

CABINET
30 JANUARY 2020**SCHOOL ADMISSION ARRANGEMENTS FOR COMMUNITY
AND VOLUNTARY CONTROLLED SCHOOLS FOR 2021/22,
CO-ORDINATED ADMISSION SCHEMES 2021/22 AND FAIR
ACCESS PROTOCOL FOR WORCESTERSHIRE SCHOOLS**

Relevant Cabinet Member

Mr M J Hart

Relevant Officer

Director of Children's Services

Recommendation

- 1. The Cabinet Member with Responsibility for Education and Skills recommends that Cabinet:**
 - (a) approves the Admissions Policy for Community and Voluntary Controlled Schools 2021/22 as set out in Appendices 1a and 1b;**
 - (b) approves the scheme for Co-ordinated Admissions for Primary/Middle and Secondary Schools for 2021/22 as set out in Appendices 2a and 2b;**
 - (c) approves the Published Admission Numbers for Community and Voluntary Controlled Schools, including the proposed reductions, as set out in Appendix 3;**
 - (d) approves the Fair Access Protocol for Worcestershire Schools as set out in Appendix 4; and**
 - (e) confirms the authorisation to the Cabinet Member with Responsibility for Education and Skills to approve the Council's annual Admission Arrangements, in consultation with the Director of Children's Services, including:**
 - (i) the annual Schools Admissions Policy for Community and Voluntary Controlled Schools, Schemes for Co-ordinated Admissions, and Fair Access Protocol where no significant changes are proposed to them; and**
 - (ii) approving school PANs (other than for prescribed alterations to maintained schools through increases in physical capacity, and without prejudice to their separate delegation).**

Background

2. In March 2014, Cabinet agreed that where no significant changes are proposed to the admission arrangements, the Cabinet Member with Responsibility for Education and Skills has delegated authority for approving the Schools Admissions **Policy** for Community and Voluntary Controlled Schools and **schemes** for Co-ordinated Admissions in consultation with the (then) Director of Children, Families and Communities. The Cabinet Member with Responsibility for Education and Skills has therefore approved the arrangements on an annual basis. There were significant changes made to those arrangements, which Cabinet reviewed and approved in January 2019. The recommendations update that delegation and the remit of the Admission Arrangements which need approving annually, without prejudice to existing delegations from the Leader in October 2017 for determining 'prescribed alterations'.

3. Following an objection to the Office of the Schools Adjudicator by the Governing Body of Bewdley Primary School, that the PAN set for the school for the 2020/2021 academic year, was lower than the Governing Body wanted, the Office of the Schools Adjudicator has clarified that PAN forms part of the admission arrangements as a whole. As such the PAN must be determined at the same time as the admission policy. The 2014 delegations in relation to the admission arrangements, apply to the **admission policy** and the **co-ordinated schemes**, and it is recommended that this be extended to cover the admission arrangements as a whole (including policy, **PANs** and co-ordinated schemes) annually, unless prescribed alterations to maintained schools, through increases in physical capacity are required. Prescribed alterations are subject to the delegations in relation to statutory notice, which were set in 2017. This ensures full compliance with the Code on School Admissions.

4. It is therefore recommended that Cabinet authorises the Cabinet Member with Responsibility for Education and Skills to approve the admission arrangements as a whole (including **policy, PANs** and **co-ordinated schemes**) annually, other than where prescribed alterations to maintained schools through increases in physical capacity are required.

5. The School Admissions Code Paragraph 1.2 states:

*"As part of determining their admission arrangements, all admission authorities **must** set an admission number for each 'relevant age group'"*

The School Admissions Code Paragraph 1.3 goes on to state:

*"All admission authorities **must** consult on their admission arrangements where they propose a decrease to the PAN."*

As there are a number of Published Admission Number (PAN) reductions the arrangements as a whole require consultation and Cabinet approval for the academic year 2021/22.

