

Report to:	EXECUTIVE CABINET
Date:	28 July 2021
Executive Member:	Councillor Leanne Feeley – Executive Member – Lifelong Learning, Equalities, Culture and Heritage
Reporting Officer:	Richard Hancock – Director, Children's Services
Subject:	AMENDMENTS TO SCHOOL ADMISSION ARRANGEMENTS FOR TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS
Report Summary:	The report outlines the determination following a referral to the School Adjudicator and the implications for the school admission arrangements for community and voluntary schools. The report recommends amendments to the admission arrangements in order to comply with the determination.
Recommendations:	That Executive Cabinet be recommended to approve the admission arrangements for Tameside primary, junior and secondary community and voluntary controlled schools be amended as set out in Appendices 2, 3 and 4
Corporate Plan:	The proposals contained within this report will support the delivery of the Community Strategy, through the delivery of sufficient and suitable places.
Policy Implications:	These recommendations amend the admission arrangements for which Tameside Council is the admission authority
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	The report outlines changes to the admissions policy as requested by the School Adjudicator, from which there are no direct implications for the Council's finances. The Adjudicators agreement to changing the published admission number of 45 to 30 will support Buckton Vale Governing Body in making strategic planning decisions relating to resources and finances, as going forward school will longer term no longer need to mix classes and year groups to achieve affordable optimum pupil teacher ratios.
Legal Implications: (Authorised by the Borough Solicitor)	This report sets out how the Council has sought an amendment to the admissions arrangement for Buckton Vale Primary School as permitted under section 88E of the Schools Standards Framework Act 1988. In granting this proposal the School Adjudicator also reviewed the council's guidance in relation to schools admissions and raised a number of issues, again set out in this report for the council to address to ensure that its admission arrangements are as clear as possible as required under the School Admission Code. The amendments proposed in this report are intended to address those issues to ensure that the process is as clear as it can be for those seeking admission for children. It also ensures that the council has confidence in its processes which are fair and robust against potential challenge.
Risk Management:	Failure to amend the admission arrangements in line with the decision of the School Adjudicator within two months of the

decision date could result in the Secretary of State imposing admissions arrangements on the Council.

Background Information:

The background papers relating to this report can be inspected by contacting Catherine Moseley, Head of Access Service



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1 BACKGROUND

- 1.1 Members will recall that the admission arrangements for community and voluntary controlled schools are determined on an annual basis and the Executive Cabinet last considered them at the January 2021 meeting for admission in September 2022.
- 1.2 Subsequent to that meeting and following school budget planning, the Council was approached by Buckton Vale Primary School who were making plans to avoid a potential budget deficit that was being projected for future years due to falling numbers coming into the school.
- 1.3 Buckton Vale Primary School have a published admission number of 45 but have had significantly lower numbers over recent years, which have affected their future budget projections. Infant Class Size legislation means that Key Stage 1 classes must have one teacher for every 30 pupils. With a published admission number of 45, mixed classes are essential from a financial point of view. Buckton Vale is now in the position of having a Published Admission Number of 45 but only attracting the low 30s into the school with little prospect of this increasing in the next few years due to falling birth rates in the area. In order to comply with Infant Class Size legislation, the school is required to have a teacher for every 30 Key Stage 1 pupils. Across KS1 currently, the school have 104 pupils necessitating at least four teachers with significantly less funding than 120 pupils would bring. Buckton Vale's average pupil led funding is £3,761. The funding gap between 104 and 120 pupils is £60,176.
- 1.4 The school could be in an even worse position in September as 40 move through to KS2 and 32 come into Reception, leaving funding from 96 pupils to support four teachers, again a funding gap of £90,264. The school do not have a nursery as there is a private day nursery on site and so economies of scale across a foundation stage are not possible.
- 1.5 In order to address the issue of a potential future funding gap, the school requested that the published admission number be reduced to 30 from September 2022 and we were happy to support the school in doing this to avoid the potential for significant budget deficit in future years.
- 1.6 Reducing the Published Admission Number at the school to 30 will enable the school to run single age classes rather than the current mixed age requirement. It will also help the school to manage budgets more effectively as explained in paragraph 1.3.

2 REFERRAL TO THE OFFICE OF THE SCHOOL ADJUDICATOR

- 2.1 The School Admissions Code is clear that, once admission arrangements have been determined, they cannot be changed by the admission authority other than in exceptional circumstance described as (para 3.6):
"to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements."
- 2.2 Any proposed amendments to determined arrangements must be referred to the School Adjudicator for approval. A referral was made at the end of April 2021 and consultation with schools in the area also took place on the proposed reduction in the admission number.
- 2.3 The School Adjudicator made his determination on 27 May 2021 and approved the proposal to vary the admission arrangements at Buckton Vale Primary School to reduce the published admission number from 45 to 30 from September 2022. The Adjudicator's full determination can be seen in **Appendix 1**.

3 MATTERS RAISED BY THE SCHOOL ADJUDICATOR RELATING TO THE ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS

- 3.1 As part of the process of considering the proposal, the School Adjudicator has the jurisdiction to:

"consider the determined arrangements in accordance with my power under section 88I of the Act as they have come to my attention and determine whether or not they conform with the requirements relating to admissions and if not in what ways they do not so conform."

- 3.2 The Adjudicator has raised five issues on the admission for September 2022.

