What is the Report About? (Executive Summary)

1. The paper sets out, at Appendix A, the proposed admission arrangements for Community and Voluntary Controlled schools, for which the county council is the statutory admission authority. The LA is required to consult other admission authorities on any changes to the policy, including on proposed reductions to published admission numbers (PANs). The LA must also consult the governing bodies of Community and Voluntary Controlled schools where it proposes to increase or retain the existing Published Admission Number (PAN) for 2018-19. Consultation on the 2018-19 arrangements must take place for a 6 week period between 1 October 2016 and 31 January 2017.

2. This paper also sets out, at Appendix B, the proposed coordinated scheme for school admissions in 2018-19, which the LA is required to formulate by 1 January 2017.

Recommendation of the Corporate Director

3. Recommendation 1: Approve the amended admissions policy for Community and Voluntary Controlled schools at Appendix A for consultation with the required groups as set out in the School Admissions Code 2014, paragraph 1.43. This includes consultation on proposed changes to the catchment boundaries of Brunswick Infant School, North Lakes School and Beaconside CE Primary School and the reduction in the PAN for Sir John Barrow School and Cambridge Primary School.

Recommendation 2: Note that a further report will be brought to Cabinet in December 2016 to provide feedback from consultations and to seek a decision on adoption of the policy.

Recommendation 3: Approve the proposed coordinated scheme set out at Appendix B.

Recommendation 4: Agree to consult on PAN increase at Houghton CE School, and on the retention of the existing PAN at all other Community and Voluntary Controlled schools.
Recommendation 5: agree the nursery admissions policy for 2018/19 for community and voluntary controlled nursery schools and infant/primary schools providing nursery education.

Background to the Proposals


5. The county council retains the role of admissions authority for Community and Voluntary Controlled schools in the county, and must determine admission arrangements, including the criteria to be applied to applicants in the case of oversubscription, by 28 February 2017 for the 2018-19 academic year.

6. The county council also retains responsibility for coordinating the main admissions round for all schools and academies in the county. It is required to formulate a coordinated scheme setting out the various stages in the admissions process by 1 January 2017 for the 2018-19 academic year.

7. Voluntary aided and foundation schools, free schools and academies are own admission authority schools. The governing body or academy trust is responsible for the admissions policy and make any decisions about the allocation of places. The Local Authority is not responsible for allocation decisions made by voluntary aided, foundation, free schools or academies. The parental information booklets for starting school and transfer to junior and secondary school make clear the distinction between own admission authority schools and those schools to which the Local Authority admissions policy applies.

8. Where changes are proposed to admission arrangements, including reductions in PANs (see paragraph 20), the county council is required to consult with:
   a) Parents of children between the ages of two and eighteen;
   b) Other persons in the relevant area which in the opinion of the admission authority have an interest in the proposed admissions;
   c) All other admission authorities within the relevant area (except that primary schools need not consult secondary schools);
   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; and
   f) In the case of faith schools, the body or person representing the religion or religious denomination.
   (School Admissions Code 2014: paragraph 1.43)

9. There is also a requirement to consult the governing bodies of individual schools on the PAN the county council proposes to use for their school in September 2018 where it is proposed to remain unchanged or to increase.

10. The consultation process must last for a minimum of 6 weeks and can begin no earlier than 1 October 2016. Consultation relates only to the proposed admission arrangements; no consultation is required on the coordinated scheme.
Penrith Schools – Proposed Catchment Area Change

11. Penrith primary schools have collectively made a formal request that a change to the catchment area boundaries of Brunswick Infant School, North Lakes School and Beaconside CE Primary School be considered. Catchment boundaries form part of the county council’s admission arrangements and, as such, any proposed change to them must be consulted upon as part of the wider consultation exercise required.

12. The three schools are seeking to replace the current catchment boundaries with a single catchment area that will cover the town of Penrith. (St Catherine’s is also located in the town, but as a Catholic school does not have a defined catchment area.) Currently there is a split in the town between Brunswick/North Lakes and Beaconside CE Primary. Instead, it is proposed that there would be a single catchment area for all three schools. The external boundaries would remain as they are, i.e. there would be no change to the surrounding schools’ catchment areas. The map, attached as Appendix C, illustrates the current and proposed catchment boundaries.

13. All town pupils would, therefore, live in the catchment area of all three schools. The practical impact of this would be to give previously out of catchment siblings living in Penrith a higher priority than they currently have for the out of catchment school to which they are applying, i.e. a parent living in the previous Beaconside catchment area, but with an older sibling attending Brunswick Infant School would, in the future, have a better chance of also gaining a place for their younger sibling at Brunswick Infant School.

14. This proposal has been prompted by the nature of refusals and appeals over the previous two or three years, with a number of out of catchment siblings being refused a place at Brunswick Infant School in favour of catchment applicants. This is difficult for those families involved and it is often the case that the unsuccessful parents win their appeal, which then puts additional pressure on facilities at Brunswick Infant School.

