

**Report for:** 9 February 2021

**Item number:** To be added by the Committee Section

**Title:** Determination of the Council's School Admission Arrangements for the academic year 2022/23

**Report authorised by:** Eveleen Riordan, Assistant Director Schools and Learning

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**Ward(s) affected:** All

**Report for Key/  
Non-Key Decision:** Key

## 1. Describe the issue under consideration

- 1.1. To continue to meet statutory requirements, Cabinet are requested to determine the proposed admission arrangements for the school year 2022/23. These arrangements are in respect of the borough's community and voluntary controlled (VC) schools. Recommendations below (para. 3) also ask Cabinet to agree to their publication on or before 15 March 2021 on the Council's website, such details to include advice on the right of objection to the Schools Adjudicator.
- 1.2. This year there was no change proposed to our admission arrangements for community and voluntary controlled (VC) apart from a slight alteration to the In-year fair access protocol. More information on this can be found from para. 7.2 below.
- 1.3. On 10 November 2020, Cabinet agreed that statutory consultation should be carried out on the proposed admission arrangements between 24 November 2020 and 5 January 2021.

## 2. Cabinet Member Introduction

- 2.1. This paper asks that Cabinet determines the Council's admission arrangements for the academic year 2022/23. The full range of reasons for agreeing the decision are set out from para. 4.1 - 4.3.

## 3. Recommendations

- 3.1. Cabinet are asked to:
  - determine the Council's admission arrangements for the academic year 2022/23 as set out in Appendices 1 – 4.
  - Agree the in-year fair access protocol (IYFAP) as set out in Appendix 5 to come into force from 1 March 2021.

- Agree that the determined arrangements for all maintained primary and secondary schools in the borough are published on the Council’s website by 15 March 2021 with an explanation of the right of any person or body, under the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012, to object to the Schools Adjudicator in specified circumstances<sup>1</sup>.

#### **4. Reasons for decision**

- 4.1. The School Admissions Code 2014 requires all admission authorities to determine admission arrangements every year, even if they have not changed from previous years. Regulation 17 of the School Admissions Regulations 2012 also requires admission authorities to determine admission arrangements by 28 February in the determination year.
- 4.2. In addition, the Regulations require the admission authority (in this case the local authority) to publish on its website by 15 March in the determining year the determined arrangements of all maintained primary and secondary school and academies in the borough, advising the right to object to the Schools Adjudicator, where it is considered that the arrangement do not comply with the mandatory provisions of the School Admissions Code 2014.
- 4.3. The Council consults on its admission arrangements annually irrespective of whether or not there is a proposed change to the arrangements. This is to ensure transparency and openness on the contents of the admission arrangements and to allow all stakeholders to make representations which can then be considered as part of the determination of the arrangements.

#### **5. Alternative options considered**

- 5.1. This year we did not propose a change to the oversubscription criteria for community and VC schools. While there are other ways admission arrangements can influence the allocation of school places set out in the Schools Admissions Code 2014 (e.g. designated catchment areas, identified feeder schools or giving priority in our oversubscription criteria to children eligible for the early years premium/ pupil premium), no alternative option is being considered at the time of writing this report.

#### **6. Background information**

- 6.1. All admissions authorities must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.
- 6.2. Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies do not discourage parents from applying for a place for their child.
- 6.3. The Council is the admission authority for community and voluntary controlled schools within the borough and is therefore responsible for determining the admission arrangements for these schools.

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<sup>1</sup> Paragraphs 19 – 24 of the Regulations

- 6.4. Academies, foundation schools and voluntary aided schools are their own admission authority; they must consult on and determine their own admission arrangements by 28 February 2020. The Council has a statutory duty to monitor the arrangements determined by own admitting authority schools to ensure compliance with the School Admissions Code (2014) and all relevant legislation and Regulations.
- 6.5. Admission authorities are responsible for admissions and must act in accordance with the School Admissions Code (2014), the School Admission Appeals Code (2012), other laws relating to admissions, and relevant human rights and equalities legislation.