Admissions Policy for Community and Voluntary Controlled Schools 2021/22

6. Full public consultation took place in line with the statutory requirements of section 1.44 of the Code on School Admissions. This included direct mailing to all schools in Worcestershire, neighbouring local authorities, Diocesan Boards, Trade Unions, and libraries. The information was also published on the School Admissions website. An advertisement was published in all the local papers alerting parents to the information on the

website and directing them to locations where hard copies could be viewed, if required. The consultation was also shared on social media. Consultation took place between 14 October 2019 and 6 December 2019. The consultation document and response form is attached as Appendix 5.

7. There were no responses received in relation to the Admissions Policy for Community and Voluntary Controlled Schools 2021/22. It is therefore recommended that Cabinet approves the arrangements for Community and Voluntary Controlled Schools for the academic year 2021/22, attached as Appendices 1a and 1b.

Co-ordinated Schemes for 2021/22

8. The Code of Practice Section 2.20 states:

"Each year Local Authorities must formulate a scheme to co-ordinate admission arrangements for all publicly funded schools within their area. Where the scheme is not substantially different from that adopted in previous years there is no requirement to consult."

9. There are no changes to the closing and offer dates (see table below), with only minor amendments to the exchange of information dates with other admission authorities.

	Closing Date	Offer Date
Primary/Middle	15 January 2021	16 April 2021
Secondary	31 October 2020	1 March 2021

10. It is therefore recommended that Cabinet approves the Co-ordinated Admissions Schemes for primary/middle and secondary schools for the academic year 2021/22 as set out in Appendices 2a & 2b.

Published Admission Number (PAN) Changes

11. The Council keeps under review the PAN of all community and voluntary controlled schools and consults with Governing Bodies annually. The Council has to ensure sufficient places in an area for the number of pupils seeking to attend their local school.

12. Admission Authorities need no longer consult on an increase to the PAN if the school has the accommodation, as this change was introduced by the revised Code on School Admissions in December 2014.

13. The Council has requested **Bishop Perowne CE College** to consider increasing the size of the school from a PAN of 210 up to 240. There has been an increase in future demand for places and as part of the Basic Need programme, the Council will require additional places to meet its statutory duty to ensure there is a sufficiency of school places in the area. The full statutory process of consultation for increasing the size of the school is required followed by statutory notice.

14. The Academy Trust of **Crabbs Cross Academy** has conducted public consultation on reducing its PAN from 60 to 30 for 2021. The ability of the Council to continue to ensure it is able to meet the sufficiency duty following the implementation of a PAN

reduction from 60 to 30 at Crabbs Cross Academy must be reviewed with greater scrutiny following recent changes in area trends.

15. Over the last 15 years, the number of children born in the catchment area of Crabbs Cross Academy has been in decline. A peak of 120 children in 2006 reduced to 70 and 71 in 2017 and 2018 respectively. The Academy Trust as part of their consideration of the future of the school, initially requested information and data from the Sufficiency and Place Planning team to fully consider their options prior to consulting on any proposal. This is outside of the formal change process. The data at that time showed a continued decline in numbers at the school which supported their decision to informally consult with parents to reduce their PAN to 30, in addition to changing their age range to a primary school.

16. The informal consultation is advised, but not mandated by the school organisation process. Following responses from their informal consultation, the school chose not to pursue a change of age range and formally proposed the reduction of their PAN from 60 to 30 as part of a 4 week formal consultation.

17. However, in 2019 birth rates in the area rose to 94 and there was a large increase in the number of families moving into the area.

	1+	2+	3+	Total
2014	-1	-2	-6	-9
2015	-5	-10	2	-13
2016	-6	+5	3	2
2017	-5	-2	-1	-8
2018	-4	+5	-5	-4
2019	+13	+7	5	+25

18. This has meant that whilst previous expectation was that subdued numbers of children in area would continue, it can no longer be said with certainty that this will happen. In 2019 the Council predicted 65 and 66 children to be living in catchment and applying for a school place in 2021 and 2022 respectively. These figures have now been revised to 71 and 83, with 88 forecast for 2023 based on a revised 5 year average trend following the upswing in 2019. Therefore, if the past 12 months are reflective of an ongoing trend for increased numbers, the likely number of children in catchment will be higher than those forecast based on 2019 birth rates and migration alone.