1. *"On the first page of the arrangements parents are told that they should put their child's name down at any school by 31 October 2021. They are later told that the online application must be made by 15 January 2022. This latter is the statutory deadline for applications to primary schools (31 October 2021 being the statutory deadline for secondary schools), and it must also be possible for paper applications to be made. I considered that including another date in the arrangements may not be clear. There was also reference on the first page to "Starting Out". It is not clear from the arrangements what this is. The arrangements also said that applications should be discussed with all parents and carers of the child. It was not clear to me who this discussion is with."*
2. *"The arrangements say, "Each school application should be discussed with all parents and carers of the child". The local authority told me that this was to avoid disputes between separated parents over applications. As written, it suggests that all parents are being required to discuss applications with an unknown third party. If the intention is to say that parents must agree between themselves which schools to apply for before making an application, that is what the arrangements should say."*
3. *"Paragraph 1.8 of the Code requires that oversubscription criteria are clear. The first oversubscription criterion referred to residence orders. Residence orders were replaced by child arrangements orders by the Children and families Act 2014. Including an obsolete term makes this criterion unclear."*
4. That reference to ease of access in Criterion 4 of the oversubscription criterion and how it is assessed are not objective
5. That the current tie breaker for when two applications cannot be separated as set out in the admission arrangements *"In the event of distances being the same for 2 or more applications where this distance would be the last place/s to be allocated, the place will be allocated to the pupil that is nearer using walking distance as measured using the local authority's school admissions data mapping software."* Could not be applied where two children lived in the same block of flats.

- 3.3 Having raised these issues with the Council as the admission authority, the School Adjudicator requires the Council to revise the admission arrangements within two months of the date of determination, which was 27 May 2021.

4 PROPOSED ADMISSION ARRANGEMENTS FOR TAMESIDE COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS

- 4.1 The proposed admission arrangements for primary, junior and secondary schools are attached as **Appendices 2, 3 and 4**.

Issue 1

- 4.2 It is proposed to remove any reference to parents needing to put their name down at a primary school.

This however, does not prevent parents from doing so and the School Admissions Team will still distribute letters to schools and nurseries on how to apply for a place in Reception. The School Admissions Team will continue to distribute posters into community venues and use the Council's social media outlets to explain the process. This amendment only applies to the primary school admission arrangements.

Issue 2

- 4.3 It is proposed that the phrase "*Each school application should be discussed with all parents and carers of the child*" be amended to say *Only one application may be submitted for each child*. The process that the School Admissions Team undertake if two applications are submitted for a child will continue to be followed to ensure that a single, agreed application is taken forward into the allocations process. This amendment applies to all admission arrangements.

Issue 3

- 4.4 It is proposed that the term residence order is removed from the admission arrangements.

The relevant criterion will then read:

1. ***Looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order***

A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

This proposal also makes changes necessary to comply with the new School Admissions Code for September 2021 which requires admission authorities to take account of how looked after processes in other countries may be different from that applicable in the UK. The wording reflects draft wording provided by the Department for Education. This amendment applies to all admission arrangements.

Issue 4

- 4.5 It is proposed that reference to ease of access is removed from oversubscription criterion 4 in the primary admission arrangements. This is unlikely to have a big impact on applicants as it has only been cited by parents once in the last five years. The criterion will read:

4 *Preference will be given to pupils living nearest to the school.*

Distance will be measured as a straight line from the child's home address, using the address point assigned by the National Land and Property Gazetteer, to the main gate to the school property. Measurements will be made using the local authority's school admissions data mapping software, which uses a Geographical Information System based on Ordnance Survey.

This amendment applies to the admission arrangements for primary schools.

Issue 5

- 4.6 It is proposed to add an additional tiebreaker element in the case where the first tie breaker results in the same distance so that it will read:

In the event of distances being the same for 2 or more applications where this distance would be the last place/s to be allocated, the place will be allocated to the pupil that is nearer using walking distance as measured using the local authority's school admissions data mapping software.

In the event of two or more applications with distances, which are exactly the same competing for a final place, e.g. blocks of flats, the place will be decided by drawing lots, the first name drawn will be offered the place.

5 NEW SCHOOL ADMISSIONS CODE FROM SEPTEMBER 2021

- 5.1 The Department for Education has notified admission authorities that there will be a new School Admissions Code from September 2021 subject to parliamentary approval. All admission authorities are required to amend their admission arrangements to comply with the new mandatory elements of the Code. The following amendments (highlighted in bold) have been made to the in-year transfer section of the admission arrangements to do this:

8 IN YEAR TRANSFERS

- 8.1 *Parents wishing to apply for an in year transfer to a school in Tameside should apply using the **online** School Transfer Request Form. The School Transfer Request Form can be can be **completed online** from the Tameside Council website: www.tameside.gov.uk/admissions.*
- 8.2 *Forms should be fully completed and submitted **electronically** with any additional/supplementary documentation/evidence to the School Admissions Team to enable their application to be considered as quickly as possible.*
- 8.3 *If you want to transfer your child to a school in Tameside, you must apply through Tameside Council even if you live in another area. If you want to apply for a school in another area, you will need to contact that area for further details of what you need to do.*
- 8.4 *If a place is available in the requested year group, parents will normally be offered that place but there are some exceptions (see Fair Access Protocol section).*
- 8.5 *Parents will receive an offer of a school place through Tameside Council and this can take up to **15 (previously 20)** school days.*

This amendment applies to all admission arrangements. Should the new School Admissions Code not be approved by parliament, the admission arrangements will revert to the previous version as amended to comply with the School Adjudicator's determination.

6 CONCLUSION

- 6.1 The proposed changes are needed in order to comply with the School Adjudicator's determination and the mandatory elements of new School Admissions Code.

7 RECOMMENDATION

- 7.1 As set out at the front of the report.