

MAYOR AND CABINET			
Report Title	Nursery, Primary, Secondary and Sixth Form Admissions arrangements for 2016/17 – including the future of Banding		
Key Decision	Yes	Item No.	
Ward	All		
Contributors	Executive Director for Children and Young People Head of Law Head of CYP Resources and Performance		
Class	Part 1	Date:	March 25 2015

1. Purpose of the Report

- 1.1 To seek the Mayor's approval for the Local Authority's admissions arrangements for community schools for the academic year 2016/17, including the future of Banding.

2. Summary

- 2.1 This report sets out details of the Local Authority's admissions arrangements for community schools for the academic year 2016/17 with a particular focus on the use of banding for secondary transfer to Lewisham schools. It was agreed by the Admissions Forum that Lewisham should consult on behalf of all schools whether to continue to use banding for secondary transfer. This report sets out the results of the consultation and makes a recommendation to the Mayor to agree the admissions arrangements for 2016/17 and to the cease the use of banding as outlined in this report.

3. Policy Context

- 3.1 The operation of a fair and equitable system for the admission of children to school supports Lewisham's Corporate priority to raise educational attainment, skills levels and employability. The Admissions Forum has a key role in monitoring and ensuring that children, particularly vulnerable groups e.g. Children in Care, have a fair, transparent and speedy admission into school.
- 3.2 This report contributes to the delivery of the 2012-15 Children and Young Peoples Plan (CYPP) and in particular to the following priorities:
- Raise educational standards for all
 - Close the attainment gap between underachieving groups and their peers
 - Continue to improve school attendance
- 3.3 The CYPP 2012-15 underpins 'Shaping Our Future' Lewisham's Sustainable Community Strategy 2008-2020. The CYPP sets out how partnership agencies working with children, young people and their families support the delivery of the borough's priorities for the wider community which are set out in the Sustainable Community Strategy.

- 3.4 At the meeting of the Admissions Forum in October 2014 it was agreed that the LA would consult, on behalf of all the admissions authorities in the borough which use Lewisham's banding system, on whether or not to continue to band children for secondary transfer purposes. We therefore included a question on banding in our consultation on the admissions arrangements for 2016/17. Consultation was conducted via Lewisham's online portal and the school mailing system, as well as discussion at primary and secondary strategic heads forums.
- 3.5 The Admissions Forum in March 2015 received a report with the outcome of the consultation. Members of the Admissions Forum noted the outcome of the consultation. The Forum agreed that the recommendation outlined in paragraph 4 of this report be made to the Mayor. The Forum also recommended that governing bodies of the schools which currently use Lewisham's banding – Addey and Stanhope, Prendergast Vale, Prendergast Hilly Fields, Prendergast Ladywell, and Trinity cease banding on the basis of the outcome of the consultation carried out on their behalf when they meet to determine their admissions arrangements for 2016/17. It also recommended that the Board of the Haberdashers' Aske's Federation are asked to consult on ceasing banding in the following year.
- 3.6 Since the Admissions Forum, the governing bodies of Prendergast Vale, Prendergast Hilly Fields and Prendergast Ladywell have met and confirmed that they will cease banding from 2016/17, if the LA is also ceasing banding.
- 3.7 Admissions authorities in Lewisham have operated banding as part of their secondary school admissions arrangements since its inception as an education authority in April 1990. Lewisham operates a banding system for all 5 community maintained secondary schools. Addey and Stanhope, Prendergast Vale College, Prendergast Ladywell Fields and Trinity Lewisham CE voluntary aided schools operate the same banding arrangements to ensure as far as possible a comprehensive intake ensuring there is an equal number of places available in each band. Prendergast Hilly Fields also use Lewisham's banding system and were therefore included in the consultation, but the proportion of places available is proposed by the proportion of applicants in each band of ability. This is known as school based banding. The Haberdashers' Federation also operate school based banding but make their own arrangements to test and band applicants. The Catholic secondary schools do not operate a banding system.
- 3.8 The purpose of banding is to ensure that over-subscribed schools in Lewisham have a balanced intake of children in terms of ability. Lewisham LA purchases the Optional Year 5 SATs test from the Standards and Testing Agency (STA). The cost for this test is currently £26K. The tests determine, in Year 5, which ability band a pupil falls into. Admissions arrangements in the borough then aim to ensure that an even number of pupils are accepted at a school from each ability band.
- 3.9 The STA has now ceased to produce the Optional Year 5 SATs papers. If admissions authorities in Lewisham wish to continue using banding for secondary admissions, an alternative method of testing would need to be sought. Given that a new testing regime would increase costs significantly (to at least £40k) Lewisham's Admissions Forum decided that they should look at the pros and cons of continuing with a banding system in the borough and, having done so, that we should consult on whether or not those admissions authorities should continue to use banding as part of secondary admissions

