

North Tyneside Council

Report to Cabinet

Date: 24 February 2020

Title: Determination of School Admission Arrangements September 2021 including proposed catchment area changes

Portfolio(s): Children, Young People and Learning	Cabinet Member(s): Councillor Peter Earley
Report from Service Area:	Commissioning and Asset Management
Responsible Officer:	Mark Longstaff, Head of Commissioning and Asset Management (Tel:(0191) 6438089)
Wards affected:	All

PART 1

1.1 Executive Summary:

This is an annual report submitted to Cabinet to meet a statutory requirement to determine school admission arrangements before publication. This report is to approve the proposed admission arrangements for all Community Schools in North Tyneside for the 2021/2022 academic year including the co-ordinated admissions schemes.

The Authority has a duty to consult on all aspects of its proposed admission arrangements. This includes its oversubscription criteria and catchment areas. There are proposed changes to the catchment areas regarding Backworth Park, Holystone, New York and Shiremoor Primary Schools.

The reasons for the proposed changes are partly due to the successful relocation of Backworth Park Primary School and partly due to the new housing developments that have been built in the area.

There are no changes to the procedures for allocating school places.

1.2 Recommendation(s):

It is recommended that Cabinet

- (1) approve the 2021 proposed admission arrangements and limits for Community Schools, as outlined in Appendices 1 to 5, subject to the appropriate publication of Statutory Notices; including the proposed changes to catchment areas as outlined in Appendices 6 to 8.

- (2) agree the specified transition arrangements, set out in Appendix 9, for those families that could be affected by the changes to catchment area in respect of those living within the current catchment area with a sibling link;
- (3) authorise the Head of Commissioning and Asset Management to proceed in administering admission arrangements for the 2021/2022 academic year, subject to the publication of Statutory Notices and compliance with obligations required by the Secretary of State in accordance with the timescales set; and
- (4) authorise the Head of Commissioning and Asset Management, in consultation with the Cabinet Member for Children, Young People and Learning, to formally seek approval, as necessary, from the Schools Adjudicator in accordance with the School Admissions Code 2014 for any necessary variations to the determined arrangements for the 2021/22 academic year should these arise.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 29 November 2019.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the 2018/20 Our North Tyneside Plan:

- (1) Our People will be supported to achieve their full potential, especially our children and young people.

1.5 Information:

1.5.1 Co-ordinated Admission Schemes (The Scheme)

All Local Authorities are required to formulate and consult on a scheme for each academic year for co-ordinating admission arrangements for all maintained schools within their area. This requirement includes maintained boarding schools but excludes maintained special schools and maintained nursery schools. Co-ordinated schemes are intended to simplify the admission process for parents whilst reducing the likelihood of any child being left without a school place. Co-ordination establishes a mechanism that ensures that, as far as is practical, every child living in a Local Authority (LA) area who has applied in the normal admissions round receives one, and only one, offer of a school place on the same day. While it is for each LA to decide the scheme that best suits its residents and its schools, authorities must ensure that they:

- a. comply with law and regulations, including all the process requirements (for example, the common application form allowing at least 3 preferences, information sharing with other Local Authorities, sending out not more than one offer to all seeking places at its maintained schools or academies on the same day); and
- b. do not disadvantage applications to their schools from families resident in other Local Authority areas.

The Scheme applies to applications received from September 2020 for entry into maintained schools in September 2021. The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) require the LA to exchange specified information on applications with neighbouring Authorities.

The purpose of the Scheme is to co-ordinate admissions into all mainstream maintained first and primary, middle and high schools in North Tyneside. The Regulations also place a duty on all Local Authorities to make arrangements within their Scheme for cross-Authority border co-ordination of admissions.

The Co-ordinated Admissions Schemes are shown in Appendices 1 and 2.

1.5.2 Admissions Numbers

All schools must have an admission number for each 'relevant age group'. This is defined in law as 'an age group in which pupils are or will normally be admitted' to the school in question. Admission Authorities of maintained schools must set admission numbers with regard to the capacity assessment for the school under the Regulations.

The Planned Admission Numbers are shown at Appendix 3.

1.5.3 Admission Policies

Pupils will be able to go to their preferred school unless there are more applications to that school than there are places available. If there are more applications than places available at a school, oversubscription criteria will be used to allocate places after any children with a Statement of Special Educational Needs or an Education, Health and Care Plan have been provided for where the Statement or the Education, Health and Care Plan names a specific school.

Admissions Policies for admission to North Tyneside Community Schools and Nurseries for which the LA is the Admissions Authority are shown at Appendices 4 and 5.

1.5.4 Oversubscription Criteria

The oversubscription criteria used by the LA where there are more applications than places available are set out in Appendices 4 and 5 of this report.