#### Consultation

- 6.6. In accordance with paragraph 1.42 of the School Admissions Code (2014), a six week consultation (24 November 2020 - 05 January 2021) was carried out to invite comment from relevant stakeholders on the proposed admission arrangements for 2022/23.
- 6.7. A consultation document and questionnaire were used as the basis of informing stakeholders of the proposed admission arrangements.
- 6.8. To ensure as wide a consultation as possible, a range of modes and methods of communication were used to inform and facilitate feedback from stakeholders regarding the proposal -
- through the Schools Bulletin which is distributed to the headteacher and chair of governors of schools in the borough;
  - email to all Children's Centres in the borough;
  - email to all registered nurseries and child minders and any other early years providers;
  - published on the Council's online admissions pages;
  - via information in all libraries across the borough;
  - email to all councillors from the Lead Cabinet Member;
  - email to both MPs with constituencies in Haringey;
  - email to the diocesan authorities.
- 6.9. Stakeholders were given the opportunity to express their views in writing, via a questionnaire – both electronically and via the hard copy attached to the consultation document, by email and post.

#### Equality and Diversity Monitoring

- 6.10. As part of the consultation process, respondents were asked to complete an equality and diversity questionnaire, looking at Gender, Age, Ethnicity and Disability. The information collected will help identify any special requirements; promote equality; and improve choice and diversity. This information will only be retained and used for as long as is necessary. Where data is no longer required, it will be destroyed in line with relevant destruction policies and processes.

### **7. Summary of responses**

- 7.1. All responses were received via questionnaire or email. Overall a total of 4 completed responses were received which are included at Appendix 7b. A summary of the key findings and our response to the concerns highlighted is set out below.

## **Fraudulent applications / moving temporarily to gain access to a preferred school**

- 7.2. One of the four respondents commented on the practise of temporarily moving into an area to gain access to their preferred school. The respondent stated that more should be done to prevent this. It was suggested, for example that the sibling criterion should be amended so that siblings were only given priority if the family continued living within a reasonable walking distance of the school.

### **LA response**

- 7.3. Haringey council takes any attempt to obtain a school place through fraudulent means very seriously. Each year we conduct a wide range of checks to prevent fraudulent applications. Several hundred applications are identified each year using multiple techniques including geography, inconsistencies with the application etc. and these undergo additional detailed address fact-checking procedures. Of these a small number of applications may be identified as probable fraudulent applications.
- 7.4. These applications are then submitted to further in-depth investigations including, but not limited to, documentation checks, unannounced home visits and checks with partner services undertaken by Haringey's School Admissions and Fraud Prevention Services. Officers liaise with colleagues in neighbouring boroughs to investigate cross-border cases, and access a wide range of databases including, but not limited to, Council Tax, Benefits and Utility Services.
- 7.5. Following these investigations, the information discovered is then considered by the admission authorities of each applicable school. For Academies, foundations schools and others who are their own admission authorities, the decision whether they consider applications to be fraudulent is made on the basis of Haringey's investigations and any further checks the school may wish to conduct. Historically a very small number of applications are discovered to be fraudulent, for example in recent years approximately 0.2% of applications were considered fraudulent following in-depth investigation, a much smaller value than anecdotal evidence may suggest.
- 7.6. Haringey also has an online anonymous whistle-blowing form for members of the public who may wish to inform the LA of possible fraudulent applicants. This form has proved invaluable in Haringey's investigations, and in all cases where members of the public suggest that they are aware of families who have submitted fraudulent applications, we would ask them to provide as much information as possible via this online form so that an investigation can be undertaken. The form can be submitted anonymously and can be found [online](#) along with Haringey's Address of Convenience Protocol. Haringey's address of convenience protocol sets out the procedure by which we investigate potential addresses of convenience.
- 7.7. The respondent also recommended that Haringey introduce limiting factors on the sibling criterion, such as stipulating that families who have moved further than a reasonable distance from the school should no longer qualify under the sibling criterion. In November 2015 Haringey Council consulted on proposals to alter the sibling criterion for primary community and VC schools. It was determined **NOT** to introduce this limiting factor on the sibling criterion and full details of why this change was not implemented are provided in the report, online [here](#): and in the appendices to the report, online [here](#).