arrangements.

4. Recommendations

The Mayor is asked to agree:

- 4.1 That banding across all 5 community secondary schools, Conisborough, Deptford Green, Forest Hill, Sedgehill and Sydenham is ceased.
- 4.2 Subject to agreement to the recommendation at 4.1 above that the nursery, primary, secondary and sixth form admissions arrangements for Lewisham's community schools as set out in Appendix A to H be agreed;
- 4.3 The pan London Admissions Schemes for reception and secondary transfer and a local scheme for in year admissions as detailed in Appendix I be agreed.

5. Historical and national policy context

- 5.1 During the 1980s through to the present date, there have been numerous education reforms that have impacted upon the admissions of pupils to schools, including the changes made through the School Admissions Code and the introduction of legislation that all schools should give top priority to children in local authority care.
- 5.2 The timetable to below sets out brief the developments relating to banding.

Year	Change
1972	All primary pupils in the ILEA assessed for banding on the basis of the headteacher's professional judgement and a verbal reasoning test
1988	London Reading Test used for banding
1988	New CTCs statutory required to admit pupils of all abilities
1988	Education Reform Act introduces more open enrolment
1994	Only Tower Hamlets, Greenwich, Lewisham & Hackney continue to use banding
1998	School Standards and Framework Act allow proportionate banding but does not allow new local banding
2003	School Admissions Code allows 'fair banding' which it defines as proportionate banding, but disallows local banding or banding based on the national ability profile
2004	Hackney stops using local banding
2006	Education and Inspections Act allows proportionate banding, local banding based on national ability profile
2007	School Admissions Code endorses banding as good practice
2010	School Admissions Code continues to allow banding

(Extract from LSE report – Banding and Ballots)

6. The Lewisham position

- 6.1 Children who attend Lewisham primary schools sit the Optional Year 5 SATs in the May of Year 5 and are placed in one of 5 bands of ability. Lewisham's admissions arrangements require that all criteria (e.g. distance to school) are applied within each band so as to try to secure the same number of children being accepted at a school within each ability band. If, however, there are too few children from one band applying to the school, the school then fills up with children from other ability bands. Banding can only make a difference to the admissions of schools which are over-subscribed. Under-subscribed schools

simply take all children, regardless of bands. Children from other boroughs who apply for a place at a secondary school in Lewisham are not necessarily 'banded'. Only the Royal Borough of Greenwich uses the same test and banding arrangements as Lewisham. For those children who have not sat the Optional Year 5 SATs Lewisham obtains information about the child's level of ability from their primary school.

6.2 Primary headteachers are asked to provide:

- a) the child's raw score for the reading test and the mathematics Test A and Test B if the school also used the Optional Year 5 SATs or
- b) information about the child's current National Curriculum levels for English and Maths subdividing these levels into a, b or c or
- c) a teacher assessment bearing in mind that there are approximately 20% of children in each band.
- d) For all other children where a banding assessment cannot be obtained Band 2A is given.

6.3 As outlined in paragraph 3.7, Lewisham currently has a situation whereby:

- 8 schools operate area wide banding. Area based banding uses the same banding regardless of school;
- one school operates area wide banding but offers faith and open places within this; (Trinity)
- one school operates school based banding using Lewisham's test results. School based banding puts just those children who apply to the school into different bands. Children are still offered places in proportion to the number of applicants in each band; (PHFC)
- The Haberdashers' Academies use school based banding based on a different test, and divide applicants into 9 bands, offering places in proportion to the number of places in each; and
- the two Catholic schools do not operate banding at all.

