

	<p>Children, Education, Libraries and Safeguarding Committee</p> <p>12th July 2016</p>
<p style="text-align: center;">Title</p>	<p>School Admission arrangements, 2018/19</p>
<p style="text-align: center;">Report of</p>	<p>Commissioning Director, Children and Young People</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>Yes</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix A: Proposed admission arrangements for Barnet community schools in 2018/19 Appendix B: Include Our Streets petition Appendix C: Office of the Schools’ Adjudicator, Determination; The London Borough of Barnet for Moss Hall Infant School</p>
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<p>Summary</p> <p>This report sets out the results of consultation undertaken on two proposals to amend the admission arrangements for community schools (2017/18). In view of the low number of responses and the responses received, it recommends a further round of consultation on two amended proposals that would inform admission arrangements for community schools in 2018/19.</p> <p>The report also considers a petition received by the council in relation to school admissions in N12.</p>
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Recommendations

That the Children, Education, Libraries and Safeguarding Committee:

- 1. Agree to consultation on two proposed amendments to the school admission arrangements for community schools for 2018/19.**
- 2. Note the petition from residents 'Include Our Streets' (Appendix B) and the recommendation to take no further action for the reasons set out in paragraphs 1.16 to 1.28.**

1 WHY THIS REPORT IS NEEDED

- 1.1 This report sets out the results of consultation undertaken to inform the admission arrangements for community schools in September 2017. In view of the low number of responses, it recommends a further round of consultation to inform admission arrangements for September 2018. Results of the consultation will be reported to the Children, Education, Libraries and Safeguarding Committee for a decision on the final admission arrangements for 2018/19.
- 1.2 The report also considers a petition received by the council in relation to school admissions in the N12 area.
 - a) Consultation on awarding admissions priority to children of teaching staff**
- 1.3 Earlier in the year, the local authority convened a small working party of headteachers to consider the recruitment and retention of teaching staff. Among a list of potential initiatives to encourage teachers to apply for positions in Barnet schools and to remain in Barnet was a proposal to offer admissions priority to children of Barnet teaching staff.
- 1.4 Barnet's admission policy covers all community schools whereas voluntary aided schools and Academies determine their own admissions arrangements. Therefore the council is the admissions authority for 42 community primary schools and Friern Barnet Community Secondary School.
- 1.5 A number of voluntary aided schools and Academies currently offer priority to children of the school's teaching staff. An analysis of admissions among primary voluntary aided and Academy schools that currently operate this policy show that the number of places offered each year at primary schools is most commonly none or 1 each year. Out of 641 reception places these schools cover, 5 places in 2015/16 and 7 places in 2016/17 were allocated on the basis of being a child of a staff member. This does not include any subsequent siblings that would be eligible. While this number is small, in one school the number of places in 2016/17 is 5 and therefore, for an individual school, the impact could be significant. For secondary entry, three Academies in Barnet operate this arrangement and between 0 and 3 places are allocated at each school each year.

- 1.6 In accordance with the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, admission authorities are required to consult on any proposed changes to admission arrangements. The council consulted with schools, parents, residents etc between December 2015 and January 2016 on whether priority should be given to staff in either or both of the following circumstances:
- where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or
 - the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.
- 1.7 There were 44 responses to the proposal to give priority to children of staff in the oversubscription criteria. Of these, 31 respondents agreed or strongly agreed and 11 disagreed or strongly disagreed. 2 respondents neither agreed nor disagreed. The respondents were then asked to give reasons for their response. Twenty two respondents felt that giving priority to children of staff would impact staff recruitment and retention positively (four of these respondents were teachers). There were also suggestions to modify the proposal so that priority would be given to permanent staff only and/or to staff living in Barnet only. On the other hand, 8 respondents felt that local children should be given priority over children of staff. Given the small number of responses, the council determined the admission arrangements for 2017/18 with no change.
- 1.8 The statutory School Admissions Code sets out categories for setting oversubscription criteria. At paragraph 1.39 the Code confirms that oversubscription criteria to children of staff can apply in two circumstances, firstly, where a member of staff has been employed at the school for two or more years at the date of the admission application and secondly, where a member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage. Given the challenge faced by some schools in recruiting and retaining staff resulting in staff shortages, it is proposed to consult again on a proposal to introduce an oversubscription criteria, starting in October 2016 through to January 2017. In relation to the feedback to the first round of consultation set out above to restrict the proposal to permanent staff, we feel the requirement for the child's parent to have been employed at the school for two or more years at the time at which the application for admission to the school is made adequately addresses this point. However, we do feel we need to clarify that the staff member will also be in post at the point the child starts at the school.
- 1.9 We also propose to further clarify the proposal to make clear that the criteria would apply to teaching staff only as this is where the skill shortage is being experienced.
- 1.10 Therefore it is proposed to consult on introducing an oversubscription criteria where the member of staff (teaching staff) has been employed at the school for two or more years at the time at which the application for admission to the school is made and will be in employment as a teacher at the school when the child starts school.

