

**HERTFORDSHIRE COUNTY COUNCIL**

**CABINET  
MONDAY, 19 OCTOBER 2020 AT 2.00PM**

Agenda Item  
No.

**5**

**HERTFORDSHIRE COUNTY COUNCIL'S ADMISSION ARRANGEMENTS  
FOR 2022-2023**

*Report of the Director of Children's Services*

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Executive Member:- Terry Douris, Education, Libraries and Localism

**1. Purpose of report**

1.1 To seek Cabinet agreement that:-

- consultation is undertaken on proposals to:
  - amend the definition of "nearest" school for schools in the primary sector
  - clarify practice regarding the allocation of places to twins/multiple births
  - reduce the published admission number at Markyate Village Primary school, Nr St. Albans.
- the remainder of the County Council's existing admission arrangements, including Published Admission Numbers (PANs), Relevant Areas and schemes of coordination are retained for 2022/23.

**2. Summary**

- 2.1 The County Council must determine on an annual basis the admission arrangements and published admission number for all community and voluntary schools in Hertfordshire; and the coordinated schemes of admission to all maintained schools and academies in the county.
- 2.2 The School Admission Code, paragraph 1.3, requires consultation before admission arrangements are amended (except where the PAN of a school is increased). The manner of any consultation is detailed in paragraphs 1.42 -1.45 of The School Admission Code.
- 2.3 As a result of paragraph 1.43 of The School Admission Code, a minimum of 6 weeks formal consultation is required, between 1

October 2020 and 31 January 2021, to amend admission arrangements for 2021/22. Consultation will be undertaken between 26 October 2020 and 6 December 2020.

### **3. Recommendations**

- 3.1 The Education, Libraries and Localism Cabinet Panel will consider a report on this item of business at its meeting on 16 October 2020. The Panel will be invited to recommend to Cabinet that: -
- i. county wide consultation is undertaken on proposals to:
    - amend the definition of “nearest” school for schools in the primary sector, as detailed at 4.6 of the report
    - clarify practice regarding the allocation of places to twins/multiple births, as detailed at 4.16 of the report
  - ii. consultation is undertaken in the local Relevant Area to reduce the published admission number at Markyate Village School, Nr St. Albans.
  - iii. the remainder of the County Council’s existing admission arrangements, including PANs, Relevant Areas and schemes of coordination are retained for 2022/23.
- 3.2 The Cabinet Panel’s recommendations to Cabinet will be reported orally at the Cabinet meeting and circulated to Members in the Order of Business sheet.

### **4. Background**

- 4.1 The School Admissions Code requires all admission authorities to consult on their admission arrangements (if there have been no changes) every 7 years.
- 4.2 The County Council is the admission authority for 246 primary, infant and first schools and 1 secondary school. When any of these schools are oversubscribed the Council Council’s published admission arrangements (<https://www.hertfordshire.gov.uk/services/schools-and-education/school-admissions/research-a-school/community-and-voluntary-controlled-school-admission-arrangements.aspx>) are used to determine which children should be offered places.
- 4.3 The County Council’s schemes of coordination have been in place for several years and are well understood by both maintained schools and academies. The schemes will be updated to ensure that timescales are accurate and changes in legislation and guidance are taken into account. Minor amendments will be made where necessary to improve clarity and transparency in certain areas.
- 4.4 The County Council’s existing admission arrangements work well with 97% of Hertfordshire children allocated a ranked primary school and

over 95% a ranked secondary school in 2020. Maintaining existing arrangements with little change will minimise parental anxiety and maximise the benefits of existing knowledge of the allocation process.

### **Definition of “Nearest” School**

4.5 The County Council currently prioritises primary aged children who live “nearest to the school” under Rule 5:  
Rule 5” “Children for whom it is the nearest school or academy”.  
This includes all schools unless the school prioritises children on the basis of faith.”

4.6 Following discussions with the Diocese of St Albans, which represents all own admission authority Church of England schools in Hertfordshire, it is proposed that Rule 5 is amended as follows:

*Rule 5 “Children for whom it is the nearest school or academy”  
This includes all schools except those which allocate places on the basis of faith (membership or practice) before allocating on the basis of distance/location.*

4.7 The only Church of England (C of E) schools that would be excluded, would be those whom prioritise children on the basis of their faith regardless of their home location, potentially preventing local children from accessing a place. 23 Church of England primary, first and junior schools (Appendix A) in mostly rural locations would be added to the “nearest school” definition if the proposal is taken forward.

4.8 The proposal is not entirely new ground: the current definition of “nearest” for primary schools in Hertfordshire already includes three VA CE faith schools – St Nicholas, Harpenden, Bishops Wood Junior, Tring and St Bartholomew’s, Wiggington who do not use faith to prioritise applications.