6.4 Furthermore, applications from children who do not attend a Lewisham school are not banded using the same method and are either banded based on the child's raw scores of the Optional Year 5 SATs test ie the reading and maths papers A and B, or their levels in Year 5 for maths and reading or a teacher assessment of their levels. For any child whose primary school cannot provide information for banding, a nominal Band 2A is allocated. For 2014, 901 applications were banded in this way.

6.5 Advice received from the Department for Education is that the LA could not rely on teacher assessments alone for banding purposes.

6.6 At the Admissions Forum in October 2014 it was agreed that the Local Authority should consult, on behalf of all the Admissions Authorities, on removing banding from the admissions arrangements for secondary transfer. The information presented at the Admissions Forum included details of the additional costs of continuing banding alongside modelling undertaken by the Performance Team using the 2014 secondary transfer data. The modelling compared the outcomes based on banding with what the outcomes would have looked like if the offers had been made using distance to school. Both sets gave preference to Looked After Children and to siblings in the normal way. The Performance Team also examined the children's actual results in the Year 6 tests with the banding that resulted from their results in the tests they took in Year 5. All the charts are attached as Appendix 1 and were included as part of the consultation.

Chart 1 in Appendix J provides the outcome of the 2014 secondary transfer intake of pupils using the banding criteria based on parental preferences.

Chart 2 shows the outcome of the 2014 secondary transfer intake using the distance¹ criteria only based on parental preferences.

Chart 3 provides details of the 2014 intake of pupils; their banding; and the result they actually achieved in the Year 6 SATs.

7. Pros and Cons of moving to a distance only model

7.1. The pros of using distance only as the criteria are:

- more Lewisham children would be likely to receive a place in a school local to them at secondary transfer;
- the data shows that removing banding would not create any more imbalance in school intakes than we have with our current system;
- the admissions process would be easier for parents and children to understand;
- Year 5 children would not need to sit a test, and schools and the LA would not need to administer the process;
- The modelling shows that the test used in Year 5 to band children is not that good at predicting the actual level of achievement for pupils at the end of Year 6;
- the LA would save £26k at a point when significant savings are still required. If banding were retained, we would need to spend at least £40k for a new test as the National Admissions Code requires banding to be done on the basis of a test rather than on the basis of teacher assessment;
- Lewisham would come into line with the majority of authorities in London

7.2 The cons of using distance* only as the criteria are:

- as Lewisham LA is the admission authority for only five secondary schools, there would be a need for the VA schools and Academies to agree to adopt the same approach as Lewisham. The consultation was undertaken on behalf of all those admissions authorities using Lewisham banding but each governing body will need to consider the outcomes of that consultation prior to determining their arrangements. Indications are that all schools would abide by any decision made by the Mayor on the advice of the Admissions Forum. The governors of the Leathersellers Federation have now formally agreed to cease banding if the recommendations of this report are agreed. The Haberdashers' Federation would, however, need to consult separately on removing banding so their arrangements could not be changed for applicants to the 2016/17 academic year. They have agreed to ask their governors to consider consulting on this. It is only the Lewisham schools in the federation which currently band.
- current indications are that the Royal Borough of Greenwich, will consult on whether to retain banding for admissions to schools in their area from 2017/18 and, depending on the outcome may continue to use banding;
- the use of banding makes a clear statement that we are committed to over-subscribed schools having balanced intakes. While the data shows that banding does not currently achieve those balanced intakes, removing banding may inadvertently send a message that we no longer think it is important;
- while the data used for the modelling is indicative of what might happen if banding was removed, the parental preferences the modelling is based on were

¹ * Distance only is based on the admission criteria for secondary transfer to Lewisham community schools as follows :Looked after children; Children with exceptional medical/social needs; Siblings; Home to school distance

made in a 'banding' system. It is therefore not possible to predict how preference patterns might change in a 'distance only' system.

8. Consultation Overview

8.1 The consultation took place between 2 December 2014 and 31 January 2015. Lewisham LA consulted schools and governors, neighbouring LAs, teaching unions, diocesan bodies and parents of children between the ages of 2 and 18 years old. An online survey was available for this purpose.