19. There are four schools within 2 miles of the catchment area of Crabbs Cross Academy and as such there has always been a high level of migration between these schools. In 2018 around 50% of the pupils on roll at Crabbs Cross Academy were living outside of the catchment area, however this is only possible as around 70% of children living within the catchment of Crabbs Cross Academy were attending an alternative school.

20. Just under 30% of children within the catchment area of Crabbs Cross Academy choose to attend The Vaynor First School, with the remainder attending the alternative nearby schools, in particular Astwood Bank Primary School. At present, there are sufficient places at neighbouring schools to continue to allow this historic level of parental choice across the area.

21. However, a reduction of the PAN at Crabbs Cross Academy will reduce the number of places in this area and will require an additional 8-20 children above those that are likely to seek places in alternative schools based on historic trends to be placed within an alternative school in the area. However, in 2018, all schools within a 2 mile distance were full or almost full in all year groups. This is forecast to continue.

22. The Council has responded to the consultation and advised that it cannot ensure a sufficiency of school places in the area should the school reduce their PAN. The duty to ensure there are a sufficient number of places in an area applies to every single child in Worcestershire. Due to the increase in birth rates and higher migration of young families into the area over the last 12 months, the Council cannot ensure that this trend will not continue, indicating that higher demand above that which has been assessed previously may occur. Therefore, the Council is not able to support the PAN reduction at the school at this time.

23. The Academy Trust has taken on board the points made in the Council's response and have decided not to reduce the PAN to 30. The Trust decided to begin a fresh public consultation on a reduction from 60 to 45 instead. The Council is supportive of the request for a PAN reduction to 45 and has responded to the school. The Sufficiency and Place Planning team will monitor the situation going forward and work closely with the school to address any pressures for the future, should they arise. If the evidence supports the need for additional places, the County Council and school will work together on any future increase.

24. Those schools now have until 28 February 2020 in which to determine their admission arrangements following consultation. The Council is entitled to raise an objection to the Office of the Schools Adjudicator to the determined admission arrangements of any school.

25. The Governing Body of **Grove Primary School and Nursery** requested the Council consult to reduce the PAN of the school from 45 to 30 for 2021. The reasons put forward by the Governing Body included the falling numbers of children in the local area, their deficit budget and the difficulties the school has in managing mixed age classes. The school feel that a reduction in PAN to 30 would allow the school to stabilise, with staffing restructuring to move to single-aged teaching classes and this would assist the situation with the budget deficit.

26. When the previous Infant and Junior Schools were amalgamated on the same site in 2007, the school housed the Early Years and Key Stage One children in one building and the Key Stage Two children in another. Due to the falling numbers on roll at the school, and the physical accommodation available in the Key Stage Two building, there is the physical capacity to move the Key Stage One children into that building. The school do not have the funds available to maintain both buildings. There are a number of building repairs that need to be addressed and the school feel that they would be able to maintain one building to a high standard which would attract families to the school.

27. The Council has reviewed the current and expected future demand for places at the school and agree that the reduction in the PAN from 45 to 30 will not cause a concern for basic need as there are a number of primary schools in the area which can meet the need from additional pupils. Four schools in this area have less than 90% occupancy rate, with two at less than 75%. It is clear from the Governing Body's reasoning the

positive impact that this change will have at the school. The Council is therefore supportive of the request for a PAN reduction. Full consultation has taken place on the PAN reduction. There have been no responses received to the proposed reduction. Based on the current long-term forecast requirements of the town of Malvern however, this will not cause a detrimental effect on basic need and is therefore also supported by the Council. Should approval be given by Cabinet, discussions will be held as early as possible to find the most suitable use for the resulting surplus accommodation.

28. The Governing Body of **Feckenham CE First School** requested the Council consult to reduce the PAN of the school from 25 to 15 for 2021 in order that it may become a primary school. The reasons put forward by the Governing Body included the falling demand for spaces and that the local school structure in Redditch has changed over several years. There are now two primary schools within the area, which may increase in the future. The closest middle school is now a secondary school with years 5 and 6 only remaining if there is a basic need for spaces. The Governing Body believe with falling numbers and structure changes there is the likelihood that basic need will be drastically reduced.