- 7.8. The report concluded that the introduction of this limited sibling criterion would impact most heavily and negatively upon families with certain protected characteristics, and upon some of the most vulnerable families in the borough, making these families further disadvantaged in no longer being able to access places at a single school for their children. As such it is unlikely that Haringey will consult on the introduction of a similar criterion to community schools in the near future.
- 7.9. To further combat fraudulent applications, Haringey has introduced the removal of the sibling criterion for families who obtained a place for their older child fraudulently.

### **Children of Staff criterion and childcare services**

- 7.10. One respondent proposed that we should consider amending the 'children of staff' criterion in the oversubscription criteria to also include prioritisation for admission to school for children of staff at a 'wraparound childcare service exclusively offered at that school.' In this case, the individual wanted priority for admission to Coleridge Primary School for children of staff at the Fair Play out of school club.

### **LA response**

- 7.11. The Council introduced an additional oversubscription criterion for 'children of staff' for the 2019/20 year of entry to address the teacher shortage at the time and to provide schools with the ability to retain and recruit staff for areas where there was a demonstrable skills shortage. Priority under this criterion is given where the member of teaching staff has been employed at the school for two or more years at the time of application or where a member of staff has been recruited to fill a vacancy for which there is a demonstrable skills shortage.
- 7.12. All schools are expected to provide access to wrap-around childcare if there is sufficient demand, either on their own premises or nearby. Not all schools provide out of school care themselves, some do, but others out-source the provision. Some schools opt to fulfil the requirements themselves, others invite individuals, playgroups, or other private childcare providers to meet the requirements on their behalf. In this case, Coleridge Primary School out-source childcare provision to the Fair Play out of school club which is a private childcare provider operating outside of local authority control.
- 7.13. Whilst we acknowledge the valuable service out of school clubs provides to their local school communities, staff members employed at the club are not teachers on Haringey's payroll or recruited to fill a demonstrable skill shortage. Therefore, they do not meet the requirements of the rule and it would not be in the spirit of the policy to broaden the criterion to incorporate staff employed by a private organisation.
- 7.14. Although the number of children this criterion represents each year has been small, there is a risk that extending the 'children of staff' criterion further to include other groups of children may result in an increase in numbers. This would cause disadvantage to local families eligible for a place under the distance criterion. Some of our schools are a very popular and oversubscribed and the area the schools serve

rarely goes out beyond 0.5 miles. Applicants offered a place under the staff criterion tend to live outside the cut off distance and therefore extending the criterion further may risk displacing more families living in the local community.

- 7.15. If the council were to consider amending its 'children of staff' criterion we would have to include all out of school clubs in Haringey for reasons of equity and fairness. This could potentially result in a significant increase in the number of children offered a place under the 'children of staff' criterion each year. Currently to mitigate against this risk, priority for children of staff is limited to one place for each form of entry in any year.

#### Haringey In-year Fair Access Protocol (IYFAP)

- 7.16. The Haringey In-Year Fair Access Protocol (IYFAP) ensures unplaced children, especially the most vulnerable, are offered a school place without delay and is a statutory requirement set out in the School Admissions Code 2014. In applying the Protocol, the panel ensures that these children and young people are shared fairly across all Haringey schools and that this process is open and transparent.
- 7.17. This year key stakeholders (panel members such as headteachers or their designated representative who enforce the protocol) were consulted on a minor alteration to the protocol in relation to managed moves<sup>2</sup>. Managed moves can be arranged for children at the risk of permanent exclusion and will be agreed between the substantive and receiving school and the family outside the panel.
- 7.18. The change to the protocol proposes a more robust system of tracking so an accurate record of managed moves currently in progress can be maintained by the local authority. All schools would be expected to inform the Admissions Service when a managed move has been instigated and also the outcome i.e. when a pupil moves permanently to their new school or that it is determined that they should remain at their original school.
- 7.19. Two responses were received in favour of the minor alteration to the protocol in relation to managed moves. One respondent acknowledged the essential need for managed moves to be tracked in order to ensure early intervention and support for young people at risk of exclusion. No other representation was received which is likely to be attributed to the ongoing support and satisfaction with the overall protocol and its application.