1.5.5 Admissions to Year 12 (sixth form)

Where a secondary school operates a sixth form and admits pupils from other schools at age 16, for instance, an admission number will be required for Year 12 as well as for the main year or years. Admission numbers must refer to pupils being admitted to the school for the first time and not transferring from earlier age groups. The entry requirements for sixth form are largely dependent on the course of study that a student wishes to access. Details of specific requirements and courses available may be obtained for individual schools. All schools publish information about their post 16 provision.

1.5.6 Community Schools

The Authority is responsible for consultation and determining the admission arrangements for community schools in the North Tyneside area in accordance with the School Admissions Code 2014. Specific consultation has been undertaken in relation to the amendment of the catchment areas of Backworth Park Primary, Holystone Primary, New York Primary and Shiremoor Primary Schools.

1.5.7 Changes to catchment areas Backworth Park Primary, Holystone Primary, New York Primary and Shiremoor Primary Schools

The proposed changes to the catchment areas are partly due to the successful relocation of Backworth Park Primary School and partly due to the new housing developments that have been built in the area. Further details of the proposed changes are given below and set out in Appendices 6, 7 and 8.

Consultation on the proposed changes to catchment area has been undertaken in accordance with statutory requirements. The Authority consulted with the following as a part of that process:

- Headteachers/Governing Bodies of schools where proposals could directly affect parents of children between the ages of two and eighteen;
- Residents 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 Local Authority area;
- Adjoining neighbouring Local Authorities where the admission authority is the Local Authority
- The Head of Commissioning and Asset Management meeting with West Allotment Resident/Parent representatives
- The Cabinet Member for Children, Young People and Learning with the Head of Commissioning and Asset Management meeting with West Allotment Resident/Parent representatives
- The Access Manager and the Manager - School Organisation and Investment met with the Headteachers of Backworth Park Primary, Holystone Primary and Shiremoor Primary Schools
- Access Manager and the Manager - School Organisation and Investment met with the Headteachers and representatives of the Governing Body of Backworth Park Primary, Holystone Primary and Shiremoor Primary Schools. The proposed changes were discussed with the Headteacher at New York Primary School.

There were 80 responses to the consultation. The general opinion from those who responded to the consultation was that they agreed there needed to be changes to the catchment areas within this area of the Borough.

However, there was a request to put in place some transitional arrangements to protect in-catchment children with an existing sibling link who will be out of catchment following the changes as outlined.

Set out below are the four main issues raised by the majority of respondents as set out by the Resident Association and the Governing Body of Holystone Primary School.

1. Transitional Provisions

Transitional Provisions are needed to protect in-catchment children with an existing sibling link who will be out of catchment following the changes.

2. Bayfield and Edgefield

Bayfield and Edgefield fall more logically into the Backworth or Holystone Catchments.

3. Effect on Parents

No parent with an existing in-catchment sibling link should be placed in a position where they consider that they have to:

- i change jobs or stop working; or
 - ii move house,
- because of the catchment change.

4. Lawfulness of the Consultation

The consultation is unlawful as it does not meet the criteria set out in caselaw such as R v. Brent LBC ex parte Gunning (1985) 84 LGR 168 and R. v Camden LBC Ex p. Cran (1996) 94 L.G.R. 8.

The Authority has responded to the four main issues listed above with the following consultation response:

1. Transitional Provisions

As part of the consultation exercise, the Local Authority is recommending that transitional arrangement be put in place to protect in-catchment children with an existing sibling link who will be out of catchment following the changes as outlined in Appendix 9.

2. Bayfield and Edgefield

There were 5 proposed options that were discussed with the Local Authority and Headteachers and representatives of the Governing Bodies of the schools affected. The preferred option as outlined in Appendix 8 was chosen by the Local Authority and the schools. The preferred option was determined by the analysis of a range of data and knowledge including:

- The need to ensure equal proportion of dwellings, as far as is reasonable, to sustain 3 no 2 form entry schools.
- Road layout and infrastructure
- Minimising the number of properties affected by change

3. Effect on Parents

See response to point 1 above

4. Lawfulness of the Consultation

The consultation process was compliant with the requirements of the law. The consultation period was for a period of 6 weeks and 3 days this was to allow for the bank holidays over the Christmas recess. This ensured that the consultation period was compliant with the statutory requirements of the School Admissions Code and the statutory timeframes for determining the admission arrangements for 2021.

1.5.8 The Learning Trust Schools

The North Tyneside Learning Trust was established in September 2010 and currently comprises 44 schools. The governing bodies of these schools are responsible for determining their arrangements in accordance with the School Admissions Code 2014.

Five of the schools in the Learning Trust are Special Schools and these arrangements do not apply to them.

1.5.9 Voluntary Aided Schools

The governing bodies of these schools are responsible for consultation and determining their own admission arrangements in accordance with the School Admissions Code 2014.

1.5.10 Academies

There are four academies in North Tyneside. The governing bodies of these four schools are responsible for consultation and determining their own admission arrangements in accordance with the School Admissions Code 2014.

