

# Public Document Pack

## Executive Member Decisions

Friday, 28th February, 2020

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### AGENDA

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**CPO 17 Tewkesbury St - Appendix 1**  
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**Health Impact Assessment - CPO of Empty Properties**  
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Date Published: 28<sup>th</sup> February 2020  
Denise Park, Chief Executive

## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Growth and Development Executive Member for Finance and Governance
<b>LEAD OFFICERS:</b>	Director of Growth and Development
<b>DATE:</b>	14th February 2020

<b>PORTFOLIO/S AFFECTED:</b>	Growth and Development	Finance and Governance
<b>WARD/S AFFECTED:</b>	Mill Hill and Moorgate	

**SUBJECT: Compulsory Purchase of an Individual Residential Property at 17 Tewkesbury Street, Blackburn BB2 4PT.**

**1. EXECUTIVE SUMMARY**

To seek approval to initiate compulsory purchase action on the above privately owned property as part of the Council’s Empty Property Strategy to reduce the number of long term empty properties and provide much needed accommodation for the Borough.

**2. RECOMMENDATIONS**

That the Executive Member:

Upon being satisfied that:

- a) it would contribute to the economic, social and environmental well-being of the borough;
- b) there is a compelling case in the public interest as the interference with Human Rights involved is proportionate in the interests of bringing empty properties back into use;
- c) sufficient funds exist for carrying the resolution into effect;
- d) no impediments exist to the implementation of the scheme to redevelop the property (subject to the making of the order) and there is a reasonable prospect of its implementation, should the order be made;
- e) the whole of the legal estate could not be acquired by agreement.

2.1 Authorise the Director of Growth and Development, in conjunction with the Director of HR, Legal and Governance to prepare and make a Compulsory Purchase Order (CPO) under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981, for the purpose of acquiring the property to bring about its re-use.

2.2 Authorise the Director of Growth and Development to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the Order prior to its confirmation.

2.3 Authorise the Director of HR, Legal and Governance (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the order if he is satisfied that it is appropriate to do so.

- 2.4 Authorise the Director of Growth and Development to approve agreements with the land owner setting out the terms of withdrawal of objections to the Order (including the power to defer implementation post confirmation) and in consultation with the Director of HR, Legal and Governance to make deletions from and/or minor amendments and modifications to the proposed Order and Order plans.

### **3. BACKGROUND**

- 3.1 As part of the Council's commitment to bringing empty properties back into use, this property has been evaluated using the priority scoring matrix (Appendix 1). It scores highly due to the fact that the property has been empty since the current owner bought it in October 2010 and is currently in serious disrepair. The property is also within an investment area.
- 3.2 The proposed CPO site is outlined in red on the attached plan (Appendix 2).
- 3.3 The freehold mid terraced property is situated in the Mill Hill and Moorgate ward of the Borough and is set in a row of two storey terraced houses built of brick with pitched slate roofs. It stands opposite a modern housing development built approximately 6 years ago which comprises a mix of detached and semi-detached properties under a shared ownership scheme.
- 3.4 It is anticipated that the property comprises a living room and a kitchen/dining room on the ground floor, 2 bedrooms and a bathroom at the first floor level. This assumption is made due to the fact that an external inspection only has been carried out. The assumption is based on previous inspections of similar neighbouring properties which were built at the same time and are of a similar size.
- 3.5 Currently, a window to the front of the property is broken and the brickwork to the front of the property appears in poor condition possibly due to a leaking gutter and a large tree which covered the front of the property for a period of time and was cut down in 2019. According to the owner, the roof requires repairs as there is water ingress to both bedrooms. The rear yard area is completely overrun by foliage to the extent that access is impossible. There is some fly tipping to the rear of the property, however, due to the excessive foliage, this has spilled out into the rear alleyway.
- 3.6 The condition of the property was reported by the Housing Standards team to the Empty Properties team in 2016. An initial appointment to jointly inspect the property with the owner was made for 16<sup>th</sup> January 2017 but the owner failed to turn up and no explanation was given. Substantial efforts were made by the Project Manager to contact the owner in 2017 however no response was received until September 2018, when the owner responded to a questionnaire stating that the property required minor renovations and anticipated that the property would be brought back into use within 6 months.
- 3.7 The property has been re-inspected at regular intervals by the Project Manager since August 2018. In March 2019 the owner of the property contacted the Project Manager stating that within 3 months the foliage to the front and rear of the property would be cleared and the property emptied. Refurbishment works would then commence.
- 3.8 Two further inspections in April and May 2019 revealed that no refurbishment works had taken place and the foliage to the rear of the property hadn't been touched. In late May 2019 a letter was sent to owner requesting an inspection of the property and to discuss options. As no response was received a letter was sent to the owner advising him that the Project Manager intended to seek Council approval to proceed to make a Compulsory Purchase Order (CPO) under s17 of the Housing Act 1985.

- 3.9 Three further inspections in June and July 2019 revealed that the front door had been changed and a note on the door stated that the property was under adverse possession. Three attempts were made to contact the person on the phone number provided on the note, without success.
- 3.10 On the 9<sup>th</sup> August 2019 the owner telephoned and stated that he was 100% to blame for the current situation with the property. When he contacted the Project Manager in March 2019 he intended to get the work done but didn't realise the extent of the works needed. He'd had requested contractors to quote to remove the foliage to the rear of the property but had been told that the job was too big or he had been quoted ridiculous amounts. He also didn't know that the roof needed repairing as there is water ingress to both bedrooms. He also claimed to have had squatters who he alleged had changed the front door and put the notice up about adverse possession. The owner was advised that we would continue to seek approval for the CPO however we would be prepared to put it on hold if works refurbishment works commenced or the property was put up for sale within 4 weeks.
- 3.11 The property was inspected in September, October and November 2019. No refurbishment works had taken place and there was no evidence that the property had been put up for sale. On the 3<sup>rd</sup> December 2019 a letter was set to the owner stating that due to the lack of progress we intend to continue to seek approval to make a Compulsory Purchase Order (CPO) under s17 of the Housing Act 1985.
- 3.12 As refurbishment works have still not commenced, it is recommended that approval to move to CPO is given to ensure that this property is satisfactorily refurbished and brought back into use in a timely manner.