15. The positive aspect of admitting more siblings would be offset by the negative of an equal number of parents who would have been offered a place previously being refused in the future. This would have affected 4 families in 2016 and 3 in September 2015. Those 4 and 3 in-catchment families respectively offered the final places at Brunswick would have been denied places, whilst an equal number of out-catchment families with older siblings already attending the school would have been successful in their applications.

16. All of the Penrith schools are supportive of the change as is the local member for Brunswick. The proposed change will be brought to the attention of parents in Penrith via the school and local media prior to any formal consultation that would be undertaken during the autumn term. On balance, the general consensus appears to be that, whilst recognising not every parent can be allocated a place at oversubscribed schools, it would be less disruptive to accommodate siblings than to have parents facing the prospect of getting two children to different schools each day, or moving their older children from one school to another in order to avoid that prospect.
17. Undertaking a consultation at this stage does not commit the county council to redrawing the catchment boundaries, and nor does it indicate support for a change. Rather it allows people from the communities involved a formal opportunity to express their views, and members to subsequently make an informed decision.

**Nursery Admissions Policy 2018/19**

18. There is no requirement to consult on nursery admissions in the same way as for school admissions. Members have not reviewed the nursery admissions policy for community and voluntary controlled nursery schools and infant/primary schools providing nursery education since 2013/14. The policy has been updated to bring it in line with the general admissions policy but there have been no significant changes to the content.

19. The proposed Nursery Admissions Policy 2018/19 is attached at Appendix D.

**PAN Changes**

20. It is proposed that the following schools change their PAN from September 2018:

<table>
<thead>
<tr>
<th>School</th>
<th>Current PAN</th>
<th>Proposed PAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sir John Barrow, Ulverston</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Cambridge Primary School</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Houghton CE School</td>
<td>20</td>
<td>30</td>
</tr>
</tbody>
</table>

21. When a school asks to increase PAN, either temporarily or permanently, a letter is sent to the school that sets out the key issues for governors to consider. The letter also explains that county council funds are very limited and where a school has made the decision to increase the PAN or admission number they will not receive financial support from the county council to fund additional accommodation or staffing.

22. The availability of additional places potentially impacts on the intake not only of the schools where the PAN is changing, but also on the intakes of surrounding schools, where there may be a commensurate decrease in the uptake of places. The exact level of impact on any individual school is very difficult to predict, given that it will depend entirely on the pattern of parental preference in any given year.

23. The proposed amendments to PANs may see the county council’s ability to meet a greater number of first preferences improved.
24. As the statutory admission authority for the schools listed above it is for the LA to determine whether or not to amend the PANs; there is no compulsion to do so.

25. There is, however, a risk that refusing the PAN increases at this stage would still see children admitted to the schools in question, but via an appeal. This would reduce the number of first preferences the LA was able to meet at initial offer stage, involve significant officer time in preparing for and presenting the LA’s appeals case, result in additional costs to the LA of administering the appeals, but with the potential for the same outcome as if the decision been taken to increase the PANs. This is not inevitable, of course, but is likely to be the outcome, assuming there is sufficient demand.

26. The governors of Sir John Barrow have requested a reduction in PAN to recognise the changing use of classroom space in their school. A substantial number of children with complex additional needs are now attending the school, and internal modifications and/or the need for smaller classes has reduced the school’s capacity to accommodate 45 children in each year group. The net capacity of the school has been recalculated in line with national guidance, and setting a PAN of 30 is appropriate within the net capacity guidelines.

27. The effect of this will be to reduce the number of places available in the Ulverston area by 15/year group, 105 in total. Pupil projections indicate that there will remain sufficient capacity to accommodate future foreseeable intakes should the PAN be reduced. A reduction would also allow the school to plan budgets with greater certainty; intakes have typically been just over 30/year recently, and this is causing difficulties in financing the requisite teaching staff given the statutory limit on infant class sizes.

28. Cambridge governors have requested a reduction in PAN in order to reflect the redesignation of former classroom space. A new net capacity calculation indicates that a PAN of 30 is reasonable. The reduction will also assist the school in future staffing and budget planning by ensuring there is no more than 1 class required per year group. A PAN of 30 is expected to be sufficient to meet forecast demand.

29. It is proposed that the PAN at Houghton is increased to reflect the additional accommodation being provided as part of the LA’s capital programme. Cabinet approved the project in December 2015, and it will be completed ahead of the 2018 admissions round. Houghton governors need to formally approve the expansion proposal, but this approval is expected to be in place prior to the admission arrangements consultation process.

Options Considered and Risks Identified

Option (a)

- Members can decide to retain the existing admissions policy for Community and Voluntary Controlled schools
Option (b)

- Members can seek to consult on amendments to the existing policy for Community and Voluntary Controlled Schools:
  
  - A change to the catchment boundaries of Brunswick Infant School, North Lakes School and Beaconside CE Primary School.
  - Changes to PANs as set out in the table at paragraph 20.

Should members decide to consult on the changes proposed, officers would undertake a 6-week consultation exercise as required by regulations. A subsequent report will be provided to the Cabinet providing feedback from the consultation, and seeking decisions on any proposed changes. In any case, officers will need to consult directly with schools on PANs which are proposed to remain the same or increase.