4.9 It is also standard practice for the County Council to allocate a child a faith school as a “non-ranked allocation” if that school is the nearest with an available place and it has not been possible to offer a preferred school

4.10 Modelling (based upon the 2020 Primary allocation round) has been undertaken and the impact upon allocations and satisfaction rates across the County is minimal:

- The “nearest” school changed for 341 children (2% of applications).  
Of these
  - 260 (76%) made an application to the CE school that would become their new “nearest” school. Of these
  - 210 (81%) of those making an application to the CE school were considered under existing distance rules

- 126 (37%) made an application to their existing “nearest” school. Of these
  - 77 (61%) were allocated a place under Rule 5
  - Only 5 pupils would not be allocated a place at their previous “nearest” school

- 4.11 There is minimal impact upon allocations to schools (community, voluntary controlled and own admission authority schools) currently using the “nearest” school rule to prioritise applicants. However, successful implementation will be dependent upon:
- the correct identification of CE primary schools for inclusion in the “nearest school” definition year on year (given that schools can amend their admission arrangements annually)
  - the same proposal being taken forward by own admission authority schools currently using the “nearest” definition and for whom the county council administers admissions.
- 4.12 Allocations to CE schools will not be affected by the proposal because there will be no change to their oversubscription criteria.
- 4.13 Transport entitlement will not be impacted; a child’s nearest school for transport entitlement is *“the nearest qualifying school with places available that provides education appropriate to the age, ability and aptitude of the child, and any SEN that the child may have”*, i.e. faith is not taken into account.

### **Multiple births**

- 4.14 Admission arrangements should clearly outline the admissions authority’s policy twins/multiple births. The County Council’s current arrangements state that:
- “Hertfordshire County Council (HCC), as the admission authority will admit over the school’s published admission number when a single twin/multiple birth child is allocated the **last place** at a school.*
- 4.15 However, standard practice is to offer any twin/multiple birth a place over PAN if their sibling has been offered a place (regardless of the rule that place has been offered under) and the twin/multiple birth has not, for example a Child Looked After or with an Education, Health and Care Plan.
- 4.16 It is proposed that the County Council’s arrangements are amended as follows:
- “Hertfordshire County Council (HCC), as the admission authority will admit over the school’s published admission number when a single twin/multiple birth child is allocated a place and the other child(ren) is not.*

## **Relevant Areas**

- 4.17 The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999 (“the Regulations”) place a responsibility on Local Authorities (LA) to determine Relevant Areas, after due consultation. The purpose of these areas is to ensure that all admission authorities are properly consulted about the admission arrangements which affect them and the communities they serve. “Relevant Areas” for the purposes of consultation are reviewed every two years and consulted upon. Hertfordshire has not specifically consulted upon its Relevant Areas since 2017/18 and, although no changes are proposed, consultation is now proposed to ensure transparency going forward.
- 4.18 There are currently twenty Relevant Areas within Hertfordshire (Appendix B). These were developed in 2003 and updated in 2006 in accordance with the following principles:
- they should reflect the pattern of allocation from primary to secondary school,
  - they should reflect travel to school patterns and geographical proximity,
  - they should be as small as practicable in order to reduce bureaucracy on schools.

## **Published Admission Numbers**

- 4.19 It is proposed that PANs are retained for all schools except Markyate Village School where the PAN should be reduced by 0.5 f.e. (from 45 to 30 places) to give the school greater certainty around staffing and organisation and budget. A full list of proposed PANs for 2022/23 is at Appendix C.
- 4.20 In recent years all families who have applied for places at Markyate Village School, Nr St. Albans have been able to obtain places, and it is anticipated that this will remain the case after the PAN reduction. A reduction in PAN would still leave sufficient places available in the locality. The governors at the school support the reduction in the PAN, and indeed requested it, as lower pupil numbers (just over 30 in recent year) have resulted in challenging class organisation due to infant class legislation, tight budgets and potential deficits moving forwards.
- 4.21 Forecast pupil numbers for 2022 onwards suggest approximately a 0.5 f.e. surplus of places across the Primary Planning Area in which Markyate sits, meaning a good match between supply of places and demand moving forwards. Should there be an unexpected spike in demand moving forward, the school are happy to discuss the possibility

of a bulge class to accommodate local children.

- 4.22 Forecasts over the past three years have either over-estimated the number of places required or have matched the supply. Based on recent evidence, it is unlikely that a reduction in PAN would result in children not able to access a local school place. GP data also shows lower numbers for 2022/23 and 2023/24 than in the last three years.
- 4.23 A reduction to a school's PAN requires consultation in accordance with the School Admissions Code. Section 89(2) of the School Standards and Framework Act 1998 (the Act) requires the admission authority for every maintained school to consult other admission authorities before determining the school's admission arrangements for a school year. Under section 89(2)(b) of the Act this includes a duty to consult all admission authorities for schools in "the relevant area". This term is defined by section 89(3) of the Act as the local authority's area or such other area as is determined by or in accordance with regulations. The relevant regulations being The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999.
- 4.24 Within Hertfordshire there are 20 relevant areas agreed for consultations on admissions. Markyate Primary School is in Relevant Area 7, Harpenden, Redbourn, Wheathampstead and surrounding areas including Markyate, Flamstead & Kimpton, and consultation on the PAN reduction will only be undertaken in this area. The outcome of that consultation will be reported back to the Education, Libraries & Localism Cabinet Panel on 10 February 2021.

## **5. Financial Implications**

- 5.1 The proposal to reduce the PAN at Markyate Village School will improve the future financial sustainability of the school. There will not be any impact on the County Council's funding as the school's budget derives from the Dedicated Schools Grant.
- 5.2 There are no other financial implications from the proposals in this report.

## **6. Equalities Implications**

- 6.1 When considering proposals placed before Members it is important that they are fully aware of and have themselves rigorously considered the Equality Implications of the decision that they are making.
- 6.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EQiA) produced by officers.

- 6.3 The Equality Act 2010 requires the County Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 6.4 Equality Impact Assessments have been conducted in relation to each of the proposals noted in this Report and are at Appendix D. The assessments do not identify any adverse consequences in relation to the proposals that have been met.

Background Information

None