#### **4. KEY ISSUES & RISKS**

- 4.1 Tackling empty properties supports the key priorities in the Council's Corporate Plan and the Empty Property Strategy.
- 4.2 There are currently around 2,948 empty properties (4.8% of the total stock) in the Borough, of which 2,057 (3.4%) are classified as empty and unfurnished. 390 of those homes have stood empty for over 2 years and are being charged a Premium rate for Council Tax (as at 02.02.20). Contact has been made with all owners of long term empty properties and as a direct result of that intervention, 507 empty properties were brought back into use in 2018/19. However, as quickly as properties are removed from the empty property list, others are added to it
- 4.3 Continued efforts are required to ensure that properties are empty for a minimum period of time and the Council's message that long term empty properties will not be tolerated continues to be communicated.
- 4.4 There are currently no grant funding opportunities available to support empty homes refurbishment (previous HCA initiatives ended in March 2015). Direct support and signposting is offered to help owners to bring their properties back into use. Where owners are unwilling or unable to bring their properties back into use, enforcement action is considered to be the most appropriate course of action to be taken.
- 4.5 Engagement with the owner of the property has been exhausted and compulsory purchase action is now considered to be the only course of action left to the Council to ensure that the property is brought back into use.
- 4.6 Empty properties in the borough can have negative environmental impacts on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties

attract fly tipping, crime, arson and nuisance. It is a priority to tackle these problems through enforcement as part of the wider effort to improve neighbourhoods and prevent blight.

- 4.7 Bringing empty properties back into use creates extra accommodation for rent or sale and could also generate additional income for the Council via New Homes Bonus (NHB) payment.
- 4.8 The costs will be funded from the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme; there are sufficient uncommitted funds available within the programme to support the making of this individual CPO.
- 4.9 Once acquired by CPO, the property will be offered for sale via a local estate agent to the highest bidder with preference given to buyers who intend to owner/occupy the property once renovated. A building licence will be granted to the buyer and formal sale is completed once the property has been renovated to the Council's required standard. This approach also encourages the use of local labour and local spend.
- 4.10 To date, 22 properties have been acquired using Neighbourhood Intervention Project funding. Of these, 16 have been successfully refurbished and occupied and 3 are in the process of being refurbished. 3 properties are with our legal department awaiting exchange of contracts.

## **5. HUMAN RIGHTS IMPLICATIONS**

- 5.1 A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. Members should be sure that the purposes for which it is making a CPO sufficiently consider the human rights of those with an interest in the land affected. In particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the European Convention on Human Rights (which provides every person is entitled to respect for his home and private life).
- 5.2 Notwithstanding the acknowledged impact that the CPO will have with regard to some aspects of the Human Rights Act 1998, the benefits identified in this report present a compelling case in the public interest for making the proposed CPO and compensation will be payable under the statutory compensation code.
- 5.3 The making of the proposed CPO is in the public interest because: -
- It will promote the social, environmental and economic well-being of the area and increase residents' confidence in the area.
  - It will create extra accommodation for sale or rent.
  - It will reduce the negative environmental impacts on the neighbourhood as empty properties attract fly-tipping, crime arson and nuisance.

## **6. POLICY IMPLICATIONS**

- 6.1 The Corporate Plan prioritises new house building and improvement of conditions in older housing. Bringing empty properties back into use is an alternative means of increasing supply and also improves housing conditions and is, therefore, relevant to both of the key corporate objectives.
- 6.2 Bringing housing back into use would increase housing supply in the borough. Properties may be occupied by owner/occupiers or be available as private rented accommodation. It would also

free the local community of the problems created by properties standing empty and derelict for such a long time.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The funding for Orders made pursuant to section 17 of the Housing Act 1985 is available in the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme.
- 7.2 The costs will be funded from the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme; there are sufficient uncommitted funds available within the programme to support the making of this individual CPO.
- 7.3 Some revenue budget will be required to fund the CPO action and subsequent sale of the property. The amount required will be approximately £3,000 for the appropriate service of the required legal notices and £1,000 for the estate agent's fees. The total figure of £4,000 will be funded from within existing budgets.
- 7.4 Capital receipts from sale of assets funded by the Neighbourhood Intervention Fund are recycled back into the project so that further CPO's can be undertaken as and when required.

## **8. LEGAL IMPLICATIONS**

- 8.1 Under the provisions of section 17 of the Housing Act 1985, the local authority may acquire houses or buildings which may be suitable as houses, together with any land occupied with the houses or buildings. The power is available even if the ownership of the property is to be transferred to someone else.
- 8.2 The Council also needs to consider the Guidance on Compulsory Purchase Process and the Crichel Down Rules published by the Ministry of Housing Communities & Local Government.
- 8.2 Legal challenges to compulsory purchase are always a possibility and can lead to a Public Local Inquiry which would incur additional costs for the Council. A CPO on an unoccupied single property is likely to have a very limited number of possible statutory objectors, although in this case the registered owner is known. The owner will be served with the relevant statutory notices in accordance with the Acquisition of land Act 1981.
- 8.3 The making of a CPO does not prevent negotiations with any person holding an interest in land affected by the CPO as these negotiations can proceed in parallel with the statutory process. Indeed, it is advised that where possible, negotiations can continue throughout the process even up to confirmation of the Order.

## **9. RESOURCE IMPLICATIONS**

- 9.1 Resources needed to make the CPO and serve the relevant statutory notices will be provided by the Empty Properties Team. Some support will be required from the legal team which will increase if the CPO action results in a Public Local Inquiry.
- 9.2 Some support will be required from the property services team and Capita Symonds to carry out a valuation of the property concerned.

## 10. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 11. CONSULTATIONS

- 11.1 Comprehensive consultation has been undertaken to understand the impacts of empty properties on local communities. The Strategic Housing Market Assessment (SHMA) supports bringing empty properties back into use. This has also been reflected in the Council's Local Plan which treats empty properties as a valuable resource towards meeting housing need within the borough.
- 11.2 The further development of the Council's Empty Property Strategy has also consulted stakeholders and agencies prior to consideration of further tools to tackle empty properties.

