

For General Release

REPORT TO:	CABINET 7 June 2021
SUBJECT:	Determination of School Admission Arrangements
LEAD OFFICER:	Debbie Jones - Interim Executive Director, Children, Families and Education Shelley Davies – Interim Director, Education and Youth Engagement Denise Bushay – Interim Head of Service, School Place Planning and Admissions
CABINET MEMBER:	Councillor Alisa Flemming, Cabinet Member for Children, Young People and Learning
WARDS:	All
COUNCIL PRIORITIES 2020-2024 The recommendations in this report are in line with the new corporate priorities and new Ways for renewing Croydon: <ul style="list-style-type: none">- We will live within our means, balance the books and provide value for money for our residents.- We will focus on tackling ingrained inequality and poverty in the borough.- We will focus on providing the best quality core service we can afford. This report sets out the draft education estates strategy for the three year period 2021-2024. The strategy aims to minimise council borrowing to an absolute minimum. Appendix D - Administration Priorities for the Croydon Renewal Plan	
FINANCIAL IMPACT The responsibilities for School funding and the sources for that funding are set out in the School and Early Years Finance (England) Regulations and associated conditions of grant. All the funding for schools comes from the Dedicated Schools Grant (DSG) and does not impact on the general fund.	
FORWARD PLAN KEY DECISION REFERENCE NO.: This is not a key decision	

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below

1. RECOMMENDATIONS

The Cabinet is recommended to

For approval

School Admission

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| <p>1.1 Agree to recommend to full Council that it determine the changes to Croydon's community schools' admission arrangements for the 2021/22 (Appendix 1) and 2022/23 (Appendix 2) academic years.</p> <p>1.2 Variations will be conditional on the Code passing through its Parliamentary process (i.e. a date on or around 1 July 2021). If any variations are agreed before then, they must be expressed to be conditional on the Code passing through Parliament. All such variations should come into effect on 1 September 2021.</p> |
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2. EXECUTIVE SUMMARY

- 2.1 The School Admissions Code (the Code) ensures that school places for maintained schools and academies (excluding maintained special schools and special academies¹) are allocated fairly. Admission authorities for maintained schools and academies must comply with the Code.
- 2.2 The government has made some changes to the Code which aim to improve support for the in-year admission of vulnerable children and help reduce to a minimum any gaps in their education.
- 2.3 The report highlights the changes by the Department for Education to the School Admissions Code, following consultation. The new Code and associated regulations have been laid in parliament and subject to parliamentary procedure they will come into force 1 September 2021. The council, as an admission authorities for community schools must comply with the Code and make the necessary changes to its admission arrangements, subject to ministerial approval for the new Code coming into force...
- 2.4 The draft Code ([draft Code](#)) and associated regulations were laid before Parliament on 13 May 2021. The Code is laid in Parliament for a 40-day period during which both the House of Commons and the House of Lords have the opportunity to review the Code and any Member can pass a motion to not approve it. This 40-day period is expected to expire on 1 July, and provided there is no such motion, the new Code will come into force on 1 September 2021.
- 2.5 The main purpose of the changes is to improve support for the in-year admission of vulnerable children. The changes include introducing more detail on the process for managing in-year admissions; changes to improve the effectiveness of Fair Access Protocols; giving children adopted from state care outside of England equal admissions priority as children who were previously looked after in England; and clarification of which address to use for the admission of service or crown servant children. There are also further minor clarification changes.
- 2.6 Admission authorities, including local authorities, are responsible for admissions and must act in accordance with the School Admission Code, and the School Admission Appeals Code. All admission authorities must determine (i.e. formally agree) admission arrangements every year, by 28 February. The

admission arrangements are part of the policy framework and are therefore reserved to full Council for decision.

- 2.7 This new provision to the School Admission Code will necessitate variations to determined admission arrangements to take effect from 1 September 2021. Admission authorities will need to vary their admission arrangements for 2021/22 (which was determined in January 2020) and their admission arrangements for 2022/23 (which was determined in January 2021). Without these variations, admission arrangements that have already been determined will no longer comply with the Code from this date.

