

<b>Report to:</b>	<b>EDUCATION ATTAINMENT IMPROVEMENT BOARD</b>
<b>Date:</b>	19 October 2021
<b>Reporting Officer:</b>	Catherine Moseley – Head of Access Services
<b>Subject:</b>	<b>UPDATE ON SCHOOL ALLOCATIONS AND ADMISSIONS</b>
<b>Report Summary:</b>	The following report informs the Board of the successful school allocations for reception and Year 7 earlier in the Year. It also informs the Board of the new School Admissions Code and its implications for schools.
<b>Recommendations:</b>	That the Board notes the content of the report.
<b>Corporate Plan:</b>	The proposals contained within this report will support the delivery of the Community Strategy, through the delivery of sufficient and suitable places.
<b>Policy Implications:</b>	The changes needed to school admissions arrangements for community and voluntary controlled schools were made in a report approved by Executive Cabinet on 28 July 2021
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	The changes outlined within the report in relation to change in the Schools admissions code, will not impact on the finances for the team. This is a policy and practice change which can be delivered from within the existing resources.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	<p>The Schools Admission Code (the Code) has been updated and brought into force in September 2021 by the Department for Education (DfE) following a consultation exercise in summer 2020.</p> <p>Under the Code, the council has the duty as an admission authorities is to act in accordance with the Code and there is an obligation to undertake actions as quickly as possible in the new academic year to ensure compliance with the Code's new requirements.</p> <p>The Code has not been subject to wholesale review and much of it is the same as the 2014 version. However, there are changes to tighten up the operation of the admissions system in a number of key areas particularly in relation to the admission of vulnerable children and the practices around in-year admissions as set out in the main body of the report.</p>
<b>Risk Management:</b>	All admission authorities are required to follow the School Admissions Code and to fail to do so would risk reputational damage to the Council

**Access to Information:**

**NON-CONFIDENTIAL**

**This report does not contain information, which warrants its consideration in the absence of the Press or members of the public.**

**Background  
Information:**

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



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## 1 BACKGROUND

- 1.1 The Council has a statutory duty to provide sufficient school places for our residents and a duty to provide a coordinated admissions scheme to enable Tameside parents to apply for a school place. These duties are set out in the School Admissions Code. In September 2021, a new School Admissions Code comes into force, the first new Code for seven years. The new Code makes some changes to the way that in year admissions and the Fair Access Protocol operates.

## 2 NATIONAL OFFER DAY FOR PRIMARY SCHOOLS

- 2.1 National offer day for primary school places was 16 April. In 2021, we received 2660 applications compared to 3006 last year. This year we allocated 2666 places, which was 160 less than last year, reflecting the reduction in birth rates in the borough.
- 2.2 94.3% (2515) of applicants received their first preference school, which is 2.8% more than last year and the highest percentage for over 10 years. Overall 98.5% of applicants were allocated one of their preferences compared with 97.9% last year and only 39 applicants did not get any of their preferences. The England average in 2021 for applicants getting their first preference primary school was 91.8%. The table below gives more detail over recent years.

OFFER DAY STATS - PRIMARY									
	2021			2020			2019		
	No	%	England	No	%	England	No	%	England
Total applications (received by closing date)	2660			3006			2830		
1st preferences	2660			3006			2830		
2nd preferences	1225			1448			1436		
3rd and other preferences	1462			1794			1876		
Total applications from other boroughs (1st prefs)	69	2.6%		111	3.7%		104	3.7%	
Tameside residents applying extra district (1st prefs)	68	2.6%		87	2.9%		90	3.2%	
Total allocated (inc lates)	2666	100.0%		2826	100.0%		2813	100.0%	
1st preferences	2515	94.3%	91.8%	2585	91.5%	90.2%	2574	91.5%	90.6%
2nd preferences	92	3.5%	4.9%	137	4.8%	5.6%	129	4.6%	5.4%
3rd and other preferences	20	0.8%	1.8%	44	1.6%	2.0%	49	1.7%	2.0%
No preference	39	1.5%	1.5%	60	2.1%	2.2%	61	2.2%	2.0%

## 3 NATIONAL OFFER DAY FOR SECONDARY SCHOOLS

- 3.1 National offer day for secondary school places was 1 March. In 2021, we received 3396 applications compared to 3173 last year. We allocated 3323 places, which is significantly higher than last year (3167), and the most we have offered for over 10 years.
- 3.2 Members will recall previous reports on school place planning and that 2021 was the year when we expected our highest level of applications for a school place. Our policy of adding places into our secondary schools has paid off and we have increased the number of pupils getting their first preference this year, with only a slight dip in the percentage of children being allocated their first preference. We were able to offer 85.4% (2837) first preferences compared to 85.6% (2711) first preferences last year. The England average receiving their first preference school in 2021 was 81.1%. 141 pupils have not received one of their preferences but 95.8% of applicants have. The England average for children receiving one of their preferences was 95.5%.