## 12. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 13. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>0.01</b>
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<b>CONTACT OFFICER:</b>	<b>Nicola Fox – Project Manager (Empty Housing)</b>
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<b>DATE:</b>	<b>14<sup>th</sup> February 2020</b>
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<b>BACKGROUND PAPER:</b>	<b>Empty Property Strategy</b>
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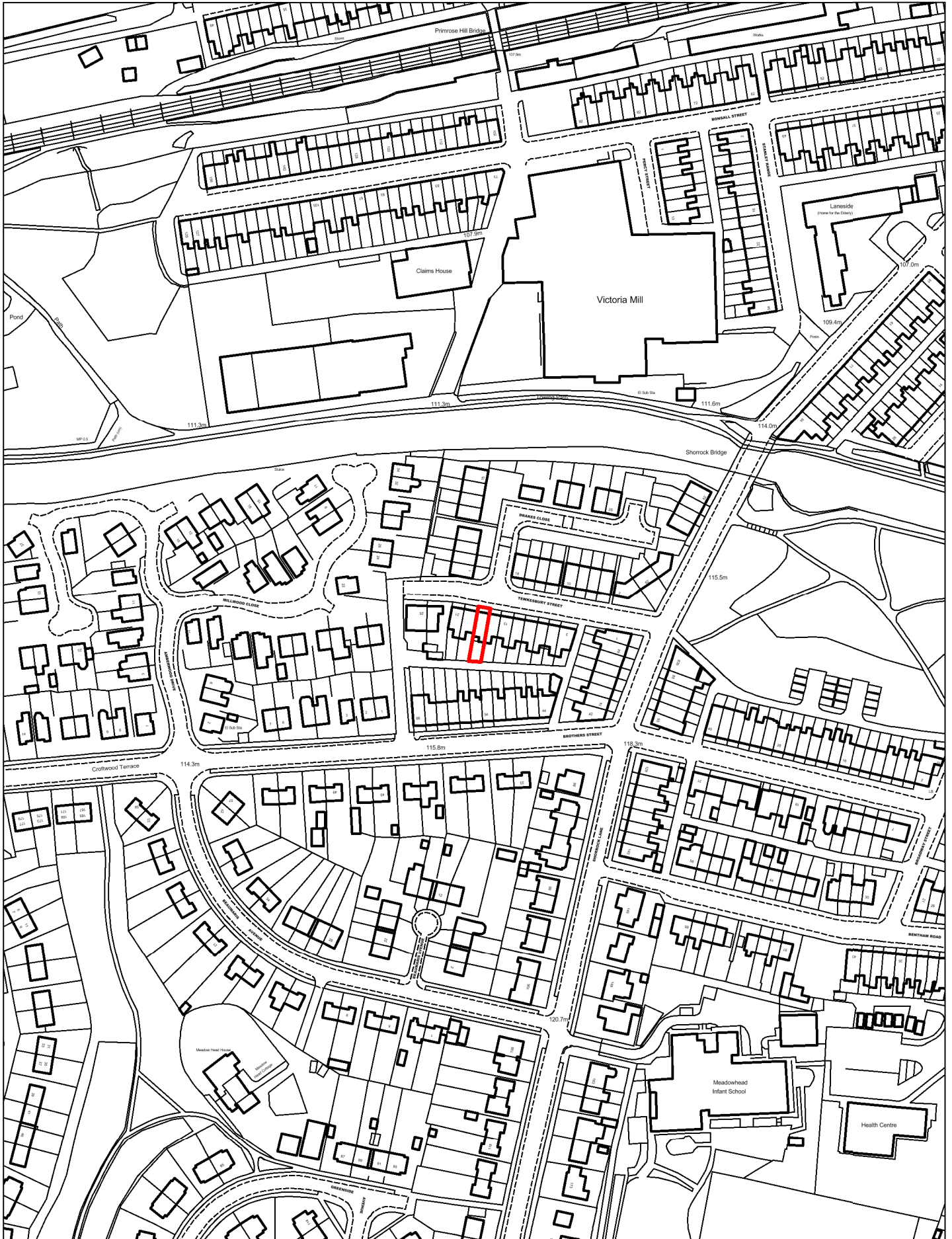


## PRIORITY SCORING MATRIX

Maximum Points: 38 (must score 26 or over)

<b>Address: 17 Tewkesbury Street, Blackburn</b>		<b>Score</b>
How long has the property been Empty?	Less than 6 months	0
	6 months to 2 years	1
	2 – 5 years	2
	Over 5 years	4
Is the property in disrepair?	No	0
	Minor disrepair	1
	Serious disrepair	2
	Severe disrepair	4
Have complaints been received in Respect of this property?	No complaints	0
	Under 3 complaints	1
	5 to 9 complaints	2
	10 complaints or over	4
Is the property within an Intervention area?	No	0
	Yes	2
Is the property within an Investment area?	No	0
	Yes	2
Is the property within a selective Licensing area?	No	0
	Yes	2
Adequate evidence of attempted previous contact with owner?	No	0
	Yes	20
<b>TOTAL SCORE</b>		<b>32</b>

# 17 TEWKESBURY STREET



# Health Impact Assessment

## Screening Tool

Toolkit produced by: Public Health  
Toolkit version: 1.2  
HIA version: 1.0  
Date HIA completed: 31<sup>st</sup> January 2017

***Health is not merely the absence of disease or infirmity but a state of complete physical, mental, social and spiritual well-being.  
(modified by M. Birley (2013) from World Health Organisation's definition – 1948)***

**Title of policy, programme or project ("activity") to be assessed:**

**Compulsory Purchase of individual empty properties within Blackburn with Darwen Borough**

**What is the activity about? What is the context outlined for the activity? (e.g. policy context, history, background)**

Tackling empty properties supports the key priorities of the council's corporate plan and the Empty Property Strategy. Empty properties in the borough can have a negative environmental impact on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties attract fly-tipping, crime, arson and nuisance. It is a priority to tackle these problems by agreement or enforcement as part of the wider effort to improve neighbourhoods and preventing blight.

**Does this activity have the potential to impact on health? Explain**

*(please consult appropriate Public Health colleague if you are unsure or require further information)*

Bringing empty properties back into use through the Empty Property Strategy enables the authority to ensure the removal of category 1 and 2 hazards from properties prior to occupation as defined by the Housing Health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.

Re-occupation of these empty properties will also deter fly-tipping, reduce crime, arson and nuisance which contribute to the improvement of health and safety in homes and neighbourhoods.

Whilst no negative impacts have been identified for the compulsory purchase of empty properties, we will continue to complete the full HIA screening as the reasons surrounding the need for a Compulsory purchase Order (CPO) may vary between each individual property. As a result of this it would be wise to further explore this activity to ensure that all aspects have been considered.

