

CHANGES TO THE ADMISSIONS CRITERIA FOR COMMUNITY SCHOOLS

Cabinet Member	Councillor David Simmonds CBE
Cabinet Portfolio	Deputy Leader of the Council and Cabinet Member for Education and Children's Services
Officer Contact(s)	Daniel Kennedy, Residents Services
Papers with report	Appendices 1- 7 – Analysis of Consultation Findings Appendix 8 – Equality & Human Rights Impact Assessment

1. HEADLINE INFORMATION

Summary	<p>Hillingdon Council has a statutory responsibility to secure sufficient early years and school places for children resident in Hillingdon. Over the last five years the Council has worked closely with schools in the Borough to successfully deliver an ambitious programme of school expansion to ensure every child living in Hillingdon can be offered a school place as close to home as possible.</p> <p>A review of primary school admissions over the last four years indicates a residual risk in the future that a small number of children in Hillingdon may not be guaranteed a school place in the event that demand for primary school places continues to grow in the Borough and specific schools become oversubscribed. This situation could arise because there are certain locations in the Borough where there is limited priority access to more than one school. This is also because some parents are exercising a choice to apply for school places at some distance from their home and if higher priority sibling applications are received at a later date they could have the effect of displacing children from accessing their preferred local school.</p> <p>Further to the Cabinet's agreement to consult on changes to Hillingdon Community school admission arrangements in October 2015, the Council has undertaken a consultation about the proposed changes. This Cabinet report includes:</p> <ul style="list-style-type: none">• The outcome of the period of consultation with the relevant consultees.• Recommendations for determining admissions arrangements for Hillingdon Community schools in the Borough.• Details of the equalities and human rights impact assessment focused on these proposals and responses to consultation. <p>Cabinet is therefore asked to consider implementing the proposed changes to the existing school admissions arrangements for Community schools to safeguard future access to school places.</p>
----------------	--

Putting our Residents First	<p>This report supports the following Council objectives of: <i>Our People</i>.</p> <p>The recommended changes to the school admissions arrangements will support the aim that all children in Hillingdon can be offered a local school place as close to home as possible and ensure effective and best use of the investment the Council has made to expand primary schools across the Borough.</p>
Financial Cost	<p>There are no direct financial implications from the recommendations contained in this report.</p>
Relevant Policy Overview Committee	<p>Children, Young People and Learning</p>
Ward(s) affected	<p>All</p>

2. RECOMMENDATION

That Cabinet:

- 1. Note the outcome of the consultation about proposed changes to the school admissions criteria (appendices 1-7).**
- 2. Consider and give full regard to the outcome of the consultation findings and the equalities and human rights impact assessment when making a decision on the proposals to amend the school admissions criteria (appendix 8).**
- 3. Agree to implement the amended admission arrangements for all Hillingdon Community schools from September 2017. In accordance with the School Admissions Code Admissions Authorities must determine the admissions criteria by 28 February 2016.**

Reasons for recommendation:

The recommendations in this report will support the strategic education function of the Local Authority to ensure the Council continues to meet the statutory responsibility to secure sufficient early years and school places of children resident in the Borough.

Should the proposals in this report be agreed, consideration of applications for Hillingdon community schools will ensure priority is given to children to access places at schools as close to their home as possible.

To be fair and reasonable, for those children who were admitted to full time school prior to 31st August 2017, it is proposed that the existing sibling priority would still remain. In effect,

this will mean that parents who already have a child(ren) in the main school (not nursery) would continue to access sibling priority as set out in the current school admissions criteria.

The consultation received a total of 69 responses. The findings are presented in appendices 1-7.

The consultation was widely advertised and had the potential to receive in excess of thousands of responses given the high number of children attending a school in Hillingdon. In excess of 50,000 children attend Hillingdon schools, 14,000 of which attend mainstream community schools. 393 page views for the dedicated web page were accessed via a social media advertising campaign. Given the relatively small number of responses and the high number of potential consultees it is assumed that there is consensus to implement the proposals.

The consultation findings indicate that there is clear support for proposals B, C, D and E set out in the consultation documents (please see appendices 1-7).

For the first proposal (proposal A) there was a mixed response from the consultation to introduce a change to the distance and sibling priority criteria, depending on how far the child lived from the school. 26 responses of the 69 responders said they supported the proposal, 39 said they did not (3 said they 'didn't know', 1 response was spoilt).