NATIONAL OFFER DAY STATS - SECONDARY									
	2021			2020			2019		
	No	%	England	No	%	England	No	%	England
Total applications (received by closing date)	3396			3173			3148		
1st preferences	3396			3173			3148		
2nd preferences	2191			2225			2174		
3rd and other preferences	2270			2269			2249		
Total applications from other boroughs (1st prefs)	309	9.1%		318	10.0%		304	9.7%	
Tameside residents applying extra district (1st prefs)	168	4.9%		191	6.0%		200	6.4%	
Total allocated (inc lates)	3323	100.0%		3167	100.0%		3118	100.0%	
1st preferences	2837	85.4%	81.1%	2711	85.6%	82.2%	2613	83.8%	80.9%
2nd preferences	254	7.6%	9.0%	266	8.4%	8.7%	289	9.3%	9.0%
3rd and other preferences	91	2.7%	5.4%	92	2.9%	4.7%	85	2.7%	5.0%
No preference	141	4.2%	4.5%	98	3.1%	4.4%	131	4.2%	5.1%

- 3.3 We have consistently outperformed the England average over several years for both primary and secondary school places. As usual, we received a substantial number of late applications, who were all allocated a place before the September start of term.

#### 4 NEW SCHOOLS ADMISSIONS CODE

- 4.1 The Department for Education (DfE) recently published a new School Admissions Code which came into effect from 1 September 2021 <https://www.gov.uk/government/publications/school-admissions-code--2>. The Code applies to all admission authorities and will have an impact on voluntary aided and academy schools for changes relating admission arrangements as they are their own admission authority. The Fair Access Protocol applies to all schools. The new Code brings in a number of new requirements and points of action for schools and governing bodies including:

##### LOOKED AFTER CHILDREN (para 1.7)

- 4.2 The Code has expanded the definition of looked after children to include those children who were in state care outside England but who were then adopted (further guidance from the DfE is expected on this new definition). Governing Bodies of voluntary aided schools and academy trusts will need to go through the statutory process to vary their admission arrangements, including consultation, to ensure they are complying with the Code.

##### FAIR ACCESS PROTOCOL (para 3.14 to 3.22)

- 4.3 All schools have a duty to participate in the Fair Access Protocol arrangements, and this includes providing a representative with delegated authority from the admission authority to make allocation decisions. The Fair Access Protocol has worked very effectively over a number of years in Tameside to place children who may find it difficult to secure a school place through the normal in year transfer process. There are no plans to change the process by which places are allocated under the Protocol and the draft Protocols to be agreed by schools are at Appendix 1 and 2.
- 4.4 Statutory categories of children, who can be placed under the Fair Access Protocol now encompasses wider categories of children, including:
- children either subject to a Child in Need Plan or a Child Protection Plan or having had a Child in Need Plan or a Child Protection Plan within 12 months at the point of being referred to the FAP (information may be sought from the previous LA)
  - children living in a refuge or in other Relevant Accommodation at the point of being referred to the FAP
  - children from the criminal justice system
  - children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education
  - children with special educational needs (but without an education, health and care

plan), disabilities or medical conditions

f) children who are carers

g) children who are homeless

h) children in formal kinship care arrangements (as evidenced by either a child arrangements order not relating to either birth parent or a special guardianship order)

i) children of, or who are, Gypsies, Roma, Travellers, refugees and asylum seekers

j) children who have been refused a school place on the grounds of their challenging behaviour and referred to the FAP in accordance with paragraph 3.10 of the Code

k) children for whom a place has not been sought due to exceptional circumstances (the local authority will decide whether a child qualifies to be placed via the FAP on this basis, based on the circumstances of the case)

l) children who have been out of education for 4 or more weeks where it can be demonstrated that there are no places available at any school within a \*reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted. (\*The reasonable distance will be the statutory walking distance between home and school that the Government thinks a child should be able to walk: three miles for pupils aged 8–16 years)

m) previously looked after children for whom the local authority has been unable to promptly secure a school place (In most cases, use of the FAP should be unnecessary for a previously looked after child. The LA is expected to secure a school place promptly for such children and for admission authorities to cooperate with this. The LA will consider use of their general powers of direction or will ask the Secretary of State to consider issuing a direction [as set out in paragraphs 3.26 to 3.29 of the Code] where a school place for a previously looked after child cannot be agreed with an admission authority promptly).