1.11 Appendix A contains the proposed admission arrangements for community schools 2018/19 and shows the level of proposed priority that would be afforded to this new category of applicant in relation to other priority criteria, if, following the consultation, this new oversubscription criteria were approved.

b) Consultation on amending priority given to former pupils for in-year admissions

1.12 At the same time, consultation was also conducted on a proposal to remove priority for former pupils for in-year admissions (admissions that take place throughout the school year across all year groups, outside of the annual admissions arrangements for Reception and Year 7 places).

1.13 Current admission arrangements afford in-year priority to former pupils without a school place and to those wishing to transfer schools. This priority provides continuity for former pupils who leave the school, maybe as they have moved away or accompany their family on extended leave, if they return to Barnet. However, as it currently stands, a former pupil who may live outside of the local area would attract some priority ahead of certain categories of children without a school place within the local area. Some headteachers have asked the council to review the priority afforded to former pupils as they have experienced circumstances when a former pupil left the school and re-applied, maybe from some considerable distance away. The consultation was on a proposal to remove the priority for former pupils in its entirety.

1.14 There were 42 responses to the proposal to remove the priority for former pupils from the oversubscription for In-Year admission. Of these, 27 agreed or strongly agreed and 5 disagreed or strongly disagreed. The remaining 10 respondents neither agreed nor disagreed, or didn't know. The respondents were then asked to give reasons for their response. Thirteen responses suggested that the proposal was reasonable as all in-year applicants within each priority category would be treated the same, whether or not they were a former pupil. However, 6 respondents felt that the proposal should not be agreed, with many of them stating the importance of continuity of the child's educational experience as a reason. Given the small number of responses, the council determined the admission arrangements for 2017/18 with no change.

1.15 The council wishes to consult on an amended proposal for 2018/19. The new proposal would be to retain an element of priority to former pupils but restrict it to those former pupils that are without a school place, that live in the geographical area and to those that had attended the school in the previous 12 months. This will enable children who move away for a short period, but return to the same area (usually the same address) without a school place to attract some priority. The statutory School Admission Code confirms that oversubscription criteria must be reasonable, clear, objective and procedurally fair. It must not disadvantage unfairly, a child from a particular social or racial group or a child with a disability or special educational need. Whilst there is no specific category related to former pupils within the admission code, the rationale for the criteria relates to the need to ensure that certain children who have left an area for a short period of time, have an opportunity to continue their education within their former school.

1.16 Therefore it is proposed to consult on a proposal to afford a level of priority to children who are a former pupil of the school, who have attended the school in the 12 months prior to the date of the application, who are without a school place and who live within the school's defined priority area (Barnet Council operates a system of defined 'priority' areas for each of its community schools.)

c) Admission arrangements in N12.

1.17 Barnet Council operates a system of catchment areas for each of its community schools. These are defined 'priority' areas and are designed so that every address is within a catchment area for a community school and all addresses are within a safe walking route to a community school. The identified primary school may not be the nearest to the address but it will be in close proximity.

1.18 The council has received a petition in relation to the priority area for Moss Hall Infant School. This petition was first considered by the Finchley and Golders Green Area Committee. In accordance with the Council's Constitution, Public Participation Rules, petitions of 25 signatures and over, but less than 2,000 signatories are first considered by the relevant Area Committee. The Area Committee has the power to refer such petitions to the relevant thematic committee. The Finchley and Golders Green Area Committee referred the petition to the Children's Education, Libraries and Safeguarding Committee.

1.19 The Children's Education, Libraries and Safeguarding Committee requested that the content of the petition be considered as part of the annual admission arrangements consultation.

1.20 The 'Include our Streets' petition refers to named streets in N12 – the petition lists the following streets: Coleridge Road, Derby Road, Grange Ave, Hall Street, Netherfield Road, Percy Road. These streets are currently in the priority area for Northside Primary. The petition is requesting that the streets also become part of the priority area for Moss Hall Infants School. The petition is contained in Appendix B.

1.21 Last Autumn, the Office of the Schools Adjudicator (an independent body) received an objection from a Barnet resident under section 88H(2) of the School Standards and Framework Act 1998, (the Act). The objection referred to the Adjudicator related to the admission arrangements for September 2016 for Moss Hall Infant School. In particular, the objection related to the catchment area of the school and to the priority for siblings.