The following methods were also used to facilitate engagement with the consultation process:

- The report on Banding was discussed at Primary Strategic Group held on 18 November 2014 and 13 January 2015 and Secondary Heads Strategic Group on 23 January 2015.
- Paper copies of the documents circulated via the school mailing systems to Chair of Governing Bodies and Headteachers.
- Copies of the report and consultation documents were available on the Lewisham website.

A copy of the consultation document is attached in appendix K.

9. Responses to the consultation

9.1 There were only 16 online responses to the consultation.

9.2 9 (56.25%) respondents agreed that banding should no longer be used for the purposes of secondary transfer. 7 (43.75%) responded in favour of retaining banding.

9.3 The teaching unions responded to the consultation and, whilst they did not comment on whether Lewisham to retain banding for the purposes of secondary transfer, they raised other issues.

9.4 There were no responses to any other aspect of the admissions arrangements for 2016/17.

9.5 13 of the respondents provided a written response: 6 Head of School/Executive Head, 1 Governor, 2 Parent and 5 other

10. Key themes raised in consultation responses

- (a) Importance of retaining a comprehensive intake;
- (b) Concern over the whether all schools would adopt the Lewisham LA arrangements;
- (c) Questions over the analysis of some of the data e.g. how the out of borough applications were dealt with in the modelling?
- (d) Effectiveness of banding
- (e) Use of Teacher Assessment

(a) Importance of retaining a comprehensive intake

(56%) 9 Respondents highlighted the importance of retaining Lewisham's commitment to comprehensive education and questioned the impact on this should the Local Authority cease to operate banding. Similarly (25%) questioned whether home to

school distance criteria would affect intakes particularly to those school located in more affluent areas of the borough.

(37.5%) 6 respondents agreed that the data shows that the spread of abilities in schools wouldn't be that different without the bandings.

Response Lewisham remains committed to ensuring that all schools admit a comprehensive intake. The banding arrangements in Lewisham do not currently ensure that there is a comprehensive intake in all schools (see appendix J, Chart 1) and banding can only achieve this when all schools are oversubscribed. For example schools such as Addey & Stanhope, Conisborough and Prendergast Vale achieve a balanced intake when banding is used as part of the admissions criteria. However, it is important to note that Prendergast Vale achieves a relatively balanced intake whether the banding or distance only criteria is applied. The data in Chart 2 of Appendix J shows that without banding some of the under-subscribed schools such as Sedghehill and Sydenham would achieve more of a balanced intake with more children from the higher bands as part of their intake. Without banding, more Lewisham pupils would get into their local school particularly those who are in the higher bands and potentially leads to a more balanced intake for those schools who under the banding system tend to have a higher number children in the lower bands. Moving to a distance criteria will help to ensure that pupils get into their local schools. For example in Chart 2 Deptford Green School would achieve more of a balanced intake as well as a higher number of pupils compared with the intake with banding. This would also allow for pupils in the higher bands to obtain a place as they would not be able to get in to oversubscribed schools further afield. Schools may become more community based being more able to accept pupils from their local community.

Since the consultation, we have examined this further and analysed the cohort of students in the 2014 secondary transfer. Appendix M shows the same outcomes for 2014 transfer as Appendix J, by banding (chart 1) and by distance (chart 2), but broken down by FSM and non-FSM. This shows that there is very little variation between them, demonstrating that the mix of students by this definition remains unchanged by moving to a distance only model. The biggest change is for Deptford Green, with a 9% reduction in FSM students under a distance model.

Maps of the mix of social and private housing and range of income across the borough is also shown in Appendix N. This shows that although the density of social housing varies across the borough, each school does have a mix of social and non-social housing in its local community. Similarly, the map of median income shows the range within each school's local community.

The range of income across the borough is £21,009 to £52,227. Deptford Green is within the lowest income area but will still have families in the mid-range of income. Trinity and St Matthew are within the higher income areas, but have families within the mid-range in their local communities. The only school that has the complete range of income in its area is Haberdashers' Aske's Hatcham College.

Although not definitive, these analyses undertaken since the consultation show that although there is some variation across the borough, the mix of each school is likely to remain broadly socially comprehensive by moving to a distance only model.

