

Report to the Cabinet

Meeting to be held on Thursday, 2 November 2023

Report of the Director of Education, Culture and Skills

Part I

Electoral Division affected:
(All Divisions);

Corporate Priorities:
Caring for the vulnerable;
Delivering better services;

Approval to Consult on the Inclusion of Armed Forces Children & the Children of School Staff in the Admission Arrangements for Lancashire Community and Voluntary Controlled Schools from 2025 to 2026

(Appendices 'A' and 'B' refer)

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Brief Summary

The county council, as admission authority, determines the admission criteria that is used to prioritise pupils for places at community primary and secondary schools. There have been no significant changes made to the admission criteria for these schools in the last 10 years.

The Department for Education's [School Admissions Code 2021](#), contained provisions allowing admission authorities to give priority within their admission arrangements to children based on eligibility for one or more of the pupil, early years or service premiums. Additionally, admission authorities were allowed to give priority in their admission criteria to the children of school staff.

In addition, in November 2022, the Ministry of Defence issued [Statutory Guidance on the Armed Forces Covenant Duty](#), with an expectation that county council's take all possible steps to support Armed Forces families in the delivery of their services.

To reflect both pieces of statutory guidance, it is proposed to change Lancashire County Council's admission criteria, applied when considering applications for community and voluntary controlled schools, to include children eligible for Services Premium, in order to provide support to Armed Forces families, and children of staff, to assist community and voluntary controlled schools with the recruitment and



retention of staff.

Recommendation

Cabinet is asked to approve the proposal to undertake a formal consultation process to change Lancashire County Council's admission criteria for community and voluntary controlled schools to include:

- (i) Children of Staff.
- (ii) Children eligible for Services Premium.

Detail

In February 2024, Cabinet will be asked to determine the admission arrangements for community and voluntary controlled primary and secondary schools and sixth forms schools for the school year 2025/2026.

Where changes are being proposed to the admission arrangements for community and voluntary controlled schools, the local authority is required to formally consult for a minimum of six weeks between 1 October and 31 January of the school year, before any changes can be applied. Any consultation on the changes to the admission criteria must therefore be completed by 31 January 2024 for the arrangements which apply for entry in September 2025.

The proposed timetable for these proposals are as follows;

Stage	Description	Timescale
Stage 1	Cabinet decision to consult	2 November 2023
Stage 2	Consultation process	10 November to 22 December 2023
Stage 3	Cabinet decision on changes	1 February 2024
Stage 4	Implementation	September 2025

School Admissions Code and Office of the Schools Adjudicator Report

Own admission authority schools, which are Diocesan Schools, Free Schools and Academies determine their own admission criteria and governors decide the priority for places.

The county council is the admissions authority for 235 community and voluntary controlled schools in Lancashire and determines the admission criteria for these schools which sets out how children are prioritised for places. In accordance with Sections 88A-Q of the School Standards and Framework Act 1998, as amended by the Education and Skills Act 2008 and regulations, the county council is required to consult widely about the admission arrangements and any proposed changes for schools where it is the admissions authority.



Children eligible for pupil premium, early years premium or service premium

The Department for Education's School Admissions Code contained new provisions allowing admission authorities to give priority in their admission arrangements to children based on eligibility for one or more of the pupil, early years or service premiums:

1.41 Admission authorities may give priority in their oversubscription criteria to children eligible for the early years' pupil premium, the pupil premium and also children eligible for the service premium. Admission authorities should clearly define in their arrangements the categories of eligible premium recipients to be prioritised.

Every local authority is required to make an annual report to the Schools Adjudicator. The Chief Schools Adjudicator then includes a summary of these reports in an annual report to the Secretary for State for Education. The summary is set out at Appendix 'A'.

In the annual report for 2019/2020, the Chief Schools Adjudicator reported that the number of admission authorities that had determined admission criteria including one or more of the premiums had risen from 67 in 2016 to 730 in 2020. Although there has been no subsequent data provided by the Office of the Schools Adjudicator on this, there is evidence of a growing number of admission authorities in Lancashire who have determined admission criteria which gives priority to children eligible to receive one of the pupil premiums.

Children of staff at the school

The School Admissions Code also has provisions which allows admission authorities to determine an admission criteria that may assist with the recruitment and retention of staff:

1.39 Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances:

a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or

b) the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.

1.40 Admissions authorities must specify in their admission arrangements how this priority will be applied, for example, which groups of staff it will apply to.

Although there are no national statistics available regarding the prevalence of this admission criteria, it is known that, within Lancashire, a growing number of admission authorities now include Children of Staff as a priority category.

Representations have been received from several primary and secondary head teachers asking for children of staff at their schools to be given priority within the oversubscription criteria, due to their concern over staff recruitment and retention.



It is known that the location of and access to a school can influence teachers and support staff when deciding whether to apply for a vacant post. Giving priority to children of staff within the admission criteria may encourage applicants who live outside the area and school staff may be less likely to look for other jobs if their children are being educated at the school where they work.

For the September 2024 intake, there are 38 secondary own admission authorities and 45 primary own admission authorities in Lancashire that include Children of Staff within their priority criteria. It is considered that the nine community secondary schools and six community primary schools may be disadvantaged if Children of Staff are not included within the admission criteria. Many neighbouring local authorities have already taken this step.

