

WEST NORTHAMPTONSHIRE COUNCIL

CABINET

13th July 2021

CLLR FIONA BAKER – MEMBER FOR FAMILIES & EDUCATION

Report Title	Variation of school admission arrangements for 2021/2022 and 2022/2023 due to the requirements of the new 2021 School Admissions Code
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List of Appendices

Appendix 1 – Admission criteria for Community and Voluntary Controlled Schools in West Northamptonshire for 2021/22

Appendix 2 - Admission criteria for Community and Voluntary Controlled Schools in West Northamptonshire for 2022/23

Appendix 3 – In-year Scheme

Appendix 4 – Proposed Fair Access Protocol

Appendix 5 – Draft School Admissions Code 2021. The Code can be accessed at:

<https://www.gov.uk/government/publications/school-admissions-code--2>

1. Purpose of Report

- 1.1. To explain why the School Admission arrangements must be varied to comply with the new mandatory requirements of the new School Admissions Code (the Code) from September 2021.
- 1.2. To ask Cabinet to vary the admission arrangements for its schools as described in the report.

2. Executive Summary

- 2.1 A draft School Admissions Code (and associated regulations) have been laid before Parliament for a 40-day period which is due to expire on 1 July 2021. After this, the new Code will come into force on 1 September 2021.
- 2.2 As the admission authority for Community and Voluntary Controlled (VC) Schools, it was the responsibility of Northamptonshire County Council (NCC) to determine the admission arrangements for its schools by 28 February in the preceding year. The admission arrangements for both 2021/2022 and 2022/2023 were determined by NCC Cabinet by the statutory dates. However, the admission arrangements for both 2021/2022 and 2022/2023 have to be varied to give effect to the statutory requirements of the new Code.
- 2.3 **Admission priority for children adopted from state care outside England.** The new Code requires admission authorities to vary the admission arrangements of their schools to include previously looked after children from abroad in schools' highest oversubscription admission criterion.
- 2.4 **In-year process.** There will be changes to clarify the decisions, responsibilities and procedures relating to in-year admissions. The local authority will adopt a new in-year co-ordination scheme for the schools for which it co-ordinates admissions. Outcomes for in-year applications should be achieved within 10 school days and must be achieved with 15 school days and the scheme proposed aims to meet the tighter time frames.
- 2.5 **Fair Access Protocol.** It is not a new requirement for the local authority to have a Fair Access Protocol (FAP) in place, though there are revised requirements for the FAP in the new Code. It remains the responsibility of the local authority to draw up the FAP but this must be done in consultation with schools. The LA will need to have a new FAP in place from 1 September 2021 when the new Code becomes law, to encompass wider categories of children – unplaced, vulnerable and those who are unable to secure a school place in-year.

3. Recommendations

- 3.1 It is recommended that the Executive Committee:
Determines the necessary variations to the admission arrangements for 2021/2022 and 2022/2023 as described below:

- a) To amend the first oversubscription criterion for all Community and VC Schools to give the highest priority 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. 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). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and 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.'
- b) To agree that WNC's new In-year scheme can be included in the admission arrangements;
- c) To approve the new FAP, subject to consultation with schools in West Northamptonshire.
- d) To authorise the Director of Children's Services to take any action necessary to give effect to the admissions policies and to make any changes necessary to the admissions policies where required to give effect to any Acts, Regulations or revised School Admissions or School Admission Appeals Code or binding Schools Adjudicator, Court or Ombudsman decisions whenever they arise.
- e) Any variation agreed will be conditional on the Code passing through Parliament;
- f) All such variations should come into force on 1 September 2021.

3.2 The variations are necessary to comply with the statutory requirements of the School Admissions Code (2021). It is the duty of all admission authorities to act in accordance with the Code.

4. Report Background

- 4.1 As the local authority, WNC is responsible for determining the admission arrangements for its schools. The admission arrangements for Community and Voluntary Controlled Schools for the academic years 2021/2022 and 2022/2023 were determined by Cabinet at NCC by 28 February in the relevant year (in compliance with the Code).
- 4.2 A new School Admissions Code will come into effect on 1 September 2021 meaning that variations to the determined arrangements 2021/2022 and 2022/2023 will be necessary to ensure compliance with the new Code.

5. Issues and Choices

- 5.1 It is necessary to vary the 2021/2022 and 2022/2023 admission arrangements (previously determined) of schools for which NNC admission authority (i.e. Community and VC schools) in order to comply with the new Code which will come into force on 1 September 2021.
- 5.2 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). The DfE advice to admission authorities refers to these children as internationally adopted previously looked after children – “**IAPLAC**”.

- 5.3 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 admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted”. State care is further defined as being in the care of public authorities, religious authorities or other organisations that act in the public benefit and could encompass a wide range of institutions.
- 5.4 This new provision will necessitate variations to determined admission arrangements to take effect from 1 September 2021. West Northamptonshire Council (WNC) will need to vary the admission arrangements for its schools 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.
- 5.5 Paragraph 3.6 of the current School Admissions Code (2014) states that once admission arrangements have been determined for a particular school year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of the Code.
- 5.6 The proposed variations described in this report will be necessary to comply with a mandatory requirement of the Code, so it will not be necessary to refer a variation request to the Schools Adjudicator (in respect of maintained schools).

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 There are no resources or financial implications arising from the proposals.

6.2 Legal

- 6.2.1 The proposed variations to the 2021/22 and 2022/23 admission arrangements are necessary and required by law. If they were not made, the admission arrangements for WNC schools would not be in compliance with the School Admissions Code and the council would be in breach of the School Standards and Framework Act 1998 (as amended).

6.3 Risk

6.3.1 There are no significant risks arising from the proposed recommendations in this report. However, WNC would be in breach of the School Standards and Framework Act 1998 (as amended) if these proposed variations were not made.

6.4 **Consultation**

6.4.1 The proposed variations described in this report will be necessary to comply with a mandatory requirement of the Code, so it will not be necessary to go through the normal process of consultation for School Admissions.

6.5 **Consideration by Overview and Scrutiny**

6.5.1 N/A

6.6 **Climate Impact**

6.6.1 The proposed variations have no climate impact.

6.7 **Community Impact**

6.7.1 The proposed variations have no community impact.

7. Background Papers

7.1 In addition to the information presented in the appendices, the School Admissions Regulations (The School Information (England) (Amendment) Regulations 2021) can be accessed via the following link:

<https://www.legislation.gov.uk/uksi/2021/570/contents/made>