29. The Governing Body has conducted discussion and consultation with parents and local stakeholders and wish to change the age range of the school by adding two year groups to become a primary school in line with other schools in the area. Three changes of age range have been approved by the Regional Schools Commissioner which affect this school pyramid: Tudor Grange Academy Redditch converted to an 11-18 secondary school with effect from 2016; Astwood Bank Academy, converted to a primary school in 2017; and Ridgeway Academy converted to an 11-16 secondary school in 2017.

30. At present Ridgeway Academy is managing 2 double mobiles on site, in order to support year groups 5 and 6. This provides support for their two remaining first school feeders: Crabbs Cross Academy and Feckenham CE First School, as well as supporting pupils from Astwood Bank Academy, that choose to be educated in the three-tier system. This arrangement is outside of the formal age range of the school and is not a permanent solution. The retention of those year groups is not viable longer term for the school. Astwood Bank Academy retains an increasing percentage of pupils in year 5 (64%, 82%, and 93% from 2017-2019 respectively). When Ridgeway Academy stops supporting pupils at year 5 there will be no clear progression route for children at Feckenham CE School.

31. In order to change the age range at Feckenham CE First School, this will require a PAN reduction from 25 to 15, in order for the school to accommodate extra year groups without the expense of extra building. The Council has reviewed the current and expected future demand for places at the school and agrees that the reduction in the PAN from 25 to 15 will not cause a concern for basic need. The Council is therefore supportive of the request for a PAN reduction. Full consultation has taken place on the PAN reduction and there have been no responses received to the proposed reduction. The forecast numbers for the school show the school will have an average intake of 10 pupils.

32. The Governing Body of **St Anne's CE Primary School** requested the Council consult to reduce the PAN of the school from 45 to 30 for 2021. The reasons put forward by the Governing Body included the falling demand for spaces and the other primary school in the town, Bewdley Primary School, has had its PAN increased to 60

from 45 for 2020, by the Office of the School Adjudicator, following the school raising an objection to the PAN agreed by Cabinet in January 2019. This has meant a surplus of places in the town. Over the last 4 years the school has suffered from reduced numbers entering the Reception Year.

33. The Governing Body is concerned about the financial deficit impacting on its ability to employ teaching staff due to falling numbers. The existing PAN of 45 means that the school operates mixed age classes whereas the school consider that single-aged classes would better support the learning of the pupils.

34. The Council has reviewed the current and expected future demand for places at the school and agrees that the reduction in the PAN from 45 to 30 will not cause a concern for basic need. The Council is therefore supportive of the request for a PAN reduction. Full consultation has taken place on the PAN reduction. There have been no responses received to the proposed reduction.

35. It is therefore recommended that Cabinet approves the PANs for Community and Voluntary Controlled primary/middle and secondary schools for the academic year 2021/22 as set out in Appendix 3, which includes the PAN reductions for Grove Primary and Nursery School, Feckenham CE First School and St Anne's CE Primary School.

Fair Access Protocol for Worcestershire Schools

36. The School Admissions Code states:

“3.9 Each local authority must have a 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. In agreeing a protocol, the local authority must ensure that no school - including those with available places - is asked to take a disproportionate number of children who have been excluded from other schools, or who have challenging behaviour.

3.10 The operation of Fair Access Protocols is outside the arrangements of co-ordination and is triggered when a parent of an eligible child has not secured a school place under in-year admission procedures.

3.11 All admission authorities must participate in the Fair Access Protocol in order to ensure that unplaced children are allocated a school place quickly.”

37. The protocol currently in place within Worcestershire has been subject to ongoing discussion with all schools over the last year. Overwhelming feedback from schools was that the protocol needed to be reviewed and a clearer, transparent system was required to:

- a) Acknowledge the need for vulnerable young people who are seeking a school place to be dealt with quickly and sympathetically;
- b) Reduce the time that these pupils spend out of school;
- c) Ensure that schools admit pupils including those with challenging educational needs on a fair and equitable basis;
- d) Be fair and transparent; and
- e) Ensure that all schools accept a fair and equitable share of pupils.