3. DETAIL

- 3.1 Croydon is the Admission Authority for Community schools and is therefore responsible for determining the Admission Arrangements for these schools. Where the admission arrangements have changed from the previous year there is usually a requirement to consult, however, as these changes are a legal requirement, subject to parliamentary process, they need not be consulted upon.
- 3.2 Croydon, as an admission authority, is required to formally determine the variation, in the same way as it would determine the admission arrangements each year. Under normal conditions, the Office of the Schools Adjudicator (OSA) is the decision maker for variation of admission arrangements, however, if the new School Admissions Code is implemented there will be no need to follow the OSA variation route as this variation is to make the admission arrangements compliant with the new School Admissions Code.
- 3.3 The admission arrangements for community schools include the criteria by which schools places are allocated when a school receives more applications than places. The new School Admission Code requires admission authorities to vary admission arrangements that have been previously determined in January 2020 and January 2021.
- 3.4 The annual school admissions arrangements are part of the Council's policy framework and as such require determination by the full Council. The Council is required by statute and regulations to approve its admissions policies for the schools it is responsible for the 2021/22 and 2022/23 academic years (including Published Admissions Numbers – PANs). Accordingly Cabinet is requested to recommend to full Council that it determine the changes to Admission Arrangements for Croydon's community schools for the 2021/22 (Appendix 1) and 2022/23 (Appendix 2) academic years.
- 3.5 The governing bodies of voluntary aided, foundation schools and academies are their own admission authorities and therefore responsible for determining their own admission arrangements.

4. Changes to Admission Arrangements

- 4.1 Admissions priority for children adopted from state care outside of England

The 2021 School Admissions Code (the Code) requires 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 to be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). This advice refers to these children as internationally adopted previously looked after children – “IAPLAC”.

- 4.2 Paragraph 1.7 of the new Code - link to the [draft Code](#) - will require that highest priority is given to “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”.
- 4.3 This new provision will necessitate variations to determined admission arrangements to take effect from 1 September 2021. Admission authorities will need to vary their admission arrangements for 2021/22 (which would have been determined by 15 February 2020) and their admission arrangements for 2022/23 (which would have been determined by 15 February 2021). Without these variations, admission arrangements that have already been determined will no longer comply with the Code from this date.
- 4.4 Therefore, the Department for Education (DfE) expectation is that the changes to admission arrangements are determined by 31st August 2021 for 2021/2022 and 2022/2023 academic years. Variations will be conditional on the Code passing through its Parliamentary process (i.e. a date on or around 1 July 2021). If any variations are agreed before then, they must be expressed to be conditional on the Code passing through Parliament. All such variations should come into effect on 1 September 2021.
- 4.5 As these variations will be necessary to comply with a mandatory requirement of the Code, it will not be necessary to refer a variation request to either the schools adjudicator (in respect of maintained schools) or the ESFA (in respect of academies).
- 4.6 How will the new IAPLAC provision affect admissions in 2021/22?
All applications received before 1 September 2021 will have been processed in accordance with the existing (2014) Code, and offers made and places allocated will be unchanged.
- 4.7 Any applications received on or after 1 September 2021 will need to be processed in accordance with the new Code. By way of example, when dealing with in-year applications for the 2021/2022 academic year, children who are determined as being IAPLAC must be given equal highest priority with LAC and PLAC.
- 4.8 Any child who is on a waiting list for a school before 1 September 2021 and meets the definition of an IAPLAC must be ranked again on 1 September 2021 following the new Code coming into force so that the child is given equal highest priority with LAC and PLAC.

- 4.9 Responsibility for determining whether a child is eligible for IAPLAC priority rests with Croydon, as the admission authority for community schools. Subject to ministerial approval, the DfE plan to publish non-statutory guidance on the admission of IAPLAC in time for the new Code coming into force. This guidance will aim to assist and support admission authorities in assessing evidence provided by parents who want their child to be considered under the IAPLAC criterion, and will recommend that the council should request advice from the Virtual School Head, if there is in any doubt about the acceptability of evidence provided by the parent of an IAPLAC.
- 4.10 Other references to previously looked after children in the Code
All references to previously looked after children in the Code mean children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after as well as 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.
- 4.11 This means that the other provisions in the Code which apply to PLAC (for example, in relation to the admission arrangements of schools with a religious character, selective arrangements, and boarding priority) apply to IAPLAC in exactly the same way as they do to PLAC.

5. CONSULTATION

- 5.1 Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.
- 5.2 As the government consulted on changes to the School Admissions Code and the variations will be necessary to comply with a mandatory requirement of the Code, it will not be necessary for the council to consult or refer a variation request to the OSA.

6. PRE-DECISION SCRUTINY

- 6.1 This report did not go a Scrutiny meeting.