***\*If no health impacts are identified then the screening does not need to continue, but please ensure that this has been discussed with the appropriate Public Health colleague prior to discontinuation\****

**Does this activity relate to / impact on any of the Health & Wellbeing Strategy objectives?**

- Best start for children and young people**
- Health & Work**
- Safe & healthy homes & neighbourhoods**
- Promoting health and supporting people when they are unwell**
- Older people's independence and social inclusion**

<b>Does the activity concern any of the following determinants?</b>	
Lifestyle	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Physical environment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Social / economic environment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other, please specify	

<b>What are the potential positive impacts?</b>
<p>Bringing this long term empty property back into use enables the authority to ensure the removal of category 1 and 2 hazards from the property prior to re-occupation as defined by the Housing health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.</p> <p>Re-occupation of this empty property will also deter fly-tipping, reduce crime, arson and nuisance in the area which will contribute to the improvement of safe and healthy homes in this neighbourhood. Which in turn will offer children and younger people a much better setting to grow up in.</p>

<b>What are the potential negative impacts?</b>
No negative impacts on health have been identified in association with this activity. The activity seeks to ensure that a greater number of houses are used for their purpose.

<b>What are the assumptions/risks embedded in or underpinning the activity?</b>
No assumptions or risks have been identified with this activity.

<b>Are there any external factors which identify the nature and extent of the impacts on health for this type of proposal (e.g. research; policy changes etc.)</b>
<p>Local Government Association, action to tackle empty homes - <a href="http://www.local.gov.uk/c/document_library/get_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&amp;groupId=10180">http://www.local.gov.uk/c/document_library/get_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&amp;groupId=10180</a></p> <p>House of Commons, Empty Housing Briefing Paper - <a href="http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport">http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport</a></p> <p>Housing Health and Safety rating System – <a href="https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals">https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals</a></p>

<b>List the groups most likely to be affected by this proposal</b>
This proposal will contribute positively to the overall health and safety off all members of the community and neighbourhood affected.

<b>What are some of the potential equity issues?</b>
The re-occupation of these empty, and potentially problematic properties, will contribute to the reduction of nuisance, crime, arson and fly-tipping resulting in an overall improvement to the social and physical environment of the neighbourhood. This will be to the benefit of all residents regardless of any individual characteristics.

## CHECKLIST

Answers favouring doing an HIA	To your knowledge	Answers favouring not doing a HIA
<b>Health impacts</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health directly?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health indirectly?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any potential serious negative health impacts that you currently know of?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is further investigation necessary because more information is required on the potential health impacts?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No	Are the potential health impacts well known and is it straightforward to identify effective ways in which beneficial effects can be maximised and harmful effects minimised?	<input checked="" type="checkbox"/> Yes
<b>Community</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is a large proportion of the population likely to be affected by the initiative ( <i>over 25% of the resident population</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any socially excluded, vulnerable, disadvantaged groups likely to be affected?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any community concerns about any potential health impacts?	<input checked="" type="checkbox"/> No
<b>Initiative</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there some reason to suspect that health issues not considered in the planning process of this initiative might become more visible by doing an HIA?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the cost of the initiative high ( <i>over £100,000</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the nature and extent of the disruption to the affected population likely to be major?	<input checked="" type="checkbox"/> No
<b>Organisation</b>		
<input checked="" type="checkbox"/> Yes	Is the initiative a high priority/important for the organisation/partnership?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Are the individuals and organisations with a stake in this initiative likely to buy into the HIA process?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there potential to change the proposal? Will there be any other similar proposals in the future?	<input type="checkbox"/> No
<b>FOR = 3</b>	<b>TOTAL</b>	<b>AGAINST = 11</b>

## Choosing which HIA to do

Health Impact Statement	Type of HIA	Comprehensive
<input checked="" type="checkbox"/> Yes	Is there only limited time in which to conduct the HIA?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is there only limited opportunity to influence the decision?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is the timeframe for the decision-making process set by external factors beyond your control?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Are there only very limited resources available to conduct the HIA?	<input type="checkbox"/> No

## Deciding who should do the HIA

External	Assessors	Internal
<input type="checkbox"/> No	Do personnel in the organisation or partnership have the necessary skills and expertise to conduct the HIA?	<input checked="" type="checkbox"/> Yes
<input checked="" type="checkbox"/> No	Do personnel in the organisation or partnership have the time to conduct the HIA?	<input type="checkbox"/> Yes

<b>Is an HIA appropriate?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Why or why not?</b>	
No negative impacts to health have been identified. All impacts on health will be positive ones including the removal of category 1 and 2 hazards from houses and the reduction of fly-tipping, crime, arson and nuisance to neighbourhoods.	
<b>If yes, what type and how?</b>	
N/A	
<b>Recommendations / comments</b>	
none	

Completed by: \_\_\_\_\_


Date: 16<sup>th</sup> January 2017

Approved by

(Head of Service/Director):


Date: 16<sup>th</sup> January 2017

*This signature signifies the acceptance of the responsibility and ownership of the HIA and the resulting action plan (if applicable).*

Approved by

(Public Health):



Date: 31/01/2017

*This signature signifies the acceptance of the responsibility to publish the completed HIA.*

**\*Once this form has been completed and approved, this document should be saved as the Health Impact Statement for the specified activity, any actions should be monitored appropriately\***

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Growth Team, Growth and Development.	<b>Date the activity will be implemented</b>	31/03/2020
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<b>Brief description of activity</b>	Compulsory Purchase of an Individual Residential Property at 17 Tewkesbury Street, Blackburn.
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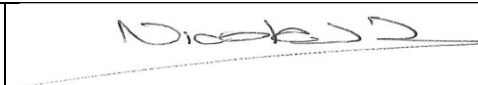
Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =0</b>	<b>TOTAL</b>	<b>AGAINST =6</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	
<b>E&amp;D Lead Signature</b>	Gwen Kinloch
<b>Date</b>	14/02/2020



## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Growth and Development Executive Member for Finance and Governance
<b>LEAD OFFICERS:</b>	Director of Growth and Development
<b>DATE:</b>	14 <sup>th</sup> February 2020

<b>PORTFOLIO/S AFFECTED:</b>	Growth and Development	Finance and Governance
<b>WARD/S AFFECTED:</b>	Blackburn South East	

**SUBJECT: Compulsory Purchase of an Individual Residential Property at 21 Ulverston Close, Blackburn, BB2 3TX**

### 1. EXECUTIVE SUMMARY

To seek approval to initiate compulsory purchase action on the above privately owned property as part of the Council's Empty Property Strategy to reduce the number of long term empty properties and provide much needed accommodation for the Borough.