38. In January 2019, Cabinet approved the co-ordination of In-Year admissions on behalf of all schools in Worcestershire, to ensure that the Council is able to keep

accurate pupil data tracking and up to date figures on the availability of places in the area. This enables the Council to fulfil the statutory duties, complete accurate DfE Sufficiency Returns to ensure appropriate funding and to accurately report the information to the Office of the Schools Adjudicator and Ofsted. It was felt that this then created an ideal opportunity to review the current Fair Access Protocol.

39. At each Fair Access Area Panel meeting throughout the year, opinion has been gathered from all schools to determine what schools believe a good Fair Access Protocol would look like for the most vulnerable children in Worcestershire. Best practice from our neighbouring Local Authority areas has been shared with the Panels.

40. At the beginning of October 2019, the Chairs of the Fair Access Area Panels, representatives from School Admissions, the Education Investigation Service and the Assistant Director of Education and Early Help, had a very successful and positive meeting which jointly put together a Fair Access Protocol which has now been out for full consultation.

41. The ways in which the revised version differs from the existing protocol are:

- Children who qualify for Fair Access has been extended to include additional vulnerable groups such as Children in Need, Children subject to Child Protection, children in refuges or emergency accommodation;
- The number of weeks a child has been missing from education before they qualify for placement has been reduced from 8 to 4 weeks;
- Placements can take place virtually, without having to wait for a half termly meeting;
- All schools must send a representative to the meetings;
- Clearer definition of what challenging behaviour is and this must be clearly evidence based and linked to the Graduated Response;
- A clear definition of what is meant by a school that already has a significant number of children that have challenging behaviour; how this will be determined;
- Removal of a 3 stage lengthy process, which causes delay to placement and increases days lost to education;
- Introduces an objective, clear, fair, equitable and consistent Weighting Grid to determine which schools may be expected to place; and that all children placed are done so in a fair and transparent way;
- Provides a clearer policy that all stakeholders can understand.

42. The consultation document has been well received by the Fair Access Area Panels and all schools, it is seen as a positive, fair and transparent process, of which they are supportive.

43. In summary five responses were received in relation to the Fair Access Protocol. Those responses were in relation to wording clarifications, links to other useful documents, the weighting system and managed moves. The responses are attached as Appendix 6. In addition, the Council will also be conducting a separate piece of work in relation to creating a Managed Move Protocol for Worcestershire Schools. The Fair Access Protocol, once approved, will come into effect with In-Year co-ordination of applications.

44. The responses from the consultation have been considered and wording amendments have been made to the Protocol. It is therefore recommended that Cabinet approves the Fair Access Protocol for Worcestershire Schools attached as Appendix 4.

Legal, Financial and HR Implications

45. An Equality Impact Assessment relevance screening has been completed on the Admission Policy for 2021/22 and the Fair Access Protocol for Worcestershire Schools. It shows that the recommendations do not have an adverse impact on rural children, the Gypsy, Roma Traveller community or any of the protected groups.

Privacy and Public Health Impact Assessments

46. There are no Public Health and Privacy Impact Assessment implications that will occur as a result of endorsing the recommendations in this report.

Risk Implications

47. The delivery and consequences of the recommendations have been considered and there are no risk implications that are likely to occur as a result of endorsing the recommendations in this report.

Supporting Information (available electronically only)

- Appendices 1a & 1b - Admissions Policy for Community and Voluntary Controlled Schools
- Appendices 2a & 2b - Co-ordinated Schemes for Worcestershire Schools
- Appendix 3 – Published Admission Numbers
- Appendix 4 – Fair Access Protocol for Worcestershire Schools
- Appendix 5 – Copy of Consultation Letter and Response Form
- Appendix 6 – Copy of Consultation Responses to Fair Access Protocol

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

School Admissions Code

Agenda papers for the meeting of Cabinet held on 31 January 2019