and a consultation has not been required.

9.3 The **Coordinated Scheme**, once determined, will apply to applications for places in all Cheshire East publicly funded schools including Academies. For 2015, dates have been adjusted where necessary around non-working days. Other minor changes have been incorporated to reflect procedural changes agreed with schools and/or to ensure compliance with statutory duties. These changes are summarised below:

- *Educating children outside of their normal age group.* Admission authorities must provide for admission to school before a child reaches statutory school age, but must not require this. The scheme has been updated to reflect statutory requirements, which allow parents the opportunity to gain admission authority support to delay admission to school when it is considered that the child is not 'ready' to start school until reaching statutory school age, which is the term after the child's fifth birthday. (Paragraph 3.3)
- *Reinforcing the legal requirement to make a single offer of a school place.* The purpose of this change is to set out the process for dealing with parental disputes during the application process and is made to ensure compliance with legal requirements. The arrangement reinforced is that the application made by the primary carer will take priority in cases where two estranged parents cannot agree on the

schools to be included on the application form and seek to make separate applications. (Paragraphs 3.8, 3.9)

- *Data Protection.* This change is to remind parents that the personal or sensitive information that they provide for the purpose of school admissions will be held in accordance with the Data Protection Act 1998 and its eight principles but that in order to ensure that their application is processed in accordance with their wishes, the data may need to be shared within the Local Authority, with other relevant local authorities and with relevant schools. (Paragraph 12.6)
- *Fair Access Protocol.* Admission law requires that local authorities must publish information about their Fair Access Protocol, which includes the process agreed for ensuring the speedy admission of children outside the normal admissions process. The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures. (Paragraph 12.7)
- *Timescale for making in year applications.* Current arrangements state that applications should not *normally* be made more than 6 weeks in advance of the intended date of admission. To provide further clarification, a statement in relation to applications made during the summer term has been added. This explains that 8 weeks is acceptable at this time of the year to ensure that parents can exercise their legal right of appeal, if applicable, before schools close at the end of the summer term. (Paragraph 12.14)

9.4 The **Admission Arrangements** once determined, will apply to community and voluntary controlled schools only. The only change proposed for 2015 is in relation to published admission numbers (PANs). Governing bodies of individual schools have been consulted. 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. PAN changes that are conditional on a final decision to expand existing accommodation for 2015 are shown and include:

- Manor Park Primary and Nursery School, Knutsford – PAN increase from 30 to 45 linked to proposed increase in capacity from 210 to 315 for 2015
- Offley Primary School, Sandbach – PAN increase from 45 to 60 linked to proposed increase in capacity from 315 to 420 for 2015

- Mobberley CE Primary, Knutsford – PAN increase from 20 to 30 linked to proposed increase in capacity from 140 to 210 for 2014.
- 9.5 Governing bodies of community and voluntary controlled schools have the right to object to the Schools Adjudicator if the PAN set for them by the Local Authority 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.

Access to Information

- School Admissions Code 2012
- School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012

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

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