### 2. RECOMMENDATIONS

That the Executive Member:

Upon being satisfied that:

- a) it would contribute to the economic, social and environmental well-being of the borough;
- b) there is a compelling case in the public interest as the interference with Human Rights involved is proportionate in the interests of bringing empty properties back into use;
- c) sufficient funds exist for carrying the resolution into effect;
- d) no impediments exist to the implementation of the scheme to redevelop the property (subject to the making of the order) and there is a reasonable prospect of its implementation, should the order be made;
- e) the whole of the legal estate could not be acquired by agreement.

- 2.1 Authorise the Director of Growth and Development, in conjunction with the Director of HR, Legal and Governance to prepare and make a Compulsory Purchase Order (CPO) under section 17 of the Housing Act 1985 and the Acquisition of Land Act 1981, for the purpose of acquiring the property to bring about its re-use.
- 2.2 Authorise the Director of Growth and Development to negotiate terms for the acquisition by agreement of any outstanding interests in the land within the Order prior to its confirmation.
- 2.3 Authorise the Director of HR, Legal and Governance (in the event that the Secretary of State notifies the Council that it has been given the power to confirm the Order) to confirm the order if he is satisfied that it is appropriate to do so.

- 2.4 Authorise the Director of Growth and Development to approve agreements with the land owner setting out the terms of withdrawal of objections to the Order (including the power to defer implementation post confirmation) and in consultation with the Director of HR, Legal and Governance to make deletions from and/or minor amendments and modifications to the proposed Order and Order plans.

### 3. BACKGROUND

- 3.1 As part of the Council's commitment to bringing empty properties back into use, this property has been evaluated using the priority scoring matrix (Appendix 1). It scores highly due to the fact that externally, the property is currently in a severe state of disrepair and the Council has also received a series of complaints with regards to this property.
- 3.2 The proposed CPO site is outlined in red on the attached plan (Appendix 2).
- 3.3 The freehold mid terrace property is situated in the Blackburn South East ward of the Borough. Ulverston Close is a residential street consisting of 58 properties and is situated within an investment area.
- 3.4 The property is in a very poor state of repair and requires a full refurbishment. All windows to the property are boarded following anti-social behaviour and reported break-ins. The rear wall to the property is covered with overgrown foliage which covers the roof to the rear, blocks the first floor rear windows and is beginning to block the rear ground floor windows and rear door. This foliage has impacted on neighbouring properties, neighbours have had to cut back the plant to minimise any damage to their properties. The rear yard has been open to access on many occasions and has been subject to fly-tipping and anti-social behaviour.
- 3.5 The property is the subject of many complaints regarding its condition from both local Councillors and local residents. Over 25 complaints have been received, including,
- Fly tipping and accumulation of waste in the rear yard,
  - The property being open to access,
  - The general condition of the building and the fact it continues to remain empty.
- 3.6 Substantial efforts have been made by the Project Manager (Empty Housing) to identify and make contact with the owner to encourage her to bring the property back into use. Between October 2018 and January 2020 extensive investigations were made to locate the owner, including;
- Searching land registry for the owner and the owner's contact details. The register has not been updated and the owner's address is listed as 21 Ulverston Close, Blackburn.
  - Searching Council Tax records for the owner and the owner's details
  - Posting notices on site requesting the owner or any person having legal interest in the property contacts the Empty Properties Team
  - Searching online telephone directories for people with the same name as the owner
- 3.7 Regular inspections of the property have taken place since October 2018 and as the property has continued to deteriorate and the current owner cannot be traced, compulsory purchase is recommended as the most appropriate course of action to bring this property back into use.

#### 4. KEY ISSUES & RISKS

- 4.1 Tackling empty properties supports the key priorities in the Council's Corporate Plan and the Empty Property Strategy.
- 4.2 There are currently around 2,948 empty properties (4.8% of the total stock) in the Borough, of which 2,057 (3.4%) are classified as empty and unfurnished. 390 of those homes have stood empty for over 2 years and are being charged a Premium rate for Council Tax (as at 02.02.20). Contact has been made with all owners of long term empty properties and as a direct result of that intervention, 507 empty properties were brought back into use in 2018/19. However, as quickly as properties are removed from the empty property list, others are added to it.
- 4.3 Continued efforts are required to ensure that properties are empty for a minimum period of time and the Council's message that long term empty properties will not be tolerated continues to be communicated.
- 4.4 There are currently no grant funding opportunities available to support empty homes refurbishment (previous HCA initiatives ended in March 2015). Direct support and signposting is offered to help owners to bring their properties back into use. Where owners are unwilling or unable to bring their properties back into use, enforcement action is considered to be the most appropriate course of action to be taken.
- 4.5 All attempts to try and locate the owner of the property have now been exhausted. We have been unable to locate and engage with the owner of the property and compulsory purchase action, as a last resort, is now considered to be the only course of action available to the Council to bring the property back into use.
- 4.6 Empty properties in the borough can have negative environmental impacts on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties attract fly tipping, crime, arson and nuisance. It is a priority to tackle these problems through enforcement as part of the wider effort to improve neighbourhoods and prevent blight.
- 4.7 Bringing empty properties back into use creates extra accommodation for rent or sale and could also generate additional income for the Council via New Homes Bonus (NHB) payment.
- 4.8 The costs will be funded from the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme; there are sufficient uncommitted funds available within the programme to support the making of this individual CPO.
- 4.9 Once acquired by CPO, the property will be offered for sale via a local estate agent to the highest bidder, with preference given to buyers who intend to owner/occupy the property once renovated. A building licence will be granted to the buyer and formal sale is completed once the property has been renovated to the Council's required standard. This approach also encourages the use of local labour and local spend.
- 4.10 To date, 22 properties have been acquired using Neighbourhood Intervention Project funding. Of these, 16 have been successfully refurbished and occupied and 3 are in the process of being refurbished. 3 properties are with our legal department awaiting exchange of contracts.

