

This record relates to urgent decisions taken by Chief Officers under the Scheme of Delegation to Officers Paragraph 7(2).

RECORD OF URGENT DECISION TAKEN BY Executive Director Families, Children & Learning

SUBJECT: Variation of Council's Admission Arrangements
CONTACT OFFICER: Richard Barker, Head of School Organisation

REASONS FOR URGENCY AND WHY NOT PRACTICABLE TO HOLD A SPECIAL MEETING OR URGENCY SUB-COMMITTEE:

The Department for Education have updated the School Admissions Code and the draft Code and associated regulations were laid before Parliament on 13 May 2021. The new Code will come into force on 1 September 2021.

Paragraph 1.7 of the new Code will require that highest priority is given to “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”. Previously looked after children are such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and 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.

This new provision will necessitate variations to the council's determined admission arrangements to take effect from 1 September 2021.

Currently the council's highest priority is given to “Children in the care of a local authority (looked after children), and children who were looked after in England or elsewhere but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order)”.

The council will need to vary the admission arrangements for 2021/22 (which were determined by CYPS committee in January 2020) and the admission arrangements for 2022/23 (which were determined in January 2021). Without these variations, the council's admission arrangements will no longer comply with the Code from 1 September 2021.

DETAILS AND OUTCOME OF CONSULTATION WITH THE CHAIR/DEPUTY CHAIR OF RELEVANT COMMITTEE AND OPPOSITION SPOKES:

Discussion with Cllr Hannah Clare and agreement given **23.07.21**

26.07.21 – views of Cllr Jacquie O’Quinn & Cllr Vanessa Brown sought.

26.07.21– agreement given by Cllr Vanessa Brown

27.07.21 - agreement given by Cllr Jacquie O’Quinn

THE DECISION:

That the council’s admission arrangements are varied so that the highest priority is given to: 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. Previously looked after children are such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and 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. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

REASONS FOR DECISION:

These variations to the council’s admission arrangements will be necessary to comply with a mandatory requirement of the new School Admissions Code.

Whilst the intention of the current wording is meant to meet the spirit of the requirement the council is required to adopt the description provided in the School Admissions Code.

DETAILS OF ANY ALTERNATIVE OPTIONS CONSIDERED:

No alternatives were considered as these variations to the council’s admission arrangements will be necessary to comply with a mandatory requirement of the admissions code.

LEGAL IMPLICATIONS:

The school admissions code has been amended per the wording in the body of the report. This wording is therefore mandatory and must be adopted by the Council by 1 September to comply with the law.

Name Natasha Watson, Principal Lawyer

Date 20.7.21

FINANCIAL IMPLICATIONS:

There are no financial implications in terms of funding the local authority receives from government. Individual school budgets are largely determined by pupil numbers and the change in legislation means there may some indirect impact for certain schools in future years.

Name Steve Williams, Principal Accountant Date 21/07/21

DATE OF NEXT COMMITTEE MEETING TO WHICH THE DECISION WILL BE REPORTED:

Children, Young People & Skills Committee - 13 September 2021

Date: 04.08.21

Signed:



**Executive Director Families
Children & Learning**

Logged by Democratic Services
Officer for Annual Report:

Name:

Date:

Subject:	Variation of Council's Admission Arrangements		
Report of:	Executive Director Families, Children & Learning		
Contact Officer:	Name:	Richard Barker	Tel: 01273 290732
	Email:	Richard.barker@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report outlines the need for the council's admission arrangements to be varied to comply with the mandatory requirements of the new School Admissions Code coming into force on 1 September 2021.

2. RECOMMENDATIONS:

- 2.1 That the Committee note the use of urgency powers on XX July 2021 to vary the council's admission arrangements so that the highest priority is given to:

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.

- 2.2 That previously looked after children are defined within this priority as: such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and 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. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Department for Education have updated the School Admissions Code and the draft Code and associated regulations were laid before Parliament on 13 May 2021.
- 3.2 The new Code will come into force on 1 September 2021.
- 3.3 Paragraph 1.7 of the new Code will require that highest priority is given to "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".

- 3.4 This new provision will necessitate variations to the council's determined admission arrangements to take effect from 1 September 2021.
- 3.5 The council will need to vary the admission arrangements for 2021/22 and the admission arrangements for 2022/23.
- 3.6 Without these variations, the council's admission arrangements which have already been determined will no longer comply with the Code from 1 September 2021.
- 3.7 Currently the council's highest priority is given to "Children in the care of a local authority (looked after children), and children who were looked after in England or elsewhere but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order)".
- 3.8 Whilst the intention of the current wording is meant to meet the spirit of the requirement the council is required to adopt the description provided in the School Admissions Code

4. COMMUNITY ENGAGEMENT & CONSULTATION

- 4.1 As these variations will be necessary to comply with a mandatory requirement of the Code, it will not be necessary to consult on these changes or to refer a variation request to the school's adjudicator.
- 4.2 The current admission arrangements were consulted upon in line with the Schools Admission Code and the current wording for the highest priority was determined in January 2019.

5. CONCLUSION

- 5.1 It is proposed that the council's admission arrangements that have already been determined are varied to comply with the new admissions code from 1 September 2021.
- 5.2 It is proposed that the arrangements are varied so that the highest priority is given to: 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.
- 5.3 It is proposed that previously looked after children are defined within this priority as: such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and 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. A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a

public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

6. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 6.1 There are no financial implications in terms of funding the local authority receives from government. Individual school budgets are largely determined by pupil numbers and the change in legislation means there may some indirect impact for certain schools in future years.

*Finance Officer Consulted: Steve Williams, Principal Accountant
Date: 21/07/21*

Legal Implications:

- 6.2 The school admissions code has been amended per the wording in the body of the report. This wording is therefore mandatory and must be adopted by the Council by 1 September to comply with the law.

Lawyer Consulted: Natasha Watson, Principal Lawyer Date: 20/07/21