Upon closer analysis, 10 of the 'no' responses for proposal A indicate a mis-interpretation of the proposed changes which would not disadvantage the respondent as the responders have interpreted. 2 further respondents specifically raised concerns about not being able to secure a sibling place at specific schools which are not affected by the proposed change as the schools in question are not community schools. Also 1 respondent gave reasons of support but had indicated that they disagreed with the proposal.

In summary, it seems a number of responders interpreted the proposal as to have the effect of removing the sibling priority which could lead to siblings attending different schools. The risk of siblings attending a different school from the proposed change is low because:

- The sibling priority is not being removed. The sibling priority will continue to apply in a priority distance radius from the school.
- Subject to agreement, the implementation of proposed changes to distance priority and sibling priority will be phased in and will not affect families during the period of transition where a child in a family is already attending a school and a sibling applies for a place at the same school – priority will still be awarded for the sibling in this situation as is the case under the current school admissions criteria.
- Parents applying for a school place in their priority distance radius from their local school would receive greater priority for their sibling child(ren) than families living outside the priority radius in the event that there were more applications for a school place than places available – and therefore minimise the likelihood that their siblings would attend different schools.

Overall, the change proposed in distance priority will help to safeguard access to school places for children to their local schools which are oversubscribed or may become oversubscribed in the future.

Further reasons for the recommendations are detailed within the appendices (1-7).

Alternative options considered / risk management

Cabinet could decide to reject or amend the proposals including (but not limited to) the following alternative options:

- a) Retain the current admission arrangements by not approving the proposed changes to Hillingdon community schools admissions arrangements.
- b) Amend the proposals by approving partial changes to the admissions arrangement proposal, A-E
 - A. Sibling and distance priority
 - B. Schools with historical boundary areas
 - C. Nodal points (Deanesfield Primary School and Frithwood Primary School)
 - D. Measurement point - Field End Schools
 - E. Children of staff working at a community school

Policy Overview Committee comments

None at this stage.

3. INFORMATION

Background

1. The purpose of the statutory School Admissions Code is to ensure that all school places for maintained schools (excluding maintained special schools) and academies are allocated in an open and fair way. The Code contains mandatory requirements. The admission arrangements to community schools are determined by the Local Authority as the 'admission authority'.
2. In drawing up the admission arrangements to schools, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. All schools must have admission arrangements that clearly set out how children will be admitted. The admission authority for the school must also set out in the arrangements the oversubscription criteria against which places will be allocated at the school when there are more applications than places and the order in which the criteria will be applied.
3. To ensure that the criteria applied in prioritising access to community schools which are oversubscribed remains procedurally fair, objective and clear, a review of the criteria has been undertaken using four years of Hillingdon admissions data to primary school reception places. The focus of the review sought to identify any residual risk that the Council would not fulfil its statutory duty to ensure every child is offered a school place.

4. The review considered the following areas:
 - The existing use of sibling priority within the existing criteria.
 - The existing use of a boundary to determine priority for places for a specific school.
 - The use of 'nodal' points to ensure that schools serve not only pupils living close to a school but other children who live further away from a school where there is little or no priority access to alternative local schools.
 - The use and application of priority being awarded for children who attract Pupil Premium funding, including the 'Service Premium'. This is part of the Government's policy to support fair access to education and will provide all schools who wish to use it with a practical means to support the most disadvantaged children. Consideration was given to awarding higher priority for applications from children eligible for Pupil Premium funding to access schools graded as 'good' or 'outstanding' by Ofsted.
 - The existing medical criteria to inform the priority for offering school places.
 - Priority for children of staff where the member of staff is recruited to fill a vacant post for which there is a demonstrable skills shortage.
5. Cabinet agreed in October 2015 for proposed changes to Hillingdon's community school admission arrangements to be subject to consultation for a ten week period with the required consultees, including service users, stakeholders and the community.
6. In summary, the proposals were:
 - Proposal A – introduce a priority radii for distance and siblings for children to their local school
 - Proposal B – continue with the use of the priority boundary area for admissions criteria for Heathrow Primary School and Harmondsworth Primary School and within this boundary then apply the distance and sibling priority for those living within the defined Boundary.
 - Proposal C – introduce nodal points for Deanesfield Primary School and Frithwood Primary School.
 - Proposal D – introduce a change in the measurement point at the Field End Schools
 - Proposal E - award children of staff working at a school a degree of priority where the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.
 - Proposal F – no change. Provide further explanation in the criteria to clarify how and under what circumstances the criteria are applied.
 - Proposal G – no change. Do not make any further changes to the admissions criteria for children in receipt of pupil premium or from service families as there is no demonstrable benefit.
7. An inclusive consultation programme has subsequently been delivered, including the following elements:
 - 'Have your say' via the Council website.
 - Notifications of the consultation were advertised publicly across Hillingdon and in areas of neighbouring boroughs that are on the border of Hillingdon.
 - All Hillingdon schools were asked to include within their communications to parents i.e. newsletters and websites and display posters provided by Hillingdon Council.