## **5. HUMAN RIGHTS IMPLICATIONS**

- 5.1 A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. Members should be sure that the purposes for which it is making a CPO sufficiently consider the human rights of those with an interest in the land affected. In particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the European Convention on Human Rights (which provides every person is entitled to respect for his home and private life).
- 5.2 Notwithstanding the acknowledged impact that the CPO will have with regard to some aspects of the Human Rights Act 1998, the benefits identified in this report present a compelling case in the public interest for making the proposed CPO and compensation will be payable under the statutory compensation code.
- 5.3 The making of the proposed CPO is in the public interest because: -
- It will promote the social, environmental and economic well-being of the area and increase residents' confidence in the area.
  - It will create extra accommodation for sale or rent.
  - It will reduce the negative environmental impacts on the neighbourhood as empty properties attract fly-tipping, crime arson and nuisance.

## **6. POLICY IMPLICATIONS**

- 6.1 The Corporate Plan prioritises new house building and improvement of conditions in older housing. Bringing empty properties back into use is an alternative means of increasing supply and also improves housing conditions and is, therefore, relevant to both of the key corporate objectives.
- 6.2 Bringing housing back into use would increase housing supply in the borough. Properties may be occupied by owner/occupiers or be available as private rented accommodation. It would also free the local community of the problems created by properties standing empty and derelict for such a long time.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The funding for Orders made pursuant to section 17 of the Housing Act 1985 is available in the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme.
- 7.2 The costs will be funded from the Neighbourhood Intervention Fund which is part of the Council's Housing Capital Programme; there are sufficient uncommitted funds available within the programme to support the making of this individual CPO.
- 7.3 Some revenue budget will be required to fund the CPO action and subsequent sale of the property. The amount required will be approximately £3,000 for the appropriate service of the required legal notices and £1,000 for the estate agent's fees. The total figure of £4,000 will be funded from within existing budgets.
- 7.4 Capital receipts from sale of assets funded by the Neighbourhood Intervention Fund are recycled back into the project so that further CPO's can be undertaken as and when required.

## 8. LEGAL IMPLICATIONS

- 8.1 Under the provisions of section 17 of the Housing Act 1985, the local authority may acquire houses or buildings which may be suitable as houses, together with any land occupied with the houses or buildings. The power is available even if the ownership of the property is to be transferred to someone else.
- 8.2 The Council also needs to consider the Guidance on Compulsory Purchase Process and the Crichel Down Rules published by the Ministry of Housing Communities & Local Government.
- 8.2 Legal challenges to compulsory purchase are always a possibility and can lead to a Public Local Inquiry which would incur additional costs for the Council. A CPO on an unoccupied single property is likely to have a very limited number of possible statutory objectors, although in this case the registered owner is known. The owner will be served with the relevant statutory notices in accordance with the Acquisition of land Act 1981.
- 8.3 The making of a CPO does not prevent negotiations with any person holding an interest in land affected by the CPO as these negotiations can proceed in parallel with the statutory process. Indeed, it is advised that where possible, negotiations can continue throughout the process even up to confirmation of the Order.

## 9. RESOURCE IMPLICATIONS

- 9.1 Resources needed to make the CPO and serve the relevant statutory notices will be provided by the Empty Properties Team. Some support will be required from the legal team which will increase if the CPO action results in a Public Local Inquiry.
- 9.2 Some support will be required from the property services team and Capita Symonds to carry out a valuation of the property concerned.

## 10. EQUALITY AND HEALTH IMPLICATIONS

**Please select one of the options below. Where appropriate please include the hyperlink to the EIA.**

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

## 11. CONSULTATIONS

- 11.1 Comprehensive consultation has been undertaken to understand the impacts of empty properties on local communities. The Strategic Housing Market Assessment (SHMA) supports bringing empty properties back into use. This has also been reflected in the Council's Local Plan which treats empty properties as a valuable resource towards meeting

housing need within the borough.

- 11.2 The further development of the Council's Empty Property Strategy has also consulted stakeholders and agencies prior to consideration of further tools to tackle empty properties.

## 12. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 13. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>0.01</b>
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<b>CONTACT OFFICER:</b>	<b>Nicola Fox – Project Manager (Empty Housing)</b>
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<b>DATE:</b>	<b>14<sup>th</sup> February 2020</b>
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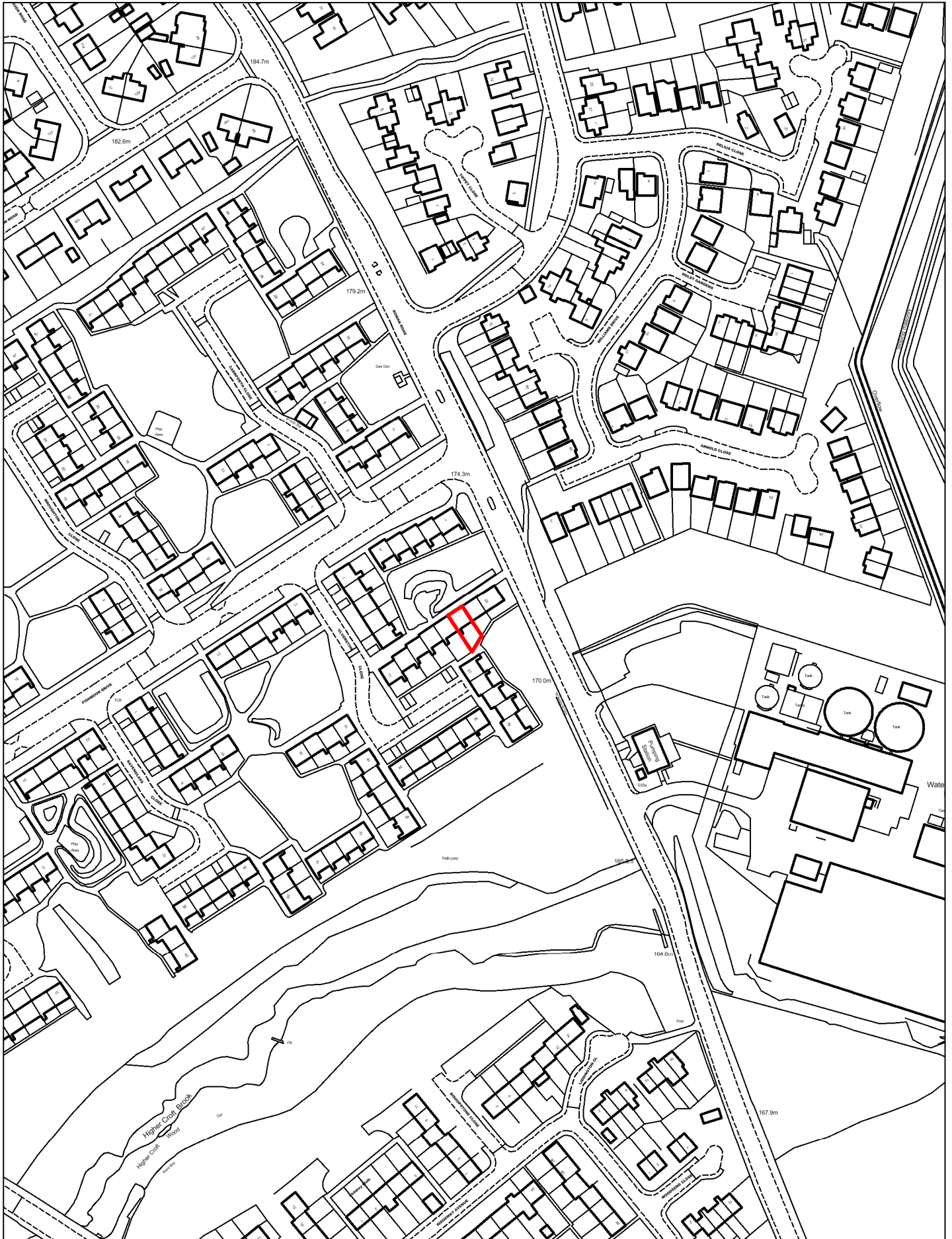
<b>BACKGROUND PAPER:</b>	<b>Empty Property Strategy</b>
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## PRIORITY SCORING MATRIX