#### **Next Steps**

- 7.20. Council's Cabinet is asked to determine the Council's admission arrangements for the academic year 2022/23 as set out in Appendices 1-4.
- 7.21. In addition, Cabinet is recommended to agree the in-year fair access protocol to come into force from 1 March 2021. The protocol ensures hard to place children are given a

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<sup>2</sup> The term managed move refers to the transfer of a pupil who is at serious risk of permanent exclusion from one school to another. Managed moves are intended to provide a way to avoid the need for permanent exclusion in cases where a full range of inclusion strategies have been applied and these have not been lastingly effective.

school place without delay and is a statutory requirement set out in the School Admissions Code 2014 (paras 6 and 3.9 – 3.15 of the Code).

## **8. Contribution to strategic outcomes**

- 8.1. Ensuring we have a transparent and objective school admissions process with oversubscription criteria that is reasonable, clear, objective and compliant with all relevant legislation, including equalities legislation, underpins Priority 1 in the Corporate Plan which seeks to enable every child to have the best start in life with access to high quality education.

## **9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities**

Below are financial, governance and legal and equality comments.

### **Comments of the Chief Finance Officer and financial implications**

- 9.1. The Chief Financial Officer has been consulted in the production of this report and confirms that there are no direct financial implications as a result of the consultation proposals or determination of the Council's admission arrangements.

### **Comments of the Assistant Director of Corporate Governance and legal implications**

- 9.2. The Assistant Director of Corporate Governance has been consulted on the contents of this report and comments as follows: The current School Admissions Code ('the Code') came into force in December 2014 issued by the Department for Education under section 84 of the School Standards and Framework Act 1998. The Code is to be read alongside the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 ("the Regulations"). The Code and the Regulations apply to admission arrangements determined in 2015 and later years. In determining its admission arrangements for 2022-2023 the Council has a statutory duty as an admissions authority to act in accordance with the Regulations and with the relevant provisions of the Code. It must also as a result of its duty under section 149 of the Equality Act 2010 have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct which is prohibited by or under the Act, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it.
- 9.3. Paragraph 15 of the Code states that all schools must have admission arrangements that clearly set out how children will be admitted including the criteria that will be applied if there are more applications than places at the school. As part of determining its admission arrangements, the Council must set an admission number (called the Published Admission Number or PAN) for each school's "relevant age group" i.e. the age group at which pupils are or will normally be admitted to the school.
- 9.4. School admission arrangements are determined by admission authorities. Generally, the admission authority for community and voluntary controlled schools is the local authority. Admission authorities must set ('determine') admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority must first publicly consult on those arrangements. If no changes are made to

the admission arrangements, they must be consulted on at least once every 7 years. Consultation must be for a minimum of 6 weeks to take place between 1 October and 31 January of the determination year. The Code also requires the admissions authority for the duration of the consultation to publish a copy of the full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admissions authority to whom comments may be sent and the areas on which comments are not sought. Consultation must be undertaken when proposals are still at a formative stage. It must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response, adequate time must be given for this purpose and the product of the consultation must be conscientiously taken into account when the ultimate decision is taken.