1.22 The Adjudicator's report (Appendix C) sets out that the objector considered that the arrangements are unfair and therefore do not comply with paragraph 14 of the Code which states that "*In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective*". The objection focused on the size of catchment areas and compared the relative size of Moss Hall Infant's catchment area and published admission number with those of a nearby school, Northside Primary School.

1.23 The objector also raised with the Schools Adjudicator that in their view, the priority for siblings was unfair as they have priority whether or not they live in the catchment area. This was felt to be unfair as the use of the sibling criterion is enabling children who live further away from the school to be allocated a place.

1.24 After investigating the objection the Schools Adjudicator concluded:

'I have considered the objection to the admission arrangements of Moss Hall Infant School and have concluded that the arrangements do not contravene the Code. I have not been persuaded that difficulties identified by the objector faced by parents living in the catchment area of another nearby school make Moss Hall's catchment area unfair nor is the priority given to siblings at the school unfair. I therefore conclude that the oversubscription criteria do not contravene paragraphs 1.14 and 14 of the Code.'

Within the decision, the Schools Adjudicator report also set out the following:

'an area that is densely populated such as Barnet, where the schools are of different sizes, and then the chances of gaining a place at a school will vary between schools. I take fairness in the Code to be the application of the rules without prejudice or discrimination and just and reasonable treatment in accordance with those accepted rules or principles. Fairness does not in this case mean that all applicants will or can have the same chance of admission to the school they most prefer. I am not persuaded that the catchment area for the school is unfair and I do not uphold this part of the objection.'

The report also noted:

'I have noted in correspondence that the local authority is aware that given the rise on the number of children for whom a school place is required some residents are concerned about the appropriateness of the catchment areas for schools. The authority will be reviewing its arrangements before determining them for 2017.'

1.25 As part of reviewing arrangements, the council has collated admissions data for the six streets named in the petition. The following information sets out the number of applications for 2014/15, 2015/16 and 2016/17 within the six streets named in the petition, the numbers that expressed their first preference for Moss Hall or Northside and of these, the numbers that received an offer of Moss Hall or Northside as their first preference and the numbers that received one of their preferences. Given such small numbers and the small geographical area this data covers, care needs to be taken in providing any further granular data that may identify individual applicants.

	Total number of applications received from the six named	Number of applications that chose Moss Hall or Northside as their first preference	Of these:	
			Number who received an offer of Moss Hall or	Proportion that received 5 th preference or

	streets		Northside as their 1 st preference	higher
2014/15	16	8	63%	88%
2015/16	16	14	36%	93%
2016/17	14	11	82%	100%

1.26 In any one year, in any one part of the borough, the number of applications, the pattern of parental preference, the number of siblings and the number of children with priority needs will vary. The pattern of applications and offers set out above for these six streets reflects these factors. In this area of the borough, school organisation changes have resulted in an increase in places at Moss Hall Infant and Juniors, a new school at Millbrook Park, the opening of primary provision at the Wren Academy and, the Alma Free school opening, all of which are likely to impact on parental preference and the pattern of applications and offers year to year.

1.27 For 2016/17, 9 of the 11 applicants received their top choice of school and the remaining 2 received their second choice.

1.28 Given this outcome, and the findings of the Schools Adjudicator, it is not recommended to take any further action in relation to the priority area of Moss Hall Infant School.

1.29 In relation to a more fundamental review of either the use of priority areas or of amending priority areas it is also not recommended to undertake this exercise at the current time. This is for the following reasons:

A) Barnet's priority areas have been in place for many years and are well established. Although the priority areas have not been reviewed in the light of demographic growth, new schools or school expansions, this longevity provides certainty for existing Barnet residents as to the priority area associated with their address. Any change to Barnet's priority areas may be welcomed by some parents and very strongly resisted by others who may reasonably have had an expectation of a particular school when choosing where to live for their family.

B) Assessing the impact on thousands of families in Barnet of any potential change to the current priority areas presents a complex and costly exercise. It would require detailed data analysis and extensive consultation, school by school, address by address.

C) Overall in Barnet, the borough wide pattern for the satisfaction of parental preference has remained stable despite the increase in the overall population.

Academic Year	1 st preference	2 nd preference or higher	3 rd preference or higher	5 th preference or higher
2014/15	80%	89%	91%	92%
2015/16	80%	87%	91%	92%

2016/17	79%	88%	92%	93%
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At a strategic level, the high proportion of applicants who continue to receive one of their top three preferences offers reassurance that the current priority areas have remained able to deliver this level of performance during the recent period of population growth. Barnet's primary expansion programme has been targeted at expanding Ofsted rated good and outstanding schools and where parental preference is strong.

