

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	1 st July 2014
Report of:	Director of Children's Services
Subject/Title:	Variation to Determined Admission Arrangements (Ref CE 14/15-8)
Portfolio Holder	Councillor Rachel Bailey, Safeguarding Children and Adults

1.0 Report Summary

- 1.1 The Children's Services Directorate welcomes new guidance issued by the Department for Education, which recommends that admission authorities give the highest priority in their arrangements to all children adopted from care who are of school age.
- 1.2 Cabinet is therefore asked to approve a variation to the admission arrangements determined for 2014 and 2015, which it is considered will fully support the Cabinet's view on these matters.
- 1.3 The new guidance was issued by the Department for Education on 13 May 2014 (Appendix 1) and therefore after current arrangements had been determined.

2.0 Recommendation

- 2.1 Cabinet is asked to approve
 - a variation to determined admission arrangements for Cheshire East community and voluntary controlled schools for September 2015 and subsequent years, subject to any review; and
 - a variation to determined admission arrangements for Cheshire East community and voluntary controlled schools for September 2014.

3.0 Reasons for Recommendation

- 3.1 Approval will bring about a very positive change to the admission arrangements by giving all children adopted from care highest priority.
- 3.2 Admission arrangements must be determined annually and by the statutory deadline of 15 April. Arrangements for the academic year 2014-2015 were determined by Cabinet on 2 April 2013 and for 2015-2016 on 1 April 2014 in line with the requirements set out in the School Admissions Code 2012 (the Code).

- 3.3 The new guidance supports this recommendation by allowing local authorities to endorse a wider interpretation of the Code.

4.0 Wards Affected

- 4.1 Once determined, the varied 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 None

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 Ministers have recommended that the current School Admission Code 2012 (the Code) provisions should be interpreted more widely to give highest priority to all children adopted from local authority care. Government policy on admissions, as set out in the Code, defines children adopted from care as children adopted under the Adoption and Children Act 2002 (which was implemented on 30 December 2005).
- 7.3 The recommendation of the DfE is that this change should take effect immediately and that it is intended that the necessary amendments to the Code will be made at the first available opportunity. The DfE acknowledges that since their guidance is non-statutory it is still a matter for school admission authorities to interpret and apply the Code, seeking their own legal advice where appropriate.
- 7.4 Legal advice has been taken, as recommended in the guidance, and the advice is that this variation is necessary to ensure compliance with the guidance issued by the Department, which recommends a wider interpretation of the School Admissions Code 2012.

8.0 Risk Management

- 8.1 The variation endorses the view of the Local Authority that all children adopted from care should be given highest priority within the admission arrangements.

This is in agreement with the non-statutory guidance issued by the Department for Education (DfE) on Tuesday 13 May 2014.

- 8.2 If this variation was not made, the Local Authority could face challenge in the event that current arrangements are seen to disadvantage children adopted from care, which would contravene the wider interpretation of the School Admissions Code and DfE non-statutory guidance.
- 8.3 Once admission arrangements have been determined for a particular academic year, ordinarily, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of the Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements. The advice of the Department is that in this case, referral to the Adjudicator is not necessary as its intention is to ensure compliance with the School Admissions Code 2012.

9.0 Background

- 9.1 The variation necessary to ensure all children adopted from care are given priority within the admission arrangements (criterion 1 of the oversubscription criteria) is set out below. This has been extracted from the relevant section of the admission arrangements, which are available on request from the report author. This brings to the attention of Cabinet the specific amendments to existing policy that now require approval, with new wording shown in italics:

1. 'Cared for Children' and Children who were 'Previously Cared for'.

- § A 'cared for child' is a child who is in the care of a local authority or provided with accommodation by that local authority (as defined in section 22 of the Children Act 1989).
- § Children previously 'cared for' are children who were 'cared for' as defined above, but immediately after being 'cared for' became subject to an adoption, *child arrangements order (formerly residence order)*, or special guardianship order. ~~An adoption order is an order under section 46 of the Adoption and Children Act 2002.~~ A child arrangements order is as an order settling the arrangements to be made as to the person with whom the child is to live under section 8 of the Children Act 1989 *amended by Children and Families Act 2014*. Section 14A of the Children Act 1989 defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

10.0 Access to Information

School Admissions Code 2012

Admission arrangements for Cheshire East community and voluntary controlled schools for September 2014

Admission arrangements for Cheshire East community and voluntary controlled schools for September 2015

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

Barbara Dale, School Admissions and Organisation Manager
Tel No: 01270 686392. Email: Barbara.Dale@cheshireeast.gov.uk