(b) Concern whether all schools would adopt the Lewisham LA arrangements

9 (56.25%) agreed that the LA should cease banding which would be in line with all but two London authorities (Greenwich and Tower Hamlets). However, there was concern raised by 3 (19%) respondents that if this policy was not adopted by all schools in Lewisham this could lead to confusion for parents/carers in respect of the admission criteria arrangements and inequity amongst Lewisham schools with the intake of pupils.

There was concern that equity amongst Lewisham schools should continue to be a focus for the LA and those in agreement with the abolition of banding were of the view that a measure should be in place to ensure that schools accept a range of abilities at secondary transfer.

Response As Lewisham LA is the admissions authority for only five secondary schools, there would be a need for the VA schools and Academies to agree to adopt the same approach as Lewisham in determining their admissions arrangements. Early indications are that all schools will abide by any decision made by the Mayor on the advice of the Admissions Forum. However, this is a decision for the governing bodies.

As outlined in section 3.6, the governing bodies of three schools (Prendergast Vale, Prendergast Hilly Fields, and Prendergast Ladywell) have agreed to cease banding if the LA ceases banding.

The Haberdashers' Aske's Federation, which uses their own banding, have indicated that if other admissions authorities in the borough cease banding, they will consider consultation on whether to cease banding for 2017/18.

The LA is committed to ensuring that there is no selection amongst schools in Lewisham and school intakes will continue to be closely monitored using the actual results from Year 6 testing to ensure equity amongst all schools, allowing us to review the impact regularly.

If it is agreed that admissions authorities in Lewisham should cease the use of banding, the LA will continue to ensure that the information made available for parents/carers and schools is clear and appropriate guidance given to ensure a smooth transition to the new arrangements.

(c) Questions over the analysis of some of the data

4 (25%) of respondents made reference to the data and most supported the evidence that the modelling outlined, namely that the data showed that the banding systems is not meeting its main purpose of ensuring schools have a balanced intake. One (6.25%) respondent raised concerns that the data in Appendix J made numerous assumptions in particular whether the simulation included a LA allocation iteration in the allocation process (in which children who had not received an offer at any of their preference schools were allocated to a school by the local authority) or whether the additional 309 places would be allocated in this way. The second query related to the availability of places in neighbouring boroughs and whether these places were allocated as part of the simulation exercise. The respondent concluded that the result may have been different if the above were applied.

Response The simulation exercise undertaken does not include LA allocation iteration for children who had not received an offer at any of their preference schools. This was not considered as part of the exercise. However, this does not invalidate the data in any case because children who do not get a school place at one of their preferred schools are allocated a school place based on the nearest school where there are vacancies and not according to their banding. We also recognised the limitations of the use of data based on secondary transfer for one academic year and therefore carried out a second modelling exercise which was presented to the Admissions Forum meeting on 2 March 2015. This is attached as Appendix L. The results shows a very similar outcome that that in the earlier modelling, for example schools such as Addey & Stanhope and Prendergast Vale achieve a comprehensive intake with the use of banding whilst more schools achieve a more balanced intake when the criteria is based on sibling and distance only. Therefore we are still confident that this was a valid exercise as banding does not impact on places that are allocated.

With regard to applications for schools in neighbouring boroughs these were not taken into consideration. However, if an applicant had made one of the preferences for an out of borough school and that preference was their third preference then if they did not receive a place from their first or second preferences then the applicant was taken out of subsequent iterations, as the hypothesis was they would have received an out of borough place.

The data demonstrating the intakes by band to secondary schools in Lewisham for 2014 is reliable and show that there is not equity across all schools. The intakes show a marked disparity, adversely affecting schools which are undersubscribed. Whilst it is difficult to prove that, in future, more children will receive one of their preference schools in a system without banding, using a distance only criteria (after LAC and siblings) would ensure that places were offered to children living in the local community.

The evidence presented in the report indicates that removing banding would not create any more imbalance in school intakes than we have with our current system. However, it is difficult to predict entirely accurately outcome of future intake due to the complexities of the preference system, the profile of the applicants and schools themselves as these will all have an impact on future equity. We are, though, confident in the modelling as a decent enough proxy for how an un-banded system would work.

