

AGENDA ITEM

REPORT TO CABINET

15 JULY 2021

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION

**AMENDMENT TO THE LA'S OVERSUBSCRIPTION POLICY (AS THE ADMISSION
AUTHORITY) FOR MAINTAINED COMMUNITY AND VOLUNTARY COMMUNITY PRIMARY
AND SECONDARY SCHOOLS FOR ENTRY IN 2021/22 AND 2022/23**

SUMMARY

This report outlines the amendment to the already determined admission arrangements for the admission of pupils to maintained community & voluntary controlled primary & secondary schools in Stockton. This amendment will ensure an eligible pupil wishing to enter Reception (Primary) and Year 7 (Secondary) in 2021/22 and 2022/23 can do so lawfully as described in the 2021 School Admissions Code (the Code).

RECOMMENDATIONS

Cabinet is asked to agree:

1. The amendment to the LA's Admission Policy for 2021/22 and 2022/23 as per **Appendix 1 & 2** (attached).

DETAIL

1. 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**".
2. The 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.¹ 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.
3. Paragraph 1.7 of the new 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

¹ Such a motion would prevent the Code from coming into force.

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. 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 28 February 2020) and their admission arrangements for 2022/23 (which would have been determined by 28 February 2021). Without these variations, admission arrangements that have already been determined will no longer comply with the Code from this date.
5. Therefore, the Department of Education (DfE) has stated that admission authorities are expected to hold a meeting prior to 31 August 2021 to determine the necessary variations to admission arrangements for 2021/2022 and 2022/2023. 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.
6. 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).
7. To amend the current Criterion 1 & 2 (see below) of the existing determined Admission Policies for 2021/22 and 2022/23, that read as follows:

CRITERIA (In priority order)
1. Pupils who are in the care of the local authority, or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements, or special guardianship order.
2. Children who were previously in care outside of England.

8. To read in line with the IAPLAC guidance within the Code for the determined Admission Policies for 2021/22 and 2022/23 as follows:

CRITERIA (In priority order)
1. 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. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child-arrangements order or special guardianship order).

9. The amended policies will be available on the Councils website by 1 September 2021 at www.stockton.gov.uk/schooladmissions.
10. Please note that for those schools that have converted to an Academy and currently retain the LA's Admission Policy for both 2021/22 and 2022/23 will be contacted to amend their policies accordingly as per attached. In addition all other Admission Authorities of Academy

Trust schools including Voluntary Aided (VA) and Free Schools also need to determine these amends to their respective policies and update their admission arrangements on their websites by 1st September 2021.

COMMUNITY IMPACT IMPLICATIONS

11. None

FINANCIAL IMPLICATIONS

12. None

LEGAL IMPLICATIONS

13. The Council as Local Education Authority has a duty under The Education Act 1944 to ensure a sufficient supply of school places to meet the needs of the children and young people resident in the borough.

RISK ASSESSMENT

14. Determining the LA's School Admissions arrangements is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

15. This report is for information only and although it has no financial or legal implications it helps underpin elements of the Policy Principles in the Council Plan.

CORPORATE PARENTING IMPLICATIONS

16. This report does not contain corporate parenting implications.

CONSULTATION INCLUDING WARD/COUNCILLORS

17. Not ward specific. This report does not require any consultation.

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Education related? Yes

Background Papers: None

Ward(s) and Ward Councillors: N/A

Property: N/A

Admission Policy for September 2021 for Primary and Secondary Community and Voluntary Controlled (VC) School in Stockton-on –Tees

All governing bodies are required by Section 37 of the Children and Families Act 2014 to admit to the school a child with an Education, Health and Care (EHC) Plan that names the school.

This is not an oversubscription criterion. This relates only to children who have undergone statutory assessment and for whom a final EHC Plan has been issued.

Where there are more applications for a school than there are places available, places will be allocated in order using the oversubscription criteria below:

CRITERIA (In priority order)	EXPLANATORY NOTES
<p>1. Looked after children¹ 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 adopted². Previously looked after children are children who were looked after but ceased to be so because they were adopted³ (or became subject to a child arrangements order⁴ or special guardianship order⁵).</p>	<p>¹ A 'looked after child' is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.</p> <p>²A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.</p> <p>³This includes children who were adopted under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see Section 46 adoption orders).</p> <p>⁴Child arrangements orders are defined in Section 8 of the Children Act 1989, as amended by Section 12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order.</p> <p>⁵See Section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).</p>
<p>2. Pupils with a Special Education Need who are going through a statutory assessment and who have been identified as needing a 'named' mainstream school.</p>	<p>This criteria applies to those children who have a Special Education Need, who are going through a statutory assessment and have been identified as in need of a 'named' mainstream school that can offer the enhanced support and resources they require to meet their specific SEN.</p>
<p>3. Pupils who have a brother or sister</p>	<p><u>We define brother or sister as follows:</u></p>

