



DETERMINATION

Case reference: VAR674

Admission Authority: Leicester City Council

Date of decision: 13 October 2015

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for September 2016 determined by Leicester City Council, the admission authority for community infant and primary schools in the local authority's area. The variation is to: include oversubscription criteria that give a higher priority to the siblings of children who live outside the catchment area of each school; extend priority for siblings at infant schools to include siblings attending a linked junior school; and give higher priority to children of families who need to move away from domestic violence.

The referral

1. Leicester City Council, (the council), which is the admission authority for community and voluntary controlled schools, made a request on 16 September 2015 for a variation to the determined admission arrangements (the arrangements) for September 2016, for community infant and primary schools, to introduce three changes to the oversubscription criterion. The council wishes to give: a higher priority to siblings of children who live outside the catchment area in order to keep siblings together; an extension to the priority for siblings at infant schools to include siblings attending linked junior schools; and a higher priority to children of families fleeing domestic violence.

Jurisdiction

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that: "where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined, the authority must [except in a case where the authority's proposed variations fall within any description of variations prescribed for the purposes of this section] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations".

I am satisfied that the proposed variation is within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code.

4. The documents I have considered in reaching my decision include:

- the form of referral from the council dated 16 September 2015, requesting the variation, with supporting papers;
- a copy of the minutes of two meetings of the Admission Forum held on 17 June and 8 October 2015; and a copy of the presentation made to head teachers on 9 September 2015 notifying the appropriate bodies about the proposed variation;
- additional supporting documents provided by the council on 6 October 2015;
- minutes of the decision made by the Mayor on 10 April 2015 at which the arrangements for 2016 were determined;
- the determined arrangements for community infant and primary schools for 2016; and
- the council's composite prospectus for 2016.

5. I considered the arrangements and the variation requested and convened a meeting with the council on 5 October 2015. I have taken account of information received during the meeting with three representatives of the council and of the further information the council has submitted since that meeting

Background and Consideration of factors

6. The council consulted widely on the changes that are now detailed in the request for a variation during the consultation about the arrangements for 2016 conducted in the autumn of 2014. The council received positive responses to its proposals and the general view was that the changes would benefit families and reduce non-attendance and lateness to school.

7. However, due to the departure of several senior staff who had oversight of admissions matters, although the arrangements that were determined for junior schools for September 2016 include the three changes that had been the subject of the consultation, the arrangements for 2016 for infant and primary schools were determined by the council without the requisite changes.

8. Two of the three oversubscription criteria that the council wishes to vary apply to the admission of siblings. These are to: give higher priority to siblings of children at a school, irrespective of whether they live in the catchment area in order to keep siblings together; and extend the priority for siblings attending an infant school to include siblings attending the linked junior school. I will consider these two issues first.

9. In recent years the council has experienced what it describes as “...unprecedented pressure on school places”. The birth rate has been rising each year since 2000 and reached a peak in 2010. This is combined with two other major factors, namely significant growth in the number of new arrivals to the city - the council provided information which shows the increase in the number of new arrivals rose from 904 in 2010 to 2586 in 2014 - and a significant reduction in the trend of outward migration of pupils from the city, falling from a peak of 5415 in 2010 to 2800 in 2015.

10. The larger cohorts of children are affecting the council’s ability to accommodate siblings in the same school and I was advised by officers that in 2015 over 700 families with more than one primary aged child had children attending different primary schools. Officers have noted that the rate of non-attendance is increasing with up to 200 primary aged children not attending school at present of which nearly 90 have been referred to the Education Welfare team. Within the group of families where children are not regularly attending school there are a number of reasons why the non-attendance rate is high. Some families, particularly those with a single parent or in receipt of benefits have to use several buses to take children to different schools and in some cases parents are travelling for over 50 minutes twice a day. The fact that this is not sustainable in the long term is fully recognised by the council.

11. There are also cultural issues involved in the admissions process and for some families it is not considered appropriate for a mother to be walking unaccompanied for long distances in the city streets to take children between schools. Some families do not quite understand the notion of a catchment area and prefer instead to opt for a school where at least one member of staff, usually a teaching assistant, speaks the home language of the family. To counter this the council has a system in place to check whether families are excluding the catchment school from their stated preferences for admission to primary schools; and if this is the case families are contacted to see whether they would be interested in a place at the catchment school should none of their stated preferences be available, and if a place is available at the in-catchment school when applications are processed. This has helped to accommodate children near to their home address in some cases.

12. I discussed with the council the possible effect on first born children in a family, whose parents expressed a first preference for their catchment area school. These children would have a lower priority for admission to their catchment school than other children who, for whatever reason, lived outside the catchment area but who had a sibling at the school. The council feels that the advantages of keeping families with several children together and of improving overall attendance rates at a number of schools across the city outweighs the possible disadvantage to first born children. However, the

council has undertaken to monitor the impact on first born in-catchment area children; to analyse the impact on children who are not admitted to one their first three preference schools; to note how many children who are admitted to a place in their catchment school, then move away but retain the place – as these families will in future also gain priority for other siblings; and finally to note any other unintended consequences.

13. The council also wishes to extend the priority for siblings at an infant school to include siblings attending a linked junior school. A system has recently been put in place to ensure all infant schools are paired with their local junior schools. In the light of its own analysis of admissions over the past four years the council anticipates positive outcomes for pupils and schools in the city. Although the council has plans for the longer term in place to provide additional school capacity, in the short term a change in the priority of oversubscription criteria for siblings would help families be able to get their children to school. It is more likely that children living in the catchment area of a school and attending the infant school will transfer smoothly to the linked junior school particularly when sibling priority is afforded to appropriate applicants.

14. The third amendment to the arrangements for 2016 is to give higher priority to children of families fleeing domestic violence. The council explained that the decision to give a higher priority to children in families affected by domestic violence was based on information revealed during admission appeals. The council wants to encourage parents to disclose the fact that they wish to move away from a domestic abuse situation when making an application for admission in order to avoid the need for vulnerable parents to have to go to appeal or to have to change schools at a later date. However, officers are aware that this is a very sensitive matter and therefore intend to monitor the number of applications made under this oversubscription criterion. The council's Choice Advice Service and Think Family team support these parents in their applications and the Lead Member views this matter as a priority for action.

Conclusion

15. The council has consulted head teachers and members of the Admissions Forum and has received positive responses to the proposed variation. It is anticipated that there will be benefits to families with several primary aged children who will have a greater chance of attending the same school and to schools who are seeking to improve attendance rates and reduce the incidence of lateness to school. Inadvertently these changes, having been fully consulted on, were not included in the arrangements determined for 2016 and having become aware of this error the council sought a variation to deal with this circumstance. I approve the variation to the arrangements determined for admission in 2016..

Determination

16. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variation to the admission arrangements for September 2016, determined by Leicester City Council, the admissions authority for community infant and primary schools in the local authority's area. The variation is to: include oversubscription criteria that give a higher priority to the siblings of children who live outside the catchment area of each school; extend priority for siblings at infant schools to include siblings attending a linked junior school; and give higher priority to children of families who need to move away from domestic violence.

Date: 13 October 2015

Signed:

Adjudicator: Mrs Carol Parsons