(d) Effectiveness of Banding

6 (37.5%) respondents raised the question about how effective banding is in particular as the purpose of using banding is to ensure a comprehensive intake, the data in Chart 2 (Appendix J) shows that without banding the difference in the intake is very little and that some schools still retain a relatively equal proportion of children from the range of ability groups. This can be compared with the data in Chart 1 (Appendix J) that shows that despite the use of banding not all schools achieve a equal proportion of children from the range of ability groups.

3 (19%) Respondents were of the view that the banding test was not a true reflection of ability for a number of different reasons. This ranges from test being readily available on the internet and some are privately tutored in preparation for the test which could lead to distorted data. In addition concern was expressed that the banding test was out of date with the new curriculum and does not accurately identify the outcomes of the students in National Assessments.

2 (12.5%) Respondents raised concern about the cost of banding and highlighted that the data shows that banding in Lewisham does not have great impact on the comprehensive intake of our secondary schools. It was recognised that there are a variety of factors such as popularity of school, changes in attainment between banding test and Year 6 SATs/Year 7 entry, test not always reflecting a child's real ability (as the data in Chart 3 of the Appendix J shows).

Response – the LA supports the data outlined in Chart 1 (Appendix J) the data shows that banding has not been that effective in achieving a balanced intake across schools. This is most likely because over 30% of our Band 1 children apply for schools outside the borough. However, some over-subscribed schools do achieve more or less a balanced intake across the different ability bands e.g. Addey & Stanhope, Conisborough and Prendergast Vale College.

The evidence also reinforces the view that the use of banding does not provide a balanced intake across all schools in Lewisham schools. The National Curriculum Key Stage results 2013/14 shows that achievement in Lewisham primary schools is now very high, children banded in the lowest band are still achieving at the national

expectation. The data presented in Chart 3 (Appendix J) also shows that although it is the test used in Year 5 to band children it is not that good at predicting the actual level of achievement for pupils at the end of Year 6. The data shows that many in the top bands do not achieve the top levels and the vast majority in the lower bands achieve at Level 4, currently the national expectation. Therefore, this evidence suggest that because the achievement gap is closing in Lewisham, banding may not be as necessary as it once was.

Chart 2 shows the outcome of the 2014 secondary transfer intake using the distance² criteria only based on parental preferences.

The results without banding do not show much difference in relation to balanced intakes.

However, they do show that more children would go to a Lewisham school in a system without banding. This is because children who applied for local schools but whose 'band' was full with children who lived closer, would, under a distance only scheme, be more able to get into the school, regardless of their band. It could also mean that high band children who tend to be able to get into schools further afield may be unable to get into those schools and therefore will be offered schools closer to their homes. This would be exacerbated if Greenwich chose at any point also to cease banding. It appears that many children would be offered a higher Lewisham preference under home to school distance than they would using banding. So, children who were offered a lower out of borough preference would receive a Lewisham offer instead.

(e) Use of teacher assessment

4 (25%) respondents indicated that there is a need for a measurement to be in place of the secondary transfer intake and that this should be monitored closely by the LA if we are to ensure that schools continue to have a comprehensive intake.

2 (12.5%) respondents suggested that teacher assessment should be used as a measure.

Response - As highlighted in paragraph 7.4 of this report the Department for Education (DfE) advice states that the LA could not rely on teacher assessments alone for banding purposes. The LA continues to be committed to ensuring that the intake of pupils across Lewisham schools will be closely monitored using the actual achievement of children in Year 6 against the new curriculum standards.

11. Conclusion

11.1 The evidence presented in this report explores the use of banding in Lewisham as a means of ensuring a comprehensive intake across secondary schools. The report provides information on modelling banding and compared to the distance only criteria (after the LAC and sibling) for the allocation of secondary schools places. The results from the modelling shows that the banding does not provide Lewisham schools with the expected outcome of a balanced intake. As outlined in Section 10(a) of the report without using banding some schools would have more of a balanced intake.

11.2 Feedback from the consultation also supports the view that the banding test is not a true reflection of actual Year 6 outcome for a number of different reasons.

