

Cabinet – 21 July 2021

Variation to Determined Admissions Arrangements for 2021.22 and 2022.23

Portfolio: Councillor Towe, Cabinet Member for Education and Skills

Related portfolios: None

Service: School Admissions and Appeals, Access Service

Wards: All wards

Key decision: Yes

Forward plan: Yes

1. Aim

- 1.1 To ensure that Walsall Council meets its statutory duty to ensure that 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 are given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC).
- 1.2 This is a mandatory requirement for all admissions authorities following publication of the draft School Admissions Code (2021) and the associated regulations in May 2021. The code is expected to come into force on 1 September 2021.

2. Summary

- 2.1 Paragraph 1.7 of the draft 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).
- 2.2 The draft Code and associated regulations were laid before Parliament on 13 May 2021. The Code is laid in Parliament for a 40-day period during which both the House of Commons and the House of Lords have the opportunity to review the Code and any Member can pass a motion to not approve it. This

40-day period is expected to expire on 1 July, and provided there is no such motion, the new Code will come into force on 1 September 2021.

- 2.3 This new provision will necessitate variations to determined admission arrangements to take effect from 1 September 2021. Admission authorities need to vary their admission arrangements for both the 2021/22 and 2022/23 academic years as without these variations, admission arrangements that have already been determined will no longer comply with the Code from this date.
- 2.4 Variations will be conditional on the Code passing through its Parliamentary process (i.e. a date on or around 1 July 2021). If any variations are agreed before then, they must be expressed to be conditional on the Code passing through Parliament. All such variations should come into effect on 1 September 2021.
- 2.5 As these variations will be necessary to comply with a mandatory requirement of the Code, it will not be necessary to refer a variation request to the schools adjudicator as is normally the case when a local authority proposes any variations to the determined admissions arrangements for a maintained school.

3. Recommendations

- 3.1 That Cabinet approve the amended paragraphs 2.1, 3.1 and 4.1 of the Local Authority's determined admissions arrangements for community and voluntary controlled schools for the academic years 2021/22 and 2022/23 as previously determined by Cabinet on 12 February 2020 and 10 February 2021.

These amended paragraphs are set out in the box below for ease of reference are also included in attached appendices:

Appendix A – Determined Admissions Arrangements for Community and Voluntary Controlled Schools for the Academic Year 2021/22– updated June 2021

Appendix B – Determined Admissions Arrangements for Community and Voluntary Controlled Schools for the Academic Year 2022/23 – updated June 2021

2.1. Looked after children and all previously looked after children, including those 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. (see 3.1 below).

3.1. Children in Public Care (looked after children) and previously looked after children including those who (appear to the Admission Authority) to have been in state care outside of England and have ceased to be in state care as a result of being

adopted.

Children who are in the care of a local authority or provided with accommodation by a local authority and previously looked after children who ceased to be looked after because they were adopted or became subject to child arrangement orders immediately following having been looked after **as well as** those 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.

4.1. Priority for nursery places will be given to children born between 1 September 2018 and 31 August 2019. If places are oversubscribed, the following Oversubscription Criteria will apply:

1. Looked after children and all previously looked after children, including those 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.(see 3.1 below).

- 3.2 That Cabinet give conditional approval for these variations to take effect from 1 September 2021. In the event that the draft Code does not come into force from 1 September 2021 then the existing determined arrangements for the 2021/22 and 2022/23 academic years as previously determined by Cabinet on 12 February 2020 and 10th February 2021 will stand.
- 3.3. That Walsall Council informs all relevant stakeholders of these variations to its determined admission arrangements for the 2021/22 and 2022/23 academic year in accordance with the provisions of the School Admissions Code 2021

4. Report detail – know

Context

- 4.1. As the Local Authority, Walsall Council is the Admission Authority for all community and voluntary controlled primary schools in Walsall. As Admission Authority Walsall Council is obliged to make the requisite variations to the determined arrangements for all community and voluntary controlled primary schools in Walsall, to ensure compliance with the provisions of new School Admissions Code (2021) as published in May 2021.

