

26th July 2021

Agenda Item: 11

REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND SKILLS

VARIATION TO NOTTINGHAMSHIRE SCHOOL ADMISSION ARRANGEMENTS 2021-2022 AND 2022-2023 AND NOTTINGHAMSHIRE'S STATUTORY CONSULTATION ON FAIR ACCESS PROTOCOL TO COMPLY WITH SCHOOL ADMISSIONS CODE 2021

Purpose of the Report

1. This report seeks approval to vary the admission arrangements for 2021-2022 and 2022-2023 for Nottinghamshire community and voluntary controlled schools to comply with the School Admissions Code 2021.
2. This report also seeks approval to carry out formal statutory consultation with all schools and other interested parties in Nottinghamshire on the Fair Access Protocol.

Information

3. All admission authorities must determine their school admission arrangements by 28th February every year, even if there have been no changes from previous years.
4. Nottinghamshire County Council, as the local authority, has a statutory duty to determine admission arrangements for community and voluntary controlled schools following annual consultation. The arrangements must comply with the School Admissions Code.
5. Own admission authorities (academies, foundation, trust and voluntary aided schools) are responsible for determining their own admission arrangements which must comply with the School Admissions Code.
6. There are limited circumstances in which changes can be made to school admission arrangements once they have been determined. These include a decision by the Schools Adjudicator or a change in the law.
7. A revised School Admissions Code was released on 13th July 2021 and comes into force on 1st September 2021. The Code applies to all maintained schools in England. Academy Schools are also required to comply with the Code and the law relating to admissions.

8. Each local authority must have a Fair Access Protocol to ensure that unplaced and vulnerable children, including those having difficulty in securing a school place in-year, are allocated a school place as quickly as possible. The Code states that the Protocol must be consulted upon and developed in partnership with all schools in its area.
9. The Department for Education consulted on proposed changes from 26th June to 16th October 2020. The consultation summary and government response to the consultation is available as a background paper.

Variation of Nottinghamshire County Council's admission arrangements 2021-2022 and 2022-2023 as a result of changes introduced by School Admissions Code 2021

10. **In-year admissions:** a dedicated section is now included for in-year admissions setting out a clear process for managing in-year admissions, including introducing timescales for different stages of the application. Nottinghamshire County Council's arrangements will be revised to reflect the change in timescales. The County Council will aim to notify parents of the outcome of their application within 10 school days, and as a maximum within 15 school days.
11. **Looked after and previously looked after children:** the County Council's arrangements give highest priority to looked after and previously looked after children, and second highest priority is given to children who were previously in state care outside of England. The 2021 Code has amended references to previously looked after children to include children who have been in state care outside of England and have ceased to be in care as a result of being adopted, and children who were adopted (or subject to child arrangement orders or special guardianship orders) immediately following having been looked after in England. The County Council's arrangements will be revised to include the change in definition so all looked after and previously looked after children are included in criterion 1.
12. **Children of UK service personnel and crown servants:** further clarity has been included regarding the address to use for admission of service or crown servant families. The County Council's arrangements have been updated to clarify this.
13. The amendments to the Code require the admission authority, Nottinghamshire County Council, to revise its 2021-2022 and 2022-2023 admission arrangements for community and voluntary controlled schools (attached as **Appendices 1 and 2**).

Fair Access Protocol

14. To meet the requirements of the Code, the Protocol must be consulted upon and developed in partnership with all schools in Nottinghamshire. The Council will be required to consult on its Protocol to:
 - make the purpose of Fair Access Protocols clearer
 - introduce timescales for placement decisions
 - ensure Fair Access Protocols are only used to support the most vulnerable
 - clarify the provision in relation to the use of fair access for children with challenging behaviour.

15. The Code comes into force in September 2021. Local authorities must make changes to their existing Fair Access Protocols in order to give effect to the new provisions in the 2021 Code. This means that a new Fair Access Protocol will be operational on 1st September.
16. Local authorities must consult all the admission authorities in their area about the changes they intend to take forward. Nottinghamshire County Council's consultation on the Fair Access Protocol will take place from 4th August until 19th September 2021.
17. Consultations would normally take place during term time, however as the Code introduces a clear timescale for placement decisions and the new Fair Access Protocol must be operational as outlined in the Code it is necessary to carry out the consultation during this period to ensure the Fair Access Protocol is operational with the provisions outlined in the new Code.
18. Applications received from 1st September 2021 will be required to be processed in line with the timescales published in the revised Code.
19. The stakeholders below will be included within the consultation and given the opportunity to respond:
 - All schools in Nottinghamshire
 - Chairs of governors of schools clerked by the Council
 - County Councillors
 - Borough/District Councillors
 - Dioceses
 - Known alternative education providers
 - Known Early Years providers – including children centres
 - MPs
 - Neighbouring Local Authorities
 - Parish Councils
 - Internal services - including
 - Integrated Children's Disability service (ICDS)
 - Place Planning
 - School Admissions Service
 - School Improvement.
20. There will also be publicity about the consultation via social media and the Council's intranet.

Other Options Considered

21. No other options have been considered.

Reason/s for Recommendation/s

22. To enable the County Council to meet its statutory responsibility as required by The School Admissions Code including the requirement to consult on the Fair Access Protocol.
23. To ensure the admission arrangements for community and voluntary controlled schools for 2021-2022 and 2022-2023 comply with the mandatory requirements of the Code.

Statutory and Policy Implications

24. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

25. Consideration has been given to using electronic communication wherever possible to reduce postage costs alongside promoted social media posts inviting responses to the consultation. A summary of the consultation (which opens on 4th August) will be available on the public website. The cost will be met by the Admissions budget.

RECOMMENDATION/S

That:

- 1) the variations to the admission arrangements for 2021-2022 and 2022-2023 are approved.
- 2) approval is given to carry out consultation on the Fair Access Protocol between 4th August and 19th September 2021.

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Constitutional Comments (LW 01/07/21)

26. Children & Young People's Committee is the appropriate body to consider the content of the report.

Financial Comments (MDN 06/07/21)

27. Consideration has been given to using electronic communication wherever possible to reduce postage costs alongside promoted social media posts inviting responses to the consultation. A summary of the consultation (which opens on 4th August) will be available on the public website. The cost will be met by the Admissions budget which is £1.117m and funded from the Dedicated Schools Grant.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Consultation summary and government response to changes to the School Admissions Code (May 2021) - [Changes to the School Admissions Code \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

School Admissions Code 2021 - [School admissions code 2021 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Fair Access Protocols (July 2021) - [Fair access protocols \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

School Admissions Code 2014, available at www.education.gov.uk

School Admission Appeals Code (SAC) 2012, available at www.education.gov.uk

Electoral Division(s) and Member(s) Affected

All.

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