Armed Forces Covenant

The Armed Forces Act 2021 amended the Armed Forces Act 2006 ('the Act') by inserting sections 343AA to 343AF. These place a legal duty on the county council to have due regard to the principles of the Armed Forces Covenant, when exercising certain statutory functions in the fields of healthcare, education and housing. The Covenant Duty came into effect on 22 November 2022, and officers have been considering how school admissions arrangements can be developed to enhance the support available for Forces families.

In November 2022, the Ministry of Defence issued statutory guidance for the first time. The guidance clarified the legal obligations placed upon the county council, to recognise the issues facing Armed Forces families and to address any disadvantages arising for Service people from membership, or former membership, of the armed forces.

The guidance details the education-related disadvantages that can arise for Service children including an interrupted education, a disrupted social experience, impact on mental well-being and delays relating to support for Service children with additional needs. Case studies are provided throughout the guidance, to illustrate ways that the Armed Forces Covenant principles may be considered and applied. The School Admissions Code, September 2021 also requires local authorities to ensure that 'arrangements in their area support the Government's commitment to removing disadvantage for service children'.

In Lancashire, there is already policy and practice in place to support families who move into the area outside the school admission round. Discretionary admissions are secured at community schools for pupils close to their new family home, even when schools are full. The local Pupil Access Team also advocates on behalf of Armed Forces families, where a place is sought at an academy or church school and the decision lies with the Governing Body. Where an admission cannot be secured, parents are guided through the appeal process.

The county council is now seeking to consult on changes to the admission criteria for community and voluntary controlled schools, to give priority to those children who are eligible to receive Service premium, when considering applications for the Reception and Year 7 intakes.



There are approximately 12,750 primary school applications, and 14,000 secondary school applications made each year. The school census data evidences that the number of pupils admitted to community schools who would meet the Service premium eligibility criteria is small. In the last 3 years, the largest number of eligible children admitted to the Reception year of community schools has been 43. For the year 7 intake, this figure has been between 30 and 35 pupils for the last 3 years. Children in receipt of Service Pupil Premium would therefore make up less than 0.5% of a Reception or Year 7 intake. Appendix 'B' provides further information on Pupil Premium Service Children.

Proposed Admission Criteria for Community and Voluntary Controlled schools

In line with the Ministry of Defence Guidance and the Department for Education School Admissions Code, it is proposed that the admission criteria for primary and secondary community and voluntary controlled schools for September 2025 is as follows:

When a primary school is oversubscribed on parental preferences, then the following priorities apply in order:

1. Looked after children or a child who was previously looked after, but immediately after being looked after became subject to an adoption, child arrangement order, or special guardianship order or those children who appear to the school to have been in state care outside of England and ceased to be in state care as a result of being adopted, then.
2. Children for whom the Local Authority accepts that there are exceptional medical social or welfare reasons which are directly relevant to the school concerned, then.
- 3. Children of Staff, then**
- 4. Children eligible for Services Premium, then**
5. Children with older brothers and sisters attending the school when the younger child will start, then.
6. Remaining places are allocated according to where a child lives. Those living nearest to the preferred school by a straight line (radial) measure will have priority.

When a primary or secondary school with a Geographical Priority Area, is oversubscribed, the following priorities will be applied in order:

1. Looked after children or a child who was previously looked after, but immediately after being looked after became subject to an adoption, child arrangement order, or special guardianship order or those children who appear to the school to have been in state care outside of England and ceased to be in state care as a result of being adopted, then.



2. Children for whom the Local Authority accepts that there are exceptional medical, social or welfare reasons which are directly relevant to the school concerned, then.
- 3. Children of Staff, then.**
- 4. Children eligible for Services Premium, then.**
5. Children living within the school's geographical priority area with older brothers or sisters attending the school when the younger child will start, then.
6. Children living within the school's geographical priority area, then.
7. Children living outside the school's geographical priority area with older brothers or sisters still attending the school when the younger child will start, then.
8. Children living outside the school's Geographical Priority Area.

The Children of Staff criteria will be qualified in an explanatory note; *Children of staff employed at the school for 2 or more years at the time at which the application is made, and / or the member of staff has been recruited to fill a post where there is a demonstrable skill shortage.*

Appendices

Appendices 'A' - 'B' are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	The Chief Schools Adjudicator Annual Report – Summary Extracts
Appendix 'B'	Pupil Premium Service Children

Consultations

Consultation on the changes to the admission arrangements for community and voluntary controlled schools will take place with the following;

- Governors of community and voluntary controlled schools;
- Governors of voluntary aided and foundation, free schools and academies;
- Other Local Education Authorities adjoining Lancashire;
- Diocesan and Church Authority colleagues;
- Secular Society;
- Capital Development and Asset Management Team, School Place Planning Team;
- Liaison and Compliance Team, Education and Children's Services;
- Legal and Democratic Services;
- Public.



Implications:

This item has the following implications, as indicated:

Risk management

The School Admissions Code allows the suggested changes to be consulted upon.

Equality and Cohesion

The proposal may impact children (age protected characteristics groups) and people from other protected characteristics groups, particularly in relation to the Public Sector Equality Duty's general aim of "advancing equality of opportunity". Although it is anticipated that if the proposed changes are approved, the impact may be positive for those pupils and their families included and that the numbers of children prioritised will not be significant based on current information, there is also the potential for others to be adversely impacted when applying to some schools. As a result, when the consultation is concluded, an Equality Impact Assessment will be provided to assist in giving "due regard" to the Public Sector Equality Duty's requirements when making the final decision on this proposal.

If there is cabinet approval to consult on the changes to the admission criteria an Equality Impact Assessment will be undertaken.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