Maximum Points: 38 (must score 26 or over)

<b>Address: 21 Ulverston Close, Blackburn.</b>		<b>Score</b>	<b>30</b>
How long has the property been Empty?	Less than 6 months	0	
	6 months to 2 years	1	
	2 – 5 years	2	
	Over 5 years	4	
Is the property in disrepair?	No	0	
	Minor disrepair	1	
	Serious disrepair	2	
	Severe disrepair	4	
Have complaints been received in Respect of this property?	No complaints	0	
	Under 3 complaints	1	
	5 to 9 complaints	2	
	10 complaints or over	4	
Is the property within an Intervention area?	No	0	
	Yes	2	
Is the property within an Investment area?	No	0	
	Yes	2	
Is the property within a selective Licensing area?	No	0	
	Yes	2	
Adequate evidence of attempted previous contact with owner?	No	0	
	Yes	20	
<b>TOTAL SCORE</b>			<b>32</b>

# 21 ULVERSTON CLOSE





# Health Impact Assessment Screening Tool

Toolkit produced by: Public Health  
Toolkit version: 1.2  
HIA version: 1.0  
Date HIA completed: 31<sup>st</sup> January 2017

***Health is not merely the absence of disease or infirmity but a state of complete physical, mental, social and spiritual well-being.  
(modified by M. Birley (2013) from World Health Organisation's definition – 1948)***

**Title of policy, programme or project ("activity") to be assessed:**

**Compulsory Purchase of individual empty properties within Blackburn with Darwen Borough**

**What is the activity about? What is the context outlined for the activity? (e.g. policy context, history, background)**

Tackling empty properties supports the key priorities of the council's corporate plan and the Empty Property Strategy. Empty properties in the borough can have a negative environmental impact on neighbourhoods in addition to being a wasted housing resource. At neighbourhood level, empty properties attract fly-tipping, crime, arson and nuisance. It is a priority to tackle these problems by agreement or enforcement as part of the wider effort to improve neighbourhoods and preventing blight.

**Does this activity have the potential to impact on health? Explain**

*(please consult appropriate Public Health colleague if you are unsure or require further information)*

Bringing empty properties back into use through the Empty Property Strategy enables the authority to ensure the removal of category 1 and 2 hazards from properties prior to occupation as defined by the Housing Health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.

Re-occupation of these empty properties will also deter fly-tipping, reduce crime, arson and nuisance which contribute to the improvement of health and safety in homes and neighbourhoods.

Whilst no negative impacts have been identified for the compulsory purchase of empty properties, we will continue to complete the full HIA screening as the reasons surrounding the need for a Compulsory purchase Order (CPO) may vary between each individual property. As a result of this it would be wise to further explore this activity to ensure that all aspects have been considered.

***\*If no health impacts are identified then the screening does not need to continue, but please ensure that this has been discussed with the appropriate Public Health colleague prior to discontinuation\****

**Does this activity relate to / impact on any of the Health & Wellbeing Strategy objectives?**

- Best start for children and young people**
- Health & Work**
- Safe & healthy homes & neighbourhoods**
- Promoting health and supporting people when they are unwell**
- Older people's independence and social inclusion**

<b>Does the activity concern any of the following determinants?</b>	
Lifestyle	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Physical environment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Social / economic environment	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Other, please specify	

<b>What are the potential positive impacts?</b>
<p>Bringing this long term empty property back into use enables the authority to ensure the removal of category 1 and 2 hazards from the property prior to re-occupation as defined by the Housing health and Safety Rating System 2004. This will have a positive impact upon health for the residents by contributing to the improvement of housing conditions in the Borough.</p> <p>Re-occupation of this empty property will also deter fly-tipping, reduce crime, arson and nuisance in the area which will contribute to the improvement of safe and healthy homes in this neighbourhood. Which in turn will offer children and younger people a much better setting to grow up in.</p>

<b>What are the potential negative impacts?</b>
No negative impacts on health have been identified in association with this activity. The activity seeks to ensure that a greater number of houses are used for their purpose.

<b>What are the assumptions/risks embedded in or underpinning the activity?</b>
No assumptions or risks have been identified with this activity.

<b>Are there any external factors which identify the nature and extent of the impacts on health for this type of proposal (e.g. research; policy changes etc.)</b>
<p>Local Government Association, action to tackle empty homes - <a href="http://www.local.gov.uk/c/document_library/get_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&amp;groupId=10180">http://www.local.gov.uk/c/document_library/get_file?uuid=5416e10f-218a-4994-811f-0e96ce93227c&amp;groupId=10180</a></p> <p>House of Commons, Empty Housing Briefing Paper - <a href="http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport">http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN03012#fullreport</a></p> <p>Housing Health and Safety rating System – <a href="https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals">https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals</a></p>

<b>List the groups most likely to be affected by this proposal</b>
This proposal will contribute positively to the overall health and safety off all members of the community and neighbourhood affected.