Council Corporate Plan priorities

- 4.2. The admission arrangements for primary community and voluntary controlled schools for the 2021/22 and 2022/23 academic years set out a fair and equitable process for children wishing to enter Walsall schools in September 2022 and throughout the academic year as midyear admissions. These arrangements support the Council's Corporate Plan Priorities, specifically the

priority that all children, especially those children who are looked after or have previously been in public care can have the best start and are safe, happy, healthy and learning well.

Risk management

- 4.3 If these proposed variations are not approved then Walsall's Councils admission arrangements for the 2020/21 and 2022/23 academic year will not be compliant with the provisions of the School Admissions Code 2021.

Financial implications

- 4.4 None

Legal implications

- 4.5. Walsall Council, as the Admission Authority, has a statutory duty to determine the proposed admission arrangements for community and voluntary controlled schools. If these proposed variations are not approved then Walsall's Councils admission arrangements for the 2020/21 and 2022/23 academic year will not be compliant with the new School Admissions Code (2021).
- 4.6 The draft Code and associated regulations were laid before Parliament on 13 May 2021. The Code is laid in Parliament for a 40-day period during which both the House of Commons and the House of Lords have the opportunity to review the Code and any Member can pass a motion to not approve it. This 40-day period is expected to expire on 1 July, and provided there is no such motion, the new Code will come into force on 1 September 2021.
- 4.7 These variations will be conditional on the Code passing through its Parliamentary process (i.e. a date on or around 1 July 2021). If any variations are agreed before then, they must be expressed to be conditional on the Code passing through Parliament. All such variations should come into effect on 1 September 2021. If the code is not approved then it is proposed that the existing admissions arrangements for the 2020/21 and 2022/23 academic years as previously determined by Cabinet on 10 February 2020 and 12 February 2021 will stand.
- 4.8 These variations are required to ensure compliance with a mandatory requirement of the Code. Given this it is not necessary to refer this variation request to the schools adjudicator as would be normally the case when a local authority proposes any variations to the previously determined admissions arrangements for a maintained school.

Procurement Implications/Social Value

- 4.9 None

Property implications

4.10 None

Health and wellbeing implications

4.11. The Local Authority has a duty to ensure that all children resident within the borough have a school place, and this contributes to their health and wellbeing by ensuring that they have the best start in life in a Walsall school. These changes to the admissions arrangements will ensure that all children who are looked after or have previously been in public care whether in England or outside of England are given the highest admissions priority for entry into preferred schools.

Staffing implications

4.12 None

Reducing Inequalities

4.13 The Local Authority is required to make these changes to its determined admissions arrangements for the 2021/22 and 2022/23 academic year in order to ensure compliance with the School Admissions Code 2021. However, the challenges facing children and young people who have been in public care are well documented. The purpose of these changes is to ensure that all children who are looked after or who have been in public care are given highest admissions priorities for their preferred schools. This is to ensure that these children and young people are given the best possible opportunity to thrive and achieve the best possible educational outcomes.

Climate Change

4.14 There are no implications.

Consultation

4.15 Given that these variations are being proposed in order to ensure compliance with the new School Admissions Code (2021) and the associated statutory regulations then there is no requirement for the Local Authority to consult on these variations.

5. Decide

Cabinet is asked to agree these variations to the determined admission arrangements for community and voluntary controlled primary schools for the

2021/22 and 2022/23 academic years in accordance with the recommendations as set out above in section 3 of this report.

6. Respond

The revised determined admission arrangements will be published on the Walsall Council website once approved.

7. Review

The admissions arrangements for Walsall community and voluntary controlled primary schools, and the scheme for coordinated admissions are reviewed annually each summer term. The 2022/23 admission arrangements and coordinated scheme will be reviewed in summer term 2022.

Background papers

School Admissions Code (2021)

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28 June 2021



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09 July 2021