4.5 The new Code results in a greater number of categories of children who may eligible for support under Fair Access Protocol. There can no longer be locally agreed criteria as is currently the case.

4.6 The timescales for placement of children has also been tightened and allocation decisions must be made within 20 school days from the date on which the child was deemed to be eligible for support under the Fair Access Protocol;

4.7 Whilst the expectation remains that admission authorities will admit children under Fair Access Protocol arrangements, the Code continues to refer to the possibility of directions being issued to maintained schools by the Council or by the DfE for academies.

## 5 **IN YEAR ADMISSIONS (Para 2.23 to 2.31)**

5.1 There are several changes in the Code to clarify the decisions, responsibilities and procedures relating to in-year admissions. Local authorities are no longer required to coordinate in year admissions but Tameside will continue to offer a coordinated scheme to all maintained schools in the borough. All schools that are their own admission authority are now required to inform Tameside Council on an annual basis whether they intend to be part of the in year admissions scheme. All schools have been contacted to ask them to confirm their intentions for school year 2021-22. The Code also makes the following changes.

### **The right to apply for a school place**

5.2 The 2021 Code clarifies that parents must not be told they cannot make an application for a particular school and can make an in-year application at any time. All applications must be processed and, if refused, parents must be given their statutory right of appeal. This applies to all children, even if they may fall within the Fair Access Protocol.

### **Published admission numbers**

5.3 Paragraph 1.4 clarifies that a school's published admission number (PAN) only applies to the usual point of entry in a school – Reception (primary school), Year 3 (junior school) and Year

7 (secondary school). For other year groups, which are not the usual points of admission, it will be for the admission authority to determine whether there are available spaces or whether admissions beyond a particular number would cause prejudice to the provision of efficient education.

5.4 It may be the case that admission authorities determine that the PAN (from the point of admission) continues to be a relevant benchmark to determine whether a request for admission can be accepted or rejected, but there may be occasions where the admission authority feels it is necessary to set an operational capacity for a year group or groups, which is different to the PAN.

5.5 Own admission authority schools are required to record and evidence their admission decisions and, where a school/trust has opted in to the Council's coordinated in-year admissions, provide that decision to the Council so we can operate the service effectively for parents.

#### **Opt in to the School Admissions Team coordinated in year admissions process**

5.6 Tameside Council will continue to provide a coordinated in year admissions process for all maintained schools in the borough.

5.7 Each school/trust that is its own admission authority will need to decide whether to operate their own in-year admission processes or continue to work with us. Schools / trusts must inform the Council of their decision by 1 October 2021 and then on an annual basis by 1 August.

5.8 The Council will continue to work with the online portal so that schools/trusts have immediate access to applications and will work to provide parents with decisions within the statutory timescales, providing that we receive the relevant information from schools / trusts in a timely manner.

5.9 If schools/ trusts decide to operate their own in year admissions process, they must:

- Set out how parents can apply for a school place
- Provide an own application form and supplementary forms
- Provide information on their website on how they will deal with applications for in year admissions
- Set out when parents will be notified of the outcome of their application and set out details of their right of appeal
- Ensure there is an admissions committee that can make decisions on every application so that parents can be informed of the outcome within 10 school days if possible but 15 days maximum
- Clearly record decisions made by the admissions committee
- Provide information to the Council of place availability within two days of the request
- Offer a place to every child who has applied for one, without condition or the use of any oversubscription criteria, unless admitting the child would prejudice the efficient provision of education or use of resources
- Set out their reasons for refusal to parents where a place is refused
- Inform the local authority of every application they receive and its outcome within two school days of the decision being made
- Contact other local Councils if applications are from residents of other boroughs

#### **Providing information to the Council on place availability**

5.10 The Code requires own admission authorities to share information with the Council about the availability of places in their school(s) within **two school days of the request**. The Council will automate this process with the use of the B2B system which will allow the automatic transfer of information between our relevant databases. A data sharing agreement between the school and the Council is available, where necessary.

- 5.11 These changes will have an impact on all admission authorities, with a requirement for much tighter processes to be operated to ensure that there are no unreasonable delays in decision making on admissions and to enable children to be out of school for as short a time as possible. This is a significant amount of change but the School Admission Team operate within these parameters for the vast majority of the time. The Council is keen for all schools to continue to opt in to the coordinated in year admissions scheme so that our parents receive a smooth process rather than having to go from school to school to get their child or children into a school. The School Admissions Team are providing support to all schools in our area to enable them to make a decision by the deadline of 1 November 2021.

## **6 RECOMMENDATION**

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