² * Distance only is based on the admission criteria for secondary transfer to Lewisham community schools as follows :Looked after children; Children with exceptional medical/social needs; Siblings; Home to school distance

In addition the latest data on National Curriculum Key Stage results 2013/14 shows that the achievement in Lewisham primary schools is now high and that children banding in the lowest band are still achieving at the national average. This means that banding in Lewisham does not fully meet its purpose of ensuring a balanced intake.

12. Financial implications

- 12.1 The costs of the year 5 SATS Test is budgeted at £26k. The ending of banding as see out in the report would save the Council £26k. There would be other savings in schools as staff time would not be required to administer the tests. The continuation of banding would require procurement of a new test whose costs would be in the region of £40k based on initial investigation.

13. Legal Implications

- 13.1 In accordance with the provisions of section 88C of the School Standards and Framework Act 1998 (as amended) (SSFA) and the School Admissions(Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 ("Admission Regulations 2012") admission authorities for maintained schools in England must before the beginning of each school year determine the admission arrangements that are to apply for that year.
- 13.2 Before determining the admission arrangements that are to apply for a year the admission authority is required to carry out consultation in accordance with the "Admission Regulations 2012". These Regulations which came into force on the 1st February 2012 determine the necessary arrangements under which pupils are to be admitted to schools in England for the academic year 2016/17. Admission authorities are also required to act in accordance with the relevant provisions of the School Admissions Code issued in December 2014.
- 13.3 Admission authorities must take all steps necessary to ensure that they have completed their consultation by the 1st March in the determination year. Any such consultation must allow consultees at least 8 weeks to respond. Admission authorities must determine their admission arrangements for entry in September 2016 by 15th April 2015. The consultation carried out and referred to in this report complies with the regulatory requirements.
- 13.4 Admission authorities are required to act in accordance with the School Admissions Code which is issued under the SSFA and which came into force on the 19 December 2014. The Code requires that oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. 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.
- 13.5 Once admission arrangements have been determined the local authority is required to notify appropriate bodies and publish a copy of their determined arrangements on their web site displaying them for the whole offer year.
- 13.6 Banding is a permitted form of selection as prescribed by s101 of the SSFA 1998. The Admissions Code requires that requirements for banding must be fair, clear and objective. Lewisham's Admissions Forum considered whether banding is achieving the objective of ensuring a comprehensive intake in

schools. It also considered the responses to the annual admissions consultation which specifically addressed the issue of banding on behalf of all relevant admission authorities in Lewisham. Having done so it recommended to the local authority and other admission authorities in Lewisham to cease banding.

- 13.7 Whilst the Mayor must have regard to the recommendations of the Admissions Forum he is required on a consideration of all relevant matters and disregarding irrelevancies to arrive at his own conclusion as to whether to agree the recommendation of the Admissions Forum to cease banding in community schools as part of the secondary transfer admission arrangements. His decision will also be informed by the conclusions of the Equalities Analysis Assessment which is currently being completed.
- 13.8 The Mayor must have regard to the comparison between the models appearing at Appendix J. This demonstrates that the adoption of the criterion of distance for admissions will not create any more imbalance in school intakes than exist with the current system.
- 13.9 The Council has received informal notification from the other admission authorities in the borough (voluntary aided and Academies) that they intend to adopt the recommendations of the Admissions Forum, but it cannot be guaranteed that they will do so until they make their formal resolution. Because of the statutory time table, meetings to consider whether to do so are scheduled to take place before 15th April 2015. In the event that they do not agree that will result in some differentiation in the admission arrangements in the borough as a whole and may result in some uncertainty to parents. The Executive Director for Children and Young People is confident that this is an unlikely scenario.
- 13.10 The Equality Act 2010 (the Act) brings together all previous equality legislation in England, Scotland and Wales. The Act includes a new public sector equality duty (the equality duty or the duty), replacing the separate duties relating to race, disability and gender equality. The duty came into force on 6 April 2011. The new duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 13.11 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - advance equality of opportunity between people who share a protected characteristic and those who do not.
 - foster good relations between people who share a protected characteristic and those who do not.
- 13.12 As was the case for the original separate duties, the new duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 13.13 The Equality and Human Rights Commission (EHRC) issued guidance in January 2011 providing an overview of the new public sector equality duty, including the general equality duty, the specific duties and who they apply to. The guidance covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The guidance was based on the then draft specific duties so is no longer fully up-to-

date, although regard may still be had to it until the revised guide is produced by the EHRC. The guidance can be found at:

<http://www.equalityhumanrights.com/adviceand-guidance/new-equality-act-guidance/equality-act-guidancedownloads/>.