- Social media campaign.
- Poster campaign via Tenant and Residents Associations (TRA) covering the following:
 - Buckingham & Cedars TRA - covering Hillingdon
 - Cobden Close TRA - covering Uxbridge
 - Harefield TRA - covering Harefield
 - Herritage & Barchester TRA - covering Harefield
 - Kemps, Hawes & Bennetts TRA- covering Northwood
 - Oak Farm TRA - covering Hillingdon
- Telephone and e-mail communications with individual service users as requested.
- A questionnaire available on-line and in paper form, with the additional option of being able to complete on the telephone or at a meeting with a Council staff member, as required.
- Invitations to submit a written response.

4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

8. The proposals set out in the consultation will help to mitigate the residual risk of Hillingdon children not securing access to a place at a local school close to where they live. This is in line with the Council's vision to put residents first.

Equalities Impact Assessment

9. As part of the Council's public sector equality duty it is important that equality and human rights issues are considered as part of the decision making process. An equalities and human rights impact assessment has been completed as part of the process and can be found at appendix 8.

Consultation Carried Out or Required

10. The Schools Admission Code requires a minimum of a 6 week consultation period. Hillingdon's proposed changes were subject to consultation for 10 weeks. The consultation was designed to ensure that the following received notification of the consultation, in line with the Admissions Code:
 - a) parents of children between the ages of two and eighteen;
 - b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions;
 - c) all other admission authorities within the relevant area;
 - d) whichever of the governing body and the local authority who are not the admission authority;
 - e) any adjoining neighbouring local authorities where the admission authority is the local authority
11. The consultation document was available from 30 October 2015 until 10 January 2016 on the Hillingdon Council website. This included the Cabinet report, full consultation document, frequently asked questions and a brief outline of the proposed changes. A

questionnaire was also provided to obtain feedback in direct response to each proposal.

12. Information regarding the consultation was widely publicised to the following:

95 Hillingdon early years providers
70 primary schools
20 secondary schools
All Hillingdon School Governors
18 children's centres
6 Hillingdon Tenants & Residents Association Notice boards
The Diocese of Westminster & the Diocese of London

13. As Hillingdon Council also receives applications from residents who live outside of the Borough, the consultation was designed to be inclusive. Therefore, direct contact was made with schools and children's centres in surrounding Boroughs which included:

44 in Ealing
15 in Harrow
13 in Hounslow
11 in Hertfordshire
2 in Surrey
2 in Slough
10 in Buckinghamshire
31 out of borough children's centres

14. There was a general positive response to the consultation with many complimentary comments about the clarity of the proposals. Any respondent who submitted contact details and seemingly had either mis-interpreted or disagreed with proposals were contacted via e-mail inviting further communication so that their circumstances had been fully explored.

15. Thirty four respondents stated that they had children under the age of 18 living in their household. Respondents were also given the opportunity to provide information on their interest in the proposals. The following responses clearly evidence the wide spread of respondents accessing notification of the consultation:

- Parent/carer/guardian - 19 (which included one deputy head teacher)
- Future parent - 1
- Parent whose children have been educated in Hillingdon - 1
- A representative of a maintained school - 1
- Former Governor for admissions - 1
- An early years professional - 1
- Street Champion - 2
- Local resident - 4 (which included 1 grandparent)

16. Respondents were invited to state which school(s) their child(ren) currently attend and the responses were as follows:

- Hillingdon community primary/infant/junior school - 40

- Hillingdon non community school - 5
- Hillingdon secondary school - 7
- Nursery (area non specific) - 5
- Below nursery age - 6
- Out of borough school - 3

17. Respondents were invited to state why they had chosen their child(ren)'s current school(s) and the responses were as follows (where a response was received):

- Close to home - 24
- Performance of school - 22
- Close to work - 3
- Faith / religious school - 2
- Not 1st preference school - 1

18. Twenty respondents gave contact details, amongst these 11 of the responses were reviewed as mis-interpreting the proposals and were contacted for further explanation and engagement. All responses have been given due consideration and have assisted with a review of additional improvements which can be implemented. To conclude the consultation findings and the equalities and human rights impact assessment do not indicate any particular group will be disproportionately affected by the proposed changes.

Improvements following consultation:

19. Subject to agreement from Cabinet to the proposed changes, an implementation plan will be prepared to ensure a smooth transition to the new admissions criteria. This will include clear communications for residents.