<p>permanently living at the same address, who are still at the school when the pupil begins. Please note – this criteria only applies to siblings who are of compulsory school age, not younger siblings who attend a nursery setting attached to a school (Primary applications only)</p>	<ul style="list-style-type: none"> • A brother, sister, stepbrother, stepsister, adopted brother or sister, or children of partners who are permanently living at the same address as a family unit. In all cases, the parent who receives the Child Benefit for those children must permanently live at that address with the children. • We will consider brothers or sisters who live in separate households because the parents are separated and have shared responsibility for the children under conditions covering exceptional social or medical reasons. This does not include separate families living together in the same property. • If there are other family situations where there are different carers, e.g. aunts, uncles or grandparents, each case will be considered individually.
<p>4. Pupils permanently resident i.e. the address at which the child is registered for child benefit, who expresses a preference for that school (proof of address may be required) within the admission zone who have returned a Common Application Form by the closing date (31st October 2020 for Secondary applications and 15th January 2021 for Primary applications).</p>	<p>When a school is oversubscribed with in-zone applications i.e. there are more applications from children living in the admission zone of the school than there are places available, we will allocate places:</p> <ul style="list-style-type: none"> • firstly to children permanently living in the admission zone (Criterion 4) with exceptional social or medical reasons for attending the school (Criterion 5); • then to children permanently living in the admission zone (Criterion 4) according to their distance from the school measured in a straight line “as the crow flies” (Criterion 6).
<p>5. Pupils with exceptional social and / or medical reasons for attending the school. A letter from the child’s GP or other relevant professional such as a social worker must be submitted by you with the application stating why your child’s needs can only be met by attending the preferred school.</p>	<p>It is up to you to provide any evidence. The admissions team will not seek information about your child or telephone people on your behalf, the decision will be based solely on the information you send in.</p> <p>When you apply online, tell us that there is supporting evidence in the space provided, and send it to the School Admissions & Transfers team or email to school.admissions@stockton.gov.uk or by post. If we do not receive this information by the closing date, we will not be able to consider your child under this priority, unless it relates to a change of circumstances (such as a new diagnosis) which has occurred since the closing date.</p> <p>All correspondence will be treated as private and confidential. If the evidence you supply is not considered compelling enough to be included in this priority, your application will be considered under the other priorities as appropriate.</p> <p>Medical reasons</p> <ul style="list-style-type: none"> • If there are medical reasons that make it essential for your child to attend a particular school, you must provide supporting information from a doctor together with any other relevant information by the deadline; • This must make a compelling case as to why your child's needs

	<p>can only be met at the preferred school, a medical condition in itself will not automatically result in a place at your preferred school;</p> <ul style="list-style-type: none"> • The evidence should explain exactly what the child's needs are, and what specialist support and/or facilities your child requires; • The evidence should explain why other schools could not provide the appropriate support for your child. <p>Social reasons</p> <ul style="list-style-type: none"> • If there are social reasons that make it essential for your child to attend a particular school, you must provide independent evidence from a professional who is supporting your family; • The supporting evidence needs to set out the particular reasons why the school in question is the most suitable and the difficulties that would be caused if the child had to attend another school; • The evidence should explain exactly what the child's needs are, and what specialist support and/or facilities your child requires; • The evidence should explain why other schools could not provide the appropriate support for your child. <p>Social reasons do not include domestic arrangements such as parents working commitments or childcare arrangements.</p> <p>Please note that submitting this information does not guarantee that your child will be included in this category.</p>
<p>6. Pupils who live closest to a particular school measured in a straight line “as the crow flies”.</p>	<p>The LA uses a Geographic Information System, known as GIS, to identify and measure the distance from the home to the school. The distance is measured electronically from a point of the school (the same point for all applications) to a point of the home (including flats). The GIS undertakes all measures in exactly the same way for every applicant, to ensure consistency and fairness.</p>

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<p>same address, who are still at the school when the pupil begins. Please note – this criteria only applies to siblings who are of compulsory school age, not younger siblings who attend a nursery setting attached to a school (Primary applications only)</p>	<p>sister, or children of partners who are permanently living at the same address as a family unit. In all cases, the parent who receives the Child Benefit for those children must permanently live at that address with the children.</p> <ul style="list-style-type: none"> • We will consider brothers or sisters who live in separate households because the parents are separated and have shared responsibility for the children under conditions covering exceptional social or medical reasons. This does not include separate families living together in the same property. • If there are other family situations where there are different carers, e.g. aunts, uncles or grandparents, each case will be considered individually.
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