Any school which subsequently changes their status and becomes an academy will be responsible for determining their own admission arrangements in accordance with the School Admissions Code 2014 following the change.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Approve the recommendations set out in section 1.2 of the report.

Option 2

Do not approve the recommendations set out in section 1.2 of the report and request Officers undertake further work to change proposed admission arrangements.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The recommendations contained in this report are made to secure compliance with statutory requirements as outlined in Section 2.2 of this report.

If the recommended option is not approved, the Authority may not be in compliance with statutory requirements as outlined in Section 2.2 of this report.

1.8 **Appendices:**

Appendix 1: Proposed Co-ordinated Admissions Scheme First and Primary Schools 2021

Appendix 2: Proposed Co-ordinated Admissions Scheme Middle and High Schools 2021

Appendix 3: Proposed Admissions Numbers Community First and Primary Schools
September 2021

Appendix 4: Proposed Admissions to Nursery Policy September 2021

Appendix 5: Proposed Admissions to Community First and Primary Schools Policy
September 2021

Appendix 6: Map of catchment area (existing)

Appendix 7: List of proposed street changes to catchment area September 2021

Appendix 8: Map of catchment area (proposed)

Appendix 9: Transitional Arrangements for siblings affected by changes in catchment areas

1.9 Contact officers:

Mark Longstaff, Head of Commissioning and Asset Management tel: 0191 643 8089

Barbara Patterson, Senior Manager – Facilities and Fair Access tel: 0191 643 8340

Val Johnson, Access Manager, tel: 0191 6438721

Rachael Coyne, Manager - School Organisation and Investment, tel: 0191 6438074

Claire Emmerson, Senior Manager Financial Strategy & Planning, tel 0191 643 8109

Stephen Ballantyne, Legal Manager – Governance and Employment, tel 0191 643 5329

1.10 Background information:

The following background papers/information have been used in the compilation of this report:

- (1) School Admissions Code December 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/389388/School_Admissions_Code_2014_-_19_Dec.pdf

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from this report.

2.2 Legal

The School Admissions Code 2014 (the Code) applies to admissions to all maintained schools and sets out certain mandatory requirements and prohibited practices according to the relevant law. The LA's determined admission arrangements must comply with the mandatory provisions of the Code. The Code is made under s.84 of the School Standards and Framework Act 1998.

The LA is only required to consult on the admission arrangements for those schools for which it is the Admissions Authority by 31 January 2020 if there are any changes to the previously agreed arrangements. The admission arrangements for 2021 must be determined by 28 February 2020.

In accordance with the Local Government Act 2000 and the regulations made under that Act in relation to responsibility for functions, Cabinet is responsible for determining this matter.

Each year, the LA is required to have in place a scheme for co-ordinating admission arrangements for maintained schools in the area (s.88M of the School Standards and Framework Act 1998). There is no requirement to co-ordinate applications for places in any other year groups including school sixth forms/year 12.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Cabinet Member responsible for Children, Young People and Learning has been consulted in relation to the proposals.

2.3.2 External Consultation/Engagement

External consultation and engagement was undertaken with the groups outlined in section 1.5.7.

2.4 Human rights

The Human Rights Act 1998 confers a right of access to education. This right does not extend to securing a place at a particular school. Admissions Authorities, however, do need to consider parents' reasons for expressing a preference when they make decisions about the allocation of school places, to take account of the rights of parents under the Human Rights Act 1998, though this may not necessarily result in the allocation of a place. These might include, for example, the parents' right to ensure that their child's education conforms to their own religious or philosophical convictions (so far as is compatible with the provision of efficient instruction and the avoidance of unreasonable public expenditure).

2.5 Equalities and diversity

Under Section 85 of the Equality Act 2010, it is unlawful for any education provider, including a private or independent provider, to discriminate between pupils on grounds of disability, sex, race, gender reassignment, sexual orientation, pregnancy and maternity, religion or belief. Discrimination on these grounds, which are known as 'protected characteristics', is unlawful in relation to admission arrangements. There are exceptions to these requirements set out in Schedule 11, including in respect of admissions to single sex schools, schools with a religious character and in respect of other types of education providers such as further and higher education. In addition, the Equality Act 2010 introduces the following duties on the responsible bodies of schools:

- (a) A duty not to harass a pupil or a person who has applied for admission (on the basis of protected characteristics, sexual harassment or less favourable treatment);
- (b) A duty not to victimise a person in its admission arrangements;
- (c) A duty to make reasonable adjustments in respect of the admission of prospective pupils who may be disabled and not to discriminate in respect of the same.

The arrangements that North Tyneside Council has in place are fully compliant with Section 85 of the Equality Act 2010. In addition, all maintained schools are also fully aware of their responsibilities associated with the Act.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive X
- Head(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy and Customer Service X