

# Cheshire East Council

## Portfolio Holder Decision

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<b>Report of:</b>	Director of Education & 14-19 Skills
<b>Subject/Title:</b>	Admissions Arrangements and Coordinated Scheme 2019-20 Consultation
<b>Portfolio Holder:</b>	Cllr Jos Saunders

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### 1. Report Summary

- 1.1 The Local Authority must consult on its admissions arrangements as a minimum every 7 years. Consultation took place between 28 November 2017 & 10 January 2018. Consideration has been given to feedback and it is recommended that the Portfolio Holder approves the Admissions Arrangements and Co-ordinated Scheme 2019-20.
- 1.2 Consideration has been given to a consultation involving the removal or amendments to catchment areas. However, given the current staffing restrictions and significant impact this could have on local residents it is not deemed appropriate at this time. Further consideration will be given to this and a wider consultation may take place next year.
- 1.3 The Portfolio Holder is recommended to approve the coordinated scheme and admission arrangements for 2019 and subsequent years, following the 6 week public consultation period.
- 1.4 The statutory consultation has taken place. There are no further changes recommended following the consultation and the updated scheme and arrangements will be implemented and will apply to applications for places in all publicly funded mainstream primary and secondary schools (i.e. including academies) for the school year 2019-20 and beyond.
- 1.5 The 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.

## 2. Recommendation

2.1 It is recommended that Portfolio Holder:

- Considers and notes the responses to the consultation
- Approves the updated **coordinated admission scheme and admissions arrangements for 2019-20 and beyond**, which all local authorities are required by section 88M of the School Standards and Framework Act 1998 (SSFA) to have in place.

## 3. Reasons for Recommendation

3.1. The recommendations will enable the Local Authority to meet its statutory duty to determine its coordinated admission scheme and admissions arrangements every 7 years, by 28 February 2018, for 2019-20 and beyond.

It is recommended that Portfolio Holder notes statutory consultation has taken place as required.

## 4. Other Options Considered

N/A.

## 5. Background

5.1 The Local Authority's school admission arrangements and coordinated scheme need to be implemented from September 2019.

If changes are proposed, consultation is required by 31 January (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 **28 February** every year, even if they have not changed from previous years and a consultation has not been required.

The **Coordinated Scheme**, once determined, will apply to applications for places in all Cheshire East publicly funded schools including Academies. The scheme planned for 2019 – 20 and beyond will reflect any changes determined via the consultation.

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.

Consultation took place between 28 November 2017 and 10 January 2018. Eleven responses were received in total. Full details are contained in Appendix 1.

**For proposed changes to the Co-ordinated Scheme**, the majority of responses were in agreement or neither agreed nor disagreed. For example, only one response disagreed with the revision of the definition of how distance is measured. The clarification on delayed entry for summer born children was only disagreed with by one respondent. 8 out of 11 responses supported this. The update to the process for Accepting and Declining places was supported by 6 responses with 4 responses either neither agreeing nor disagreeing or being unsure and only one response strongly disagreeing. 9 out of 11 of the responses agreed with changes to taking up the offer.

**For proposed changes to the Admission Arrangements**, respondents were supportive of the changes around the Local Authority's commitment to rural schools and pupil place planning.

Specific responses included the suggestion that the order of the oversubscription criteria for siblings / catchment children be changed as follows:

- siblings resident inside the catchment
- children resident inside the catchment
- siblings resident outside the catchment

The rationale given for this was that where there was new housing school places could be allocated to siblings resident outside of the local area or borough and local children could be denied places. A separate comment considered that priority should be given to local children rather than out of area. A further response gave the view that siblings should not be given priority over local children. A further comment was made about the fairness of catchment areas and the impact of new developments. Finally, a response suggested "asylum seeker & non EU children should not be given precedence ahead of UK & EU children".

The consultation covered Admissions Arrangements for Community and Voluntary Controlled Schools for which the Local Authority is the Admissions Authority. Other schools are their own Admissions Authority and set their own Admissions Arrangements. No change was proposed to the oversubscription criteria in the consultation document and therefore it is considered inappropriate to make any significant changes to the Local Authority Oversubscription Criteria without fuller consultation about suggested changes. Consideration will be given to whether it is appropriate in the future to consider more substantive changes and undertake a more detailed consultation. In terms of the comments about asylum seekers, all Admissions Authorities have to be mindful of their duties under the Equality Act 2010.

