



Mayor and Cabinet

Report title: **Updated Determined Admissions Arrangements in line with new DfE Admissions Code 2021**

Date: 14 July 2021

Key decision: Yes.

Class: Part 1 .

Ward(s) affected: All

Contributors: Executive Director for Children and Young People

Head of Law and Governance

Head of Corporate Resources

Outline and recommendations

This report seeks the Mayor and Cabinet's approval to update the local authority's admissions arrangements for the academic years 2021/2022 and 2022/23 in line with the new School Admissions Code 2021. The arrangements to be updated include:

- The admissions policies for community schools for admissions year 2021/22;
- The admissions policies for community schools for admissions year 2022/23

The Mayor is asked to determine the changes to:

1. The admissions arrangements for community nursery, primary, secondary schools, sixth forms and in year admissions for 2021/22 as set out in **Appendix 1**.
2. The admissions arrangements for community nursery, primary, secondary schools, sixth forms and in year admissions for 2022/23 as set out in **Appendix 2**.

Timeline of engagement and decision-making

In accordance with the mandatory provisions of the applicable School Admissions Code, admission authorities must, if they wish to make any changes to the existing admissions arrangements, consult for a minimum of six weeks. Consultation must take place between 1 October and 31 January in the school year before those arrangements are to apply.

Following consultation, and to comply with the mandatory provisions of the applicable School Admissions Code, the arrangements for must be determined no later than 28 February in the school year before those arrangements are to apply.

For both the 2021/22 and 2022/23 Determined Admissions Arrangements this process was followed.

Since that time the new School Admissions Code 2021 has been released and comes into force from 1 September (subject to Parliamentary approval). The new School Admissions Code 2021 guidance was only released and circulated by the Department for Education (DfE) at the end of May 2021 and is the reason for the late notification of these changes. This necessitates an update to both sets of Determined Admissions Arrangements to ensure compliance.

1. Summary

This report sets out details of the:

Necessary changes to the local authority's admissions policies for community schools for the academic years 2021/22 and 2022/23 to ensure that we are compliant with the new School Admissions Code 2021 by the 1 September 2021 implementation date.

2. Recommendations

The Mayor and Cabinet is asked to approve the changes necessary as a result of the new School Admissions Code 2021 and determine:

- 2.1 **The updated admissions arrangements for community schools for 2021/22 as set out in Appendix 1.**
- 2.2 **The updated admissions arrangements for community schools for 2022/23 as set out in Appendix 2.**

3. Policy Context

- 3.1 The School Admissions Code 2014 is expected to be revised and superceded by the School Admissions Code 2021 which comes into force on 1 September 2021, subject to Parliamentary scrutiny (the relevant Regulations have been laid).
- 3.2 The revised code requires some changes to the previously determined admissions arrangements for both 2021/22 and 2022/23.
- 3.3 Lewisham local authority is the admissions authority for community schools in the area. It also acts as the coordinating authority for its residents applying during the planned admissions rounds for mainstream schools both within the area and outside the area. Also in relation to in-year applications Lewisham acts as the coordinating authority for applications to most mainstream schools in the area.

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- 3.4 Lewisham's relevant area has been determined as the administrative area for the London Borough of Lewisham.
- 3.5 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 arrangements for the planned and in year rounds ensure that children, particularly vulnerable groups and especially Children in Public Care, have a fair, transparent and timely admission into school.
- 3.6 This report contributes to the delivery of the Children and Young People's Plan (CYPP) 2019-2022 and our vision of improving the lives and life chances of the children and young people in Lewisham. Data obtained from the planned admissions processes for reception and secondary transfer will demonstrate the popularity of Lewisham schools particularly secondary schools (Priority 3.10).
- 3.7 This report contributes to the Council's principles of reducing inequality, deprivation and poverty. Lewisham is ambitious for all its children and our schools will continue to strive to break down barriers for those who traditionally face the greatest challenges; black and ethnic minority children, white working class children, Children in local authority care and those living in poverty. We will do this by:
- creating and maintaining schools in Lewisham that are ambitious and achieving, where children are inspired and supported to fulfil their potential,
 - encouraging children and their parents to be empowered, responsible and actively involved in their local school and wider community and
 - enabling children to go onto further education, take up employment or training at the end of their statutory education.

4. Background

Determined Admissions Arrangements 2021/22

- 4.1 Determined February 2020

Determined Admissions Arrangements 2022/23

- 4.2 Determined February 2021

5. Changes to the admissions arrangements

- 5.1 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). This advice refers to these children as internationally adopted previously looked after children – "IAPLAC".

- 5.2 This is expected to have impact on a very limited number of children in Lewisham.

6. Finance implications

- 6.1 There are no financial implications related to this report.

7. Legal implications

- 7.1 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 (as amended or replaced as set out below) admission authorities for maintained

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schools in England must before the beginning of each school year determine the admission arrangements that are to apply for that year. It is expected that the 2012 Regulations will apply until 1 September 2021 when new Regulations will take effect. During 2020 the government consulted on changes to the School Admissions Code (the Code). A new Code has been issued and associated regulations have been laid in parliament and subject to parliamentary procedure the Code and regulations will come into force 1 September 2021. This report addresses the matters required by the 2021 Code and Regulations.

- 7.2 Before determining the admission arrangements the admission authority is required to carry out consultation in accordance with the then applicable Admission Regulations. The regulations determine the necessary arrangements under which pupils are to be admitted to schools in England for the academic year 2022/23. Admission authorities are also required to act in accordance with the relevant provisions of the then applicable School Admissions Code (expected for the reasons above to be the 2021 Code) issued in May 2021.
- 7.3 Admission authorities must take all steps necessary to ensure that they have completed their consultation by 31 January in the determination year. Admission authorities must determine their admission arrangements for entry in September 2022 by 28 February 2021. The determination of these arrangements complies with the regulatory requirements.
- 7.4 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.
- 7.5 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 as soon as possible before 15 March and displaying them for the whole offer year.
- 7.6 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.
- 7.7 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.
- 7.8 As was the case for the original separate duties, the 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.

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- 7.9 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 can be found at: <http://www.equalityhumanrights.com/adviceand-guidance/new-equality-act-guidance/equality-act-guidancedownloads/>.
- 7.10 The EHRC guidance does not have legal standing, unlike the statutory School Admissions Code 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.
- 7.11 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.

8. Equalities implications

- 8.1 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 objective. This includes ensuring that parents are easily able to understand how places for a particular school will be allocated.
- 8.2 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)
- 8.3 Lewisham's arrangements comply with these requirements and vigilance is embedded in our processes. Any instances of poor practice may be challenged and referred to the School Adjudicator if necessary.

9. Climate change and environmental implications

There are no direct climate change or environmental implications arising from this report.

10. Crime and disorder implications

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

11. Health and wellbeing implications

There are no direct health and wellbeing implications arising from this report.

12. Environmental implications

There are no direct environmental implications arising from this report.

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13. Background papers

- 13.1 Determined Admissions Arrangements 2021/22 –
<https://councilmeetings.lewisham.gov.uk/documents/s71722/new%20Determined%20Admissions%20Arrangements%20Report%20-%20MC%2012%202%2020%20final.pdf>
- 13.2 Determined Admissions Arrangements 2022/23 -
<https://councilmeetings.lewisham.gov.uk/documents/s77182/Lewisham%20Determined%20Admissions%20Arrangements.pdf>

14. Report author and contact

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17. Appendices

- 17.1 Appendix 1 – The updated admissions arrangements for community schools for 2021/22
- 17.2 Appendix 2 - The updated admissions arrangements for community schools for 2022/23

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