- 13.14 The EHRC guidance does not have legal standing, unlike the statutory Code of Practice on the public sector equality duty which was due to be produced by the EHRC under the Act. However, the Government has now stated that no further statutory codes under the Act will be approved. The EHRC has indicated that it will issue the draft code on the PSED as a non statutory code following further review and consultation but, like the guidance, the non statutory code will not have legal standing.
- 13.15 In deciding whether to agree the recommendations in this report, the Mayor must be satisfied that to do so is a reasonable exercise of his discretion on a consideration of all relevant matters and disregarding irrelevancies and having regard to the School Admissions Code which the local authority is statutorily required to comply with in the discharge of its function as an admissions authority.

14. Equalities implications

- 14.1 The purpose of the School Admissions Code is to ensure that places in maintained schools and Academies are allocated and offered in an open and fair way. Admission Authorities must ensure that criteria are fair, clear and objectives. This includes ensuring that parents are easily able to understand how places for a particular school will be allocated.
- 14.2 Admission authorities must act in accordance with the Code, the School Admissions Appeal Code, other laws relating to admissions and relevant human rights and equalities legislation. Authorities must also ensure that their arrangements will not disadvantage, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational need' (Code, paragraph 1.8)
- 14.3 Lewisham's arrangements comply with these requirements and vigilance is embedded in our processes. Lewisham has a well established Admissions Forum which serves as an important function in monitoring the content of school admission policies and arrangements for their impact. Any instances of poor practice would be challenged and referred to the School Adjudicator if necessary.
- 14.4 Lewisham has considered the impact of a decision to cease the use of banding for secondary transfer. Close examination of the data provided as appendices to this report indicate an increase in opportunity for parents to obtain a place in their nearest preferred school and that the modelling shows that there appears to be no negative impact on the admissions of children into schools at secondary transfers. Officers are conducting an Equalities Analysis Assessment which will be made available for the meeting and to which the Mayor must have regard when considering this matter.
- 14.5 Lewisham will continue to monitor the impact of any changes to the intake of pupils to ensure a comprehensive intake across all secondary schools.

15. Environmental implications

15.1 There are no direct environmental implications arising from this report.

Appendices/Background Papers

Appendix A	Lewisham's determined admissions criteria for nursery schools and nursery classes in community primary schools (children starting nursery during academic year 2016/17)
Appendix B	Lewisham's determined admissions criteria for community primary school reception classes (children born between 1 September 2011 and 31 August 2012) and who will start school in September 2016
Appendix C	Lewisham's determined admissions criteria for community secondary schools for pupils transferring from primary to secondary school in September 2016 (children born between 1 September 2004 and 31 August 2005)
Appendix D	Lewisham's determined admissions arrangements for community school's sixth form
Appendix E	Lewisham's determined arrangements for In Year Admissions to Lewisham community schools
Appendix F	Generic protocols for admitting children under the In Year Admissions Arrangements
Appendix G	Generic admissions arrangements
Appendix H	Determined Admissions Limits 2016/17
Appendix I	Pan London Admissions Scheme for Co-ordination of Admissions to Year 7 and Reception in Maintained Schools and Academies in 2016/17 and LA Scheme for In Year Admissions 2016/17
Appendix J	Banding Analysis 2014 Admission Round
Appendix K	Banding Report and Consultation
Appendix L	Banding Analysis 2013 Admission Round
Appendix M	Outcomes for 2014 transfer by banding
Appendix N	Housing and Median Income Maps

If you have any questions on this paper, please contact Linda Fuller, Team Leader – Admissions & Appeals, 3rd Floor, Laurence House, SE6 4RU (telephone 0208 314 6212 or email linda.fuller@lewisham.gov.uk).