

## **CABINET MEMBER DECISION**

### **3 AUGUST 2021**

#### **Admission Arrangements for Community and Voluntary Controlled Schools for 2021/22 & 2022/23, Co-ordinated Admission Schemes 2021/22 & 2022/23 and Fair Access Protocol for Worcestershire Schools**

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##### **Relevant Cabinet Member**

Councillor Marcus Hart, Cabinet Member with Responsibility for Education

##### **Relevant Chief Officer**

Tina Russell, Director of Children's Services, Worcestershire Children First

##### **Recommendation**

1. **The Cabinet Member with Responsibility for Education is recommended to:**
  - (a) **Approve the revised Admission Policies for Community and Voluntary Controlled First/Primary & Middle/High Schools for the 2021/2022 and 2022/2023 academic years as set out in Appendices 1a, 1b, 1c and 1d;**
  - (b) **Approve the revised Co-ordinated Schemes for First/Primary/Middle Schools, Secondary Schools for the 2022/2023 academic year and the In-Year Schemes for the academic years 2021/2022 and 2022/2023 as set out in Appendices 2a, 2b, 2c and 2d; and**
  - (c) **Approve the revised Fair Access Protocol as set out in Appendix 3.**

##### **Background**

2. The School Admissions Code 2021 was recently published by the Department for Education (DfE) following a consultation exercise in summer 2020. The Code has now gained parliamentary approval and comes into force from 1 September 2021. The Code remains largely the same, however, there are changes to the operation of the admissions system in several key areas – the admission of vulnerable children and the practices around in-year admissions. The legislation introduces several statutory changes that are required to be made to existing policies.
3. The changes are statutory and are not subject to consultation. They require all admission authorities to amend their arrangements for 2021-2022 and 2022-2023 academic years to reflect the statutory changes and admission authorities are required to approve the new arrangements ready for 1 September 2021.
4. Following approval by Cabinet in January 2020, the Cabinet Member with Responsibility for Education has the delegated power to approve the amended admission policies for all Community and Voluntary Controlled Schools, and the co-

ordinated schemes for Worcestershire schools, including the in-year Scheme and the Fair Access Protocol.

## **Review of the Admissions Policy for Community and Voluntary Controlled Schools 2022/23**

5. The Code makes it a mandatory requirement for **children who have been in care outside of England and were then adopted**, to be given highest priority alongside Looked After and Previously Looked After Children. The revised definition in the policy has been updated to include this group, definition set out below:

*“Looked after’ means all those currently in the care of a Local Authority or accommodated by a Local Authority under the terms of the Children Act 1989 and children who were previously in the care of or accommodated by a Local Authority but immediately after being looked after, became subject to an adoption, a child arrangements order or special guardianship order and includes those children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted. By children previously in state care outside of England, we mean children who have been looked after outside of England by a public authority, a religious organisation, or another provider of care whose sole purpose is to benefit society. The care may have been provided in orphanages or other settings. Independent supporting evidence will be required to be provided with the application.*

6. The Code makes it a mandatory requirement for admissions authorities to specify in their admission arrangements, how prioritisation of **children of staff** will be applied, for example, which groups of staff it will apply to. The current arrangements have been applied equally to all staff, it is therefore proposed that this should continue and the revised definition, which will apply to all staff, teaching and non-teaching has been reworded and is set out below:

*Children of any member of staff employed at the mainstream school in either of the following circumstances:*

- a) Where that member of staff has been employed for two or more years at the time at which the application for admission is made, or*
- b) the member of staff is recruited to fill a post for which there is a demonstrable skill shortage.*

7. The Code makes it a mandatory requirement for admission authorities to use a future address, in the case of **children of service personnel** with a confirmed posting or the children of crown servants returning from overseas as part of the Government commitment to Armed Forces Personnel. This information is provided in the Information for Parents Book and the section in relation to Children of UK service personnel (UK Armed Forces), will be updated to reflect the mandatory change.

8. The code requires admission arrangements to be fair, clear, and objective, there are several items that require clarification as well as action to ensure fairness, as set out in paragraphs 9 – 14 below.

9. **Multiple Births**, at present the arrangements specify:

*In the event that one or more but not all children from a multiple birth can be allocated place(s), all of the children from that multiple birth will be admitted, even if this takes the school over PAN.*

10. However, in a situation where no children from a multiple birth can be offered places and that family appeals against the decision, parent/carers need to be aware that all appeals are dealt with on their own merits and independent appeal panels are not obliged to allow all children from a multiple birth to be admitted, if one appeal is successful. It is therefore proposed to amend the statement on multiple births to the following, to provide clarity:

*In the event that one or more but not all children from that multiple birth can be allocated a place(s), all of the children from that multiple birth will be admitted even if this takes the school over PAN. In circumstances where no children from a multiple birth can be offered a place and parents/carers appeal against the decision, parents are advised to note, that all appeals are dealt with on their own merits and independent appeal panels are not obliged to allow all children from a multiple birth to be admitted, if one appeal is successful.*

11. **Oversubscription Criteria Order**, in several appeal hearings, parents have advised that they did not clearly understand which category in the oversubscription criterion their child falls into, particularly where there is oversubscription within catchment. The current arrangements state:

*Where there are too many applications from within the catchment area, priority within the catchment area will be decided in the following order, i.e., sibling connection, attendance at feeder school, children of staff, then according to distance, each assessed as indicated above.*

12. To assist parents in clearly understanding the arrangements, it is proposed that the criterion is reworded to clearly set out the order in which places are allocated, so there can be no misunderstanding. There is no change to how the places will be allocated, simply rewording for clarity for parents. The revised wording is set out in Appendices, 1a,1b,1c and 1d.