D) The Government has stated clearly its ambition for all schools to become Academies. Academies become their own admission authorities and therefore each Academy would be able to propose and consult on changes to its admission arrangements. In essence, within a fully academised system, the local authority would no longer be responsible for determining the admission arrangements. Therefore the benefits, if any, from a borough wide fundamental review could be short lived or redundant if schools convert to Academy status before any review is complete. Indeed, for any school that would be unhappy at a change to its priority area, converting to Academy status would enable this change to be avoided or reversed.

2 REASONS FOR RECOMMENDATIONS

It is recommended to consult on two proposals to amend the oversubscription criteria for admission to community schools in 2018/19 to improve recruitment and retention and to ensure that the circumstances in which former pupils receive priority are clear. The reasons for the recommendation in relation to the petition are set out in paragraphs 1.23 to 1.31 above.

3 ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

Maintaining the current admission arrangements for 2018/19 with no further consideration of change was considered but rejected for the reasons set out above. The Council will consider the consultation responses, when deciding whether to make any changes to its admission arrangements in 2018/19. In relation to the petition, the alternative options of undertaking a borough wide review of priority areas or of a more localised review of Moss Hall Infant priority area were considered but rejected for the reasons set out above.

4 POST DECISION IMPLEMENTATION

If the recommendation is approved, in relation to the recommendation to consult on changes to the admissions arrangements for community schools, consultation must take place for a minimum of 6 weeks between 1 October and 31 January, in accordance with the statutory School Admission Code. Results of the consultation will be reported to the Children, Education, Libraries and Safeguarding Committee for a decision on the final admission arrangements for 2018/19.

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The quality of the education offer is at the heart of Barnet's continuing success as a place where people want to live, work and study. It plays a crucial part in making Barnet family friendly, with many families attracted to the area by the good reputation of Barnet's schools. Ensuring appropriate and sufficient local school places are available for children supports the delivery of the council's Corporate Plan to ensure that 'Barnet's children and young people will receive a great start in life' and that 'Barnet schools will be amongst the best in the country, with enough places for all and with all children achieving the best that they can'.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

There are no financial implications arising directly from this report. The cost of the consultation will be contained within the existing Admissions team budget.

The indicative cost of a borough wide review of priority areas is estimated to be between £60k to £80k. This estimate is based on project management, data analysis and the management and conduct of a borough wide consultation exercise including surveys, media promotion, presentations, focus groups and an independent analysis of survey responses. As this option is not recommended, a detailed costing has not been undertaken.

5.3 Legal and Constitutional References

Under section 14 of the Education Act 1966, Barnet Council has a statutory duty to ensure that sufficient school places for providing primary and secondary education are available in the borough. The School Standards and Framework Act 1998 sets out the statutory framework for school admissions. This requires the local authority and admission authorities to act in accordance with the statutory school admission code. Whilst some functions in relation to admissions have been contracted out to Cambridge Education, the duty to determine admission arrangements for community schools remains with the Council. This encompasses duties within regulations to consult on proposed changes to admission arrangements.

School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 require admission authorities to consult on proposed changes to admission arrangements between 1 October and 31 January in the determination year, allow a minimum of 6 weeks and to determine the arrangements by 28 February. There are prescribed groups

who must be consulted, including the governing bodies of community schools, other admission authorities in the local area, neighbouring local authorities, parents of children between the ages of two and eighteen who are resident in the local area and other interested parties as required.

Annex A, Responsibility for Functions, of the council's constitution states that the committee has responsibility for :

Planning the adequate provision of school places in the borough

To be responsible for those powers, duties and functions of the Council in relation to Children's Services (including schools)

5.4 Risk Management

Individuals can make an objection to the Office of the Schools Adjudicator (OSA) if they think that the admissions arrangements of a maintained school or an academy do not comply with the statutory School Admissions Code or legislation relating to school admissions. There is a risk that any change to Barnet's admission arrangements could result in objections to the OSA. However, this risk will be mitigated by any proposed change to the admissions criteria being subjected to a detailed assessment of its compliance with the Schools Admissions Code.

5.5 Equalities and Diversity

The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics are:

- age
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In reviewing its admission arrangements, the Council must ensure that it does not discriminate unfairly, either directly or indirectly, children from particular racial or social groups or a child with a disability or special educational need.

5.6 Consultation and Engagement

In accordance with the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, admission authorities are required to consult on any proposed changes to admission arrangements and regulations set out requirements for this

consultation. In view of the low number of responses to the consultation conducted this year, new avenues to communicate and publicise the consultation will be explored.

6 BACKGROUND PAPERS

Children, Education, Libraries and Safeguarding Committee, 6th January 2016
Agenda item 7 Petition: Include Our Streets N12

<http://barnet.moderngov.co.uk/documents/s28428/Petition%20for%20the%20Committees%20Consideration%20-%20Include%20Our%20Streets%20N12.pdf>