Option (c)

- Members can also decide to approve the coordinated scheme for publication, or make certain amendments to it. This does not require consultation.

Option (d)

- Members can decide to retain the existing nursery admissions policy for community and voluntary controlled nursery schools and infant/primary schools providing nursery education.

Option (e)

- Members can request that the existing nursery admissions policy for community and voluntary controlled nursery schools and infant/primary schools providing nursery education be amended.

Financial – What Resources will be needed and how will it be Funded?

30. Schools are financed through the Dedicated Schools Grant with funding allocated through a Schools Funding Formula recommended by the Schools Forum and approved annually by Cabinet.

31. The proposed amendments to PANs will have no effect on the distribution methodology of school budgets. There is potential for a small effect on school transport budgets if pupils need to be transported to their allocated schools. This is considered to be immaterial.

32. Capital works required to develop Houghton CE School to enable the PAN to be increased are included within the Council’s approved 2016/17 Capital Programme and funded through the Basic Needs grant.
Legal Aspects – What needs to be Considered?

33. Where changes are proposed to admission arrangements, as is the case for 2018-2019, the School Admissions Regulations require that all admissions authorities must consult on their admission arrangements. The changes to the Penrith catchment area and the proposed reductions in PANs at Sir John Barrow and Cambridge Primary are changes to the admission arrangements that trigger the need to consult. This consultation must be for a minimum of 6 weeks and must take place between 1 October and 31 January. It is a decision for Cabinet on whether to adopt the proposed Appendix A as the proposed admission arrangements to be consulted on, as suggested at option (b) above. At this stage Cabinet is not being asked to approve the admission scheme, only to agree to consult on it. When deciding whether to release the draft for consultation Cabinet may find it useful to consider the following –

Proposed Catchment Area Change

34. The definition of a ‘catchment area’ within the glossary to the School Admissions Code states that it is ‘a geographical area, from which children may be afforded priority for admission to a particular school.’ The Code does not specify how a catchment area should be designed. However, at 1.14 of the Code it confirms that ‘catchment areas must be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school.’ Consideration therefore needs to be given as to whether the proposed changes are reasonable and clearly defined and are therefore suitable to put out to consultation.

35. Under paragraphs 1.1 and 1.8 of the Code any changes to the catchment area must comply with the Equality Act 2010 which requires that an admission authority must not discriminate against a person in the arrangements and decisions it makes as to who is offered admission because of their disability, gender reassignment, pregnancy or maternity, race, religion or belief, sex, or sexual orientation (together known as the protected characteristics). The county council is also subject to the Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act. Accordingly in the county council must have regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it. It is unlikely that the decision to consult on the proposed change to the catchment area will trigger any particular consideration under the Equality Act.

36. Discrimination on socio-economic grounds is not a protected characteristic under the Equality Act, but paragraph 1.8 of the Code stipulates that ‘admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social…group’. It is therefore important to make sure that the consultation is accessible to all parents of children between the ages of two and eighteen and other persons in the relevant area who have an interest in the proposed changes.
PAN Changes

37. As per section 1.3 of the School Admissions Code, the county council is required to consult on a decrease to PAN as per paragraph 8 of this report. However, the county council is not required to widely consult on an increase to PAN. What is required in relation to increases is that the county council consults the governing body of the school at which it proposes to increase the PAN.

38. It is noted that detailed reasons for the proposed reductions to the PANs are given at paragraphs 24-26 of this report and that in due course these proposed reductions will have to be considered by Cabinet in light of Cumbria County Council’s underlying duty to ensure sufficiency of school places, as per the Education Act 1996. However, at this stage the Cabinet’s decision is simply whether to approve for consultation.

Council Plan Priority – How do the Proposals Contribute to the Delivery of the Council’s Stated Objectives?

39. To be a supportive council we will:

- Ensure that the most vulnerable people in our communities receive the support that they need; and
- Improve the chances in life of the most disadvantaged in Cumbria

by allowing parents to express preferences for a range of schools and by giving top priority in oversubscription criteria to children with statements of special educational needs and those looked after or previously looked after by a local authority.

Appendices and Background Documents

Appendix A  Admissions Policy for Community and Voluntary Controlled Schools
Appendix B  Co-ordinated Admissions Scheme
Appendix C  Brunswick Infant School, North Lakes School and Beaconside CE Primary School – Proposed Catchment Area
Appendix D  Nursery Admissions Policy 2018/19

Key Facts

Electoral Division(s):  All

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<tr>
<th>Executive Decision</th>
<th>Key Decision Included in Forward Plan</th>
<th>Exempt from call-in</th>
<th>Exemption agreed by scrutiny chair</th>
<th>Considered by scrutiny, if so detail below</th>
<th>Environmental or sustainability assessment undertaken?</th>
<th>Equality impact assessment undertaken?</th>
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</table>
Previous relevant Council or Executive decisions

No previous relevant decisions

Consideration by Overview & Scrutiny

Not considered by Overview and Scrutiny

Background Papers

No background papers

Report Author

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