13. The Office of the School Adjudicator has ruled on several cases nationally, that it is unfair and not in line with the Code on Admissions, to have arrangements that use receipt of **Child Benefit** as a deciding factor in determining which address to be used in cases of 50/50 shared care arrangements. The current arrangements specify:

*Where care is split equally, parent/carers must provide independent supporting documentary evidence to prove that care is equally split. In such cases the address of the parent/carer in receipt of the Child Benefit will be the address on which the application will be processed.*

14. To ensure compliance with the Code it is therefore recommended that the arrangements are reworded as set out below:

*Where care is split equally, parent/carers must provide independent supporting documentary evidence to prove that care is equally split. In such cases the address used will be determined by random selection (lottery). Legal and Democratic*

*Services, who are totally independent of School Admissions will supervise this process.*

15. It is therefore recommended that Cabinet Member with Responsibility for Education, approves the revised arrangements for Community and Voluntary Controlled First/Primary & Middle/High Schools for the 2021/2022 and 2022/2023 academic years as set out in Appendices 1a, 1b, 1c and 1d.

### **Co-ordinated Schemes**

16. The co-ordinated First/Primary and Middle and Secondary Schools schemes for 2022/2023, for the normal point of entry to schools, have been updated to provide further information and clarity to parents in relation to Waiting Lists, which now includes the following additional information:

*The waiting list is ranked in line with the published oversubscription criteria and is maintained until the 31st December 2022. Each child added to that list will require the list to be ranked again in line with the published oversubscription criteria.*

17. The new Code introduces a new section that deals solely with in-year admissions, setting out the local authority's responsibility to determine whether they will co-ordinate in-year applications and setting out the requirements for publishing information on their websites.

18. In-year co-ordination is already in effect in Worcestershire and every school takes part in the co-ordinated scheme, which works for the benefit of all children/young people and schools in Worcestershire. The relevant requirements of the Code are wholly met in the co-ordinated scheme with one minor amendment. No school has indicated any intention to withdraw from the co-ordinated scheme. The adjustment to the scheme is the new legal requirement to provide an outcome to parents within 15 days of receiving the application.

19. It is therefore recommended that Cabinet Member with Responsibility for Education, approves the co-ordinated schemes for First/Primary/Middle Schools, Secondary Schools for the 2022/2023 academic year and the In-Year Schemes for the academic years 2021/2022 and 2022/2023 as set out in Appendices 2a, 2b, 2c and 2d.

### **Fair Access Protocol**

20. The new Code introduces additional requirements in relation to Fair Access Protocols and the relevant requirements of the Code have been incorporated into the Worcestershire Fair Access Protocol. Appendix 3. The adjustments made include a standard definition of Challenging Behaviour, the extension of Fair Access eligibility to additional groups of vulnerable young persons, allowing an individual to make decisions on placements, the requirement to take parents views into account when placing at Fair Access and the requirement to allocate a place within 20 school days.

21. It is therefore recommended that Cabinet Member with Responsibility for Education, approves the Worcestershire Fair Access Protocol as set out in Appendix 3.

### **Legal, Financial and HR Implications**

22. There are no Legal, Financial or HR implications associated with the amendments. Failure to make the necessary amendments would leave the admission authority in breach of the statutory requirements of the Code.

### **Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments**

23. An Equality Impact Assessment relevance screening has been completed on the Admission Policy for 2022/23. It showed that the recommendations do not have an adverse impact on children and young people or any of the protected groups and promotes equality.

24. There are no Public Health and Privacy Impact Assessment implications that will occur as a result of endorsing the recommendations in this report.

### **Supporting Information**

- Appendices 1a,1b,1c & 1d – Admissions Policy for Community and Voluntary Controlled Schools
- Appendices 2a,2b,2c & 2d – Co-ordinated Schemes for Worcestershire Schools
- Appendix 3 – Fair Access Protocol

### **Contact Points**

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Specific Contact Points for this report  
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### **Background Papers**

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

School Admissions Code 2021  
Agenda papers for the meeting of Cabinet held on 4 February 2021 [Agenda item - School Admission Arrangements for Community and Voluntary Controlled Schools for 2022/23, Co-ordinated Admission Schemes 2022/23 and Published Admission Number Changes for 2022/23 - Worcestershire County Council \(modern.gov.co.uk\)](#)