7 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

7.1 Revenue and Capital consequences of report recommendations

- 7.1.1 The responsibilities for School funding and the sources for that funding are set out in the School and Early Years Finance (England) Regulations and associated conditions of grant. All the funding for schools comes from the Dedicated Schools Grant (DSG) and does not impact on the general fund.

7.2 The effect of the decision

- 7.2.1 The revised code seeks to clarify and improve the school admissions process where children are admitted to school in-year, so outside of the normal admissions round. The revised code will also provide additional information and details that will support admission authorities in discharging their duties effectively and intended to support the most vulnerable children.
- 7.2.2 The changes include introducing more detail on the process for managing in-year admissions; changes to improve the effectiveness of Fair Access Protocols; giving children adopted from state care outside of England equal admissions priority as children who were previously looked after in England; and clarification of which address to use for the admission of service or crown servant children.

7.3 Risks

- 7.3.1 There are inconsequential financial risks associated with this decision.

7.4 Future savings/efficiencies

- 7.4.1 Not relevant to this decision.

Approved by: Kate Bingham, (Interim) Head of Finance, Children, Families and Education on behalf of Chris Buss, (Interim) Director of Finance, Investment and Risk and Section 151 Officer.

8. LEGAL CONSIDERATIONS

- 8.1 The School Admissions Code ('the Code') has been issued under Section 84 of the School Standards and Framework Act 1998 ('SSFA 1998'), which the council as an admission authority must comply with.
- 8.2 The Code has been made following a consultation under Section 85(2) of the SSFA 1998 and after being laid before Parliament for forty days. This Code comes into force on 1 September 2021 and, unless otherwise stated, applies with immediate effect. The Code applies to admissions to all maintained schools in England. It should be read alongside the School Admission Appeals Code and other guidance and law that affect admissions and admission appeals in England.
- 8.3 This Code imposes mandatory requirements and includes guidelines setting out aims, objectives and other matters in relation to the discharge of functions relating to admissions by the bodies listed below:
 - a) Admission authorities of maintained schools as defined in Section 88(1) (a) and (b) of the SSFA 1998
 - b) Governing bodies and local authorities (when not admission authorities)
 - c) Schools Adjudicators
 - d) Admission Appeal Panels.

These bodies have a statutory duty to act in accordance with the relevant provisions of the Code.

- 8.4 It is the responsibility of admission authorities to ensure that admission arrangements are compliant with this Code. Where a school is their own admission authority, this responsibility falls to the governing body or Academy Trust.

Approved by Doutimi Aseh, Interim Director of Law & Governance & Interim Deputy Monitoring Officer.

9. HUMAN RESOURCES IMPACT

- 9.1 There are no direct HR implications arising from this report. Any resultant future increases or changes in staffing will be handled by schools' governing bodies in accordance with the appropriate school/council policy and procedures.

Approved by: Sue Moorman, Director of HR

10. EQUALITIES IMPACT

- 10.1 The changes are required following government consultation. Pupils are allocated a school place based on the admissions criteria which aims to promote fair access to schools and are compliant with the School Admissions Code.
- 10.2 The government has made some changes to the Code which aim to improve support for the in-year admission of vulnerable children and help reduce to a minimum any gaps in their education.
- 10.3 There will also be changes to improve the effectiveness of Fair Access Protocols; giving children adopted from state care outside of England equal admissions priority as children who were previously looked after in England
- 10.4 The changes support the Council's general equality duty to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; to advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.

Approved by: Yvonne Okiyo, Equalities Manager

12. CRIME AND DISORDER REDUCTION IMPACT

- 12.1 Children being in school will help prevent criminal and anti-social behaviour or being victim of such behavior and reduce the number of children and young people in the criminal justice system.

13. REASONS FOR RECOMMENDATIONS

13.1 The recommendation of this report is set out to ensure that the Council is compliant with the revised School Admission Code.

15. DATA PROTECTION IMPLICATIONS

15.1 **WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?**

NO

15.2 **HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?**

NO

This report does not include any personal data.

The Director of Education comments that this report is an overview of education estates and does not contain any personal data.

Approved by: Shelley Davis, Director of Education

CONTACT OFFICER:

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APPENDICES TO THIS REPORT:

Appendix 1 – Community Schools Admission Arrangements 2021/22

Appendix 2 – Community Schools Admission Arrangements 2022/23

BACKGROUND DOCUMENTS:

None