During the consultation period a letter was received from Nick Gibb MP asking that children previously cared for outside England were given priority. This is ahead of a formal amendment to the Schools Admissions Code. It was requested that consideration be given to including this for Admissions Arrangements for 2019/20. The difficulty with doing this for 2019-20 is that the LA Admissions Policy only applies to Community and Voluntary Controlled schools. As part of the Co-ordinated Scheme, the LA takes responsibility for verifying the status of Cared For and previously Cared For children. If some schools are including Children Cared For outside England in their definition and some do not then this could lead to inequity across the borough. As some Admissions Authority have already published their arrangements the LA is requesting that all Admissions Authorities incorporate this into their Admissions Policies for 2020/21 so that there can be a consistent approach across the borough.

## **6. Wards Affected and Local Ward Members**

- 6.1. 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.

## **7. Implications of Recommendation**

### **7.1. Policy Implications**

- 7.1.1 The Coordinated Scheme and Admissions Arrangements are key policy documents for the Council and are a statutory requirement. The process for applying for school places is contained within the coordinated scheme and this applies to all Cheshire East publicly funded schools. How parents' preferences are then considered is set out within an admission authority's admission arrangements. The policy on admission arrangements will apply to applications for community and voluntary controlled schools only, for which the Local Authority is the admission authority.

The admissions arrangements for 2019 – 20 include the following amendments;

1. Due to changes in the software used distance will be measured by National Land and Property Gazetteer not Ordnance Survey, therefore it is recommended that the wording is amended to;

“Pupils living nearest to the school measured using the National Land and Property Gazetteer (NLPG) which measures straight line distances in miles from the school's coordinate point to the place of residence's coordinate point.”

2. Following direction from DFE in relation to school applications from overseas the admissions arrangements will be amended to state;

All applications from families resident in the United Kingdom, and from UK and European Economic Area (EEA) citizens resident outside the United Kingdom will be accepted. They will be processed and considered on an equal basis on their current address and in accordance with published arrangements. Once a family living outside the UK relocates to within the UK, evidence of the new address will be required. The only exception to this is for families of service personnel with a confirmed posting to their area, or crown servants returning from overseas to live in that area. This is in accordance with the [School Admissions Code, paragraph 2.19](#).

## **7.2. Legal Implications**

7.2.1 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. The Regulation that applies for the purpose of this report is the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2014.

## **7.3. Financial Implications**

7.3.1 School Admissions within the Education and Skills service are charged to the Dedicated Schools Grant. The budget of £327,000 for 2017/18 allows the team to deliver the admissions service and necessary schemes and policies.

There are no additional financial implications of agreement of this scheme. Schools will continue to be funded through DSG, based on the pupils they have on roll as at the previous October's census date.

From 1<sup>st</sup> April 2018 schools admissions funding is within the element for central schools services expenditure in DSG.

## **7.4. Equality Implications**

7.4.1 An Equality Impact Analysis / Assessment is required for this report.

## **7.5. Rural Community Implications**

7.5.1 The Local Authority's coordinated scheme will apply to all publicly funded schools across the Borough and the admission arrangements will apply to applications received for Cheshire East community and voluntary controlled schools. Determination will therefore benefit all communities equally by ensuring that arrangements are in place for families who will be applying for admission in the 2019-20 academic year. Paragraph 18.3 and 18.4 have been added to LA Admission Arrangements to confirm the LA's approach to pupil place planning and that the LA may not support an increase in Published

Admission Number where a neighbouring school has vacancies, this will be applied to support small and rural schools.

**7.6. Human Resources Implications**

N/A.

**7.7. Health and Wellbeing Implications**

N/A

**7.8. Implications for Children and Young People**

N/A

**7.9. Overview and Scrutiny Committee Implications**

N/A

**7.10. Other Implications (Please Specify)**

N/A

**8. Risk Management**

- 8.1 The Local Authority must determine its coordinated scheme and admission arrangements by 28 February 2018 otherwise it will be in breach of its statutory duty to comply with the provisions of the School Admissions Code.

The Local Authority must inform the Secretary of State whether it has secured the adoption of a qualifying scheme by 28 February. The Secretary of State may impose a scheme where a scheme has not been adopted. Objections to determined admission arrangements can be referred to the Office of the Schools Adjudicator by 15 May 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 2014. An Adjudicator's determination is binding and enforceable.

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. Access to Information**

- 9.1. A 6 week consultation has taken place with stakeholders – neighbouring Local Authorities, all Cheshire East schools and nurseries, Dioceses were notified by email of the consultation, and it was publicly available on the Cheshire East website and advertised via Social Media.

## 10. Contact Information

Contact details for this report are as follows:

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