Financial Implications

20. Corporate Finance has reviewed this report and confirms that there are no direct financial implications arising from the recommended amendments to the school admissions criteria. Broader financial implications associated with the Council's strategic education function are managed through the wider Medium Term Financial Forecast.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance has reviewed this report and confirms that there are no direct financial implications arising from the recommended amendments to the school admissions criteria. Broader financial implications associated with the Council's strategic education function are managed through the wider Medium Term Financial Forecast.

Legal

The School Admissions Code

The Schools Admissions Code ["the Code"] came into force on 19 December 2014, having been issued under Section 84 of The School Standards and Framework Act 1998. It applies to all maintained schools in England. It is the responsibility of all admission authorities to ensure that admission arrangements are fully compliant with the Code.

The purpose of the Code, which has the force of law, is to ensure that all school places are allocated and offered in an open and fair way. In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. The intention is that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.

Consultation

Where changes are proposed to admission arrangements, admissions authorities must first publicly consult on those arrangements. In this case, the Council was required to consult between the period 1 October 2015 to 31 January 2016 and to ensure that the consultation lasted for a minimum of 6 weeks. The Council went beyond this requirement and consulted for a period of 10 weeks, with the consultation closing on 10 January 2016.

Paragraph 1.44 of the Code requires the Council to consult with:

1. parents of children between the ages of 2 and 18;
2. other persons in the relevant area who, in the opinion of the Council, have an interest in the proposed admissions;
3. all other admission authorities within the relevant area [except that primary schools need not consult secondary schools];
4. whichever of the governing body and the local authority who are not the admission authority;
5. any adjoining neighbouring local authorities where the admission authority is the local authority; and
6. in the case of schools designated with a religious character, the body or person representing the religion or religious denomination.

The Borough Solicitor confirms that the Council has fully complied with this specific requirement of the Code.

It is important to note that consultation processes undertaken by public bodies have been subject to increasing judicial scrutiny. The case of **Moseley v London Borough of Haringey LBC** was determined by the highest Court in the land, the Supreme Court, in 2014. The Supreme Court unanimously approved the case of **R v Brent LBC ex parte Gunning** which sets out the key features of a lawful consultation process. The Gunning principles, as they are known, require that consultation should:

- a. be undertaken at a time when the relevant proposal[s] is still at a formative stage;

- b. give sufficient reasons for particular proposals to permit intelligent consideration and an intelligent response;
- c. give consultees adequate time for consideration and response;
- d. ensure that the product of consultation must be conscientiously taken into account by the decision maker.

The Borough Solicitor further confirms that the first three principles, as set out above, have been fully met by the Council in this case. It is therefore imperative that, Cabinet in making its decision as to whether or not it should agree the third recommendation contained in the report, must conscientiously take into account the consultation responses which form an essential part of the report.

In this respect, the total number of consultation responses received by the Council amount to only 69 which is only a very small percentage of the potential number of responses which it could have received. The analysis of these responses, which is set out in the body of the report, shows that, when the six proposals for change [A-E] are taken together, there is broad support for them. Furthermore, it is open to Cabinet to draw an inference that those individuals/bodies who did not participate in the consultation exercise, were in agreement with the proposals.

Equalities and Human Rights considerations

Paragraph 1.8 of the Code specifically provides that 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.

The Council is also subject to the Public Sector Equality Duty ["PSED"] and therefore it must have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and those without it. The protected characteristics, in summary, are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be fulfilled before, and at the time of, the decision. Carrying out an Equality Impact Assessment is an invaluable tool in demonstrating that the Council has complied with the PSED.

An initial Equality and Human Rights Impact Assessment was prepared for the purpose of informing this consultation process and a further such Assessment has been prepared and is attached as Appendix 8 to the report.

Cabinet is required to have due regard to the Equality and Human Rights Impact Assessment before making its decision to agree the third recommendation contained in the report.

In this respect, Cabinet will note that the overarching findings of the Assessment are that in the application of the proposals, there does not appear to be any disproportionately negative direct or indirect impact on any group that holds a protected characteristic. Furthermore, the proposals for change affect only a very small number of children and there is no evidence to suggest that children with a protected characteristic would be disproportionately affected or that any human rights would be violated.

Conclusion

It is the Borough Solicitor's view that it would be lawful for Cabinet to agree the recommendations contained in the report.

Consultation responses

These have been summarised in appendices 1-7

6. BACKGROUND PAPERS

School Admissions Code December 2014

Home to school travel and transport guidance July 2014