- 9.5. In relation to consultation the Council must consult with parents of children between the ages of two and eighteen; other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; all other admission authorities within the relevant area; whichever of the governing body and the local authority who are not the admission authority; any adjoining neighbouring local authorities where the admission authority is the local authority and in the case of faith schools, the body or person representing the religion or religious denomination. The authority must also for the duration of the consultation publish a copy of the full proposed admission arrangements (including the PAN) on its website together with details to whom comments should be sent and the areas on which comments are not sought.
- 9.6. It is the responsibility of the authority to ensure that admission arrangements are compliant with the Code. Arrangements mean overall procedures, practices, criteria and supplementary information to be used in deciding on the allocation of school places. In drawing up the arrangements, the authority must ensure that the practices and criteria used are reasonable, fair, clear and objective and comply with the relevant legislation including equalities legislation. Parents should be able to look at the set of arrangements and understand easily how places will be allocated. It is for the authority to decide which criteria would be the most suitable according to local circumstances.
- 9.7. Each year all local authorities must formulate and publish on their website a scheme by 1 January in the relevant determination year to co-ordinate admission arrangements for all publicly funded schools within their area. All admission authorities must participate in co-ordination and provide the local authority with the information it needs to co-ordinate admissions by the dates agreed within the scheme. There is no requirement for local authorities to co-ordinate in-year applications, but the authority must provide information in a composite prospectus as to how in-year applications can be made and how they will be dealt with.
- 9.8. The Code requires that the Council must have an In Year Fair Access Protocol agreed with the majority of schools in its area to ensure that, outside the normal admissions round, unplaced children, especially the most vulnerable, are offered a place at a



suitable school as quickly as possible. The Cabinet Members will see the Proposed In-Year Fair Access Protocol at Appendix 5.

- 9.9. The proposed admission arrangements for 2022-2023, the proposed co-ordinated scheme, the proposed IYFAP and the proposed consultation on the proposed admission arrangements for 2022-2023 would appear to be in compliance with the Code and the Regulations.
- 9.10. There has been Government consultation which concluded in October 2020 regarding proposed changes to the Admissions Code 2014. We are awaiting confirmation as to when an updated Admissions Code will come into effect.

### **Equalities Comments**

- 9.11. The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
  - Advance equality of opportunity between people who share those protected characteristics and people who do not
  - Foster good relations between people who share those characteristics and people who do not.

The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

- 9.12. The proposed admission arrangements set out in this report comply with the public sector equality duty and ensures that, as an admission authority, the Council's arrangements do not directly or indirectly unfairly disadvantage a child or adult that possesses any of the characteristics protected under sections 4-12 of the Equality Act 2010.
- 9.13. An Equalities Impact Assessment (EqIA) was previously undertaken and the admission arrangements for 2022/23 do not differ materially from the arrangements for previous years. We therefore consider that another full equality impact assessment is not necessary at this stage and we have continued to monitor and assess the impact of any changing trends – please see updated information in the EqIA at Appendix 7.
- 9.14. The publication of clear admission arrangements for all of our schools (a statutory requirement) ensures that admission to schools is a clear and transparent process and that parents and carers are able to select preferences for a school place with full knowledge of how admission to their local school(s) is determined.
- 9.15. The Head of Admissions and School Organisation at Haringey Council will be responsible for monitoring the admission arrangements. They will produce an annual report on admissions for all schools in Haringey, which will be sent the Office of the Schools Adjudicator which monitors the fairness of the admission arrangements. This information will be reported to the DfE and the OSA annually.

## 10. Use of Appendices

10.1. The following appendices support this report:

- Appendix 1 - Nursery 2022
- Appendix 2 - Reception and Junior 2022
- Appendix 3 - Secondary Transfer 2022
- Appendix 4 – In Year Admissions 2022
- Appendix 5 – IYFAP March 2021
- Appendix 6 - Sixth Form 2022
- Appendix 7 - EqIA
- Appendix 7b – consultation responses
- Appendix 8 - Co-ordinated Admissions Schemes 2022-23.

## 11. Local Government (Access to Information) Act 1985

11.1. This report contains no exempt information.

### Background

1. The Schools Standards and Framework Act 1998.
2. The Education Act 2002.
3. The Education and Inspections Act 2006.
4. Education and Skills Act 2008.
5. The School Admissions Code (December 2014).
6. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014
7. The School Admissions (Infant Class Sizes) (England) Regulations 2012.
8. The School Admissions (Appeals Arrangements) (England) Regulations 2012.
9. The Education Act 2011.
10. The School Admissions Appeals Code (2012).
11. School roll projections sourced from the GLA
12. School roll information, including admission information from data held within Education Services