<b>What are some of the potential equity issues?</b>
The re-occupation of these empty, and potentially problematic properties, will contribute to the reduction of nuisance, crime, arson and fly-tipping resulting in an overall improvement to the social and physical environment of the neighbourhood. This will be to the benefit of all residents regardless of any individual characteristics.

## CHECKLIST

Answers favouring doing an HIA	To your knowledge	Answers favouring not doing a HIA
<b>Health impacts</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health directly?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does the initiative affect health indirectly?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any potential serious negative health impacts that you currently know of?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is further investigation necessary because more information is required on the potential health impacts?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No	Are the potential health impacts well known and is it straightforward to identify effective ways in which beneficial effects can be maximised and harmful effects minimised?	<input checked="" type="checkbox"/> Yes
<b>Community</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Is a large proportion of the population likely to be affected by the initiative ( <i>over 25% of the resident population</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any socially excluded, vulnerable, disadvantaged groups likely to be affected?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Are there any community concerns about any potential health impacts?	<input checked="" type="checkbox"/> No
<b>Initiative</b>		
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there some reason to suspect that health issues not considered in the planning process of this initiative might become more visible by doing an HIA?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the cost of the initiative high ( <i>over £100,000</i> )?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is the nature and extent of the disruption to the affected population likely to be major?	<input checked="" type="checkbox"/> No
<b>Organisation</b>		
<input checked="" type="checkbox"/> Yes	Is the initiative a high priority/important for the organisation/partnership?	<input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe	Are the individuals and organisations with a stake in this initiative likely to buy into the HIA process?	<input checked="" type="checkbox"/> No
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Maybe	Is there potential to change the proposal? Will there be any other similar proposals in the future?	<input type="checkbox"/> No
<b>FOR = 3</b>	<b>TOTAL</b>	<b>AGAINST = 11</b>

## Choosing which HIA to do

Health Impact Statement	Type of HIA	Comprehensive
<input checked="" type="checkbox"/> Yes	Is there only limited time in which to conduct the HIA?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is there only limited opportunity to influence the decision?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Is the timeframe for the decision-making process set by external factors beyond your control?	<input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	Are there only very limited resources available to conduct the HIA?	<input type="checkbox"/> No

## Deciding who should do the HIA

External	Assessors	Internal
<input type="checkbox"/> No	Do personnel in the organisation or partnership have the necessary skills and expertise to conduct the HIA?	<input checked="" type="checkbox"/> Yes
<input checked="" type="checkbox"/> No	Do personnel in the organisation or partnership have the time to conduct the HIA?	<input type="checkbox"/> Yes

<b>Is an HIA appropriate?</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Why or why not?</b>		
No negative impacts to health have been identified. All impacts on health will be positive ones including the removal of category 1 and 2 hazards from houses and the reduction of fly-tipping, crime, arson and nuisance to neighbourhoods.		
<b>If yes, what type and how?</b>		
N/A		
<b>Recommendations / comments</b>		
none		

Completed by: \_\_\_\_\_



Date: 16<sup>th</sup> January 2017

Approved by

(Head of Service/Director):



Date: 16<sup>th</sup> January 2017

*This signature signifies the acceptance of the responsibility and ownership of the HIA and the resulting action plan (if applicable).*

Approved by

(Public Health):



Date: 31/01/2017

*This signature signifies the acceptance of the responsibility to publish the completed HIA.*

**\*Once this form has been completed and approved, this document should be saved as the Health Impact Statement for the specified activity, any actions should be monitored appropriately\***

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Growth Team, Growth and Development.	<b>Date the activity will be implemented</b>	31/03/2020
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<b>Brief description of activity</b>	Compulsory Purchase of an Individual Residential Property at 21 Ulverston Close, Blackburn.
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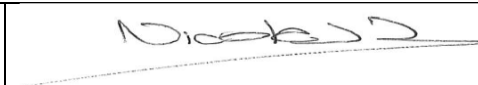
Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Budget changes - Change to existing Council policy/strategy	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =0</b>	<b>TOTAL</b>	<b>AGAINST =6</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	
<b>E&amp;D Lead Signature</b>	Gwen Kinloch
<b>Date</b>	14/02/2020

## EXECUTIVE MEMBER DECISION



<b>REPORT OF:</b>	Executive Member for Children's Services
<b>LEAD OFFICERS:</b>	Director of Children's Services
<b>DATE:</b>	28 February 2020

<b>PORTFOLIO/S AFFECTED:</b>	Schools and Education
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<b>WARD/S AFFECTED:</b>	All
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<b>SUBJECT:</b> Blackburn with Darwen Borough Council's proposed admission arrangements for 2021/22 academic year.
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### EXECUTIVE SUMMARY

To advise the Executive member of the Local Authority's proposed admission arrangements for the 2021/22 academic year.

### 2. RECOMMENDATIONS

That the Executive Member for Children's Services & Education formally determines the proposed admission arrangements for 2021/22 as attached at Appendices A, B, C and D.

### 3. BACKGROUND

The Borough Council is the admissions authority for community and voluntary controlled schools in Blackburn with Darwen and has a statutory duty to act in accordance with the provisions of the School Admissions Code 2014.

As the admission authority for all community and voluntary controlled schools, the statutory responsibility for determining and publishing the admission arrangements for those schools rests with the Local Authority.

Under the current School Admissions Code, all admission authorities are required to "determine" (i.e. formally agree) their admission arrangements annually by 28<sup>th</sup> February even if those arrangements have not been changed from the previous year. In addition, the School Admissions Code also stipulates that admission authorities must consult on their admission arrangements at least once every seven years, even if there have been no changes during that period.

Blackburn with Darwen Borough Council has undertaken their seven year consultation in accordance with the requirements of the School Admissions Code for the 2021/22 admissions arrangements.

The proposed admissions arrangements provide clear and concise information and enables parents and pupils to make informed choices when making applications for school places.

#### 4. KEY ISSUES & RISKS

The Local Authority would be in breach of its statutory duties if it failed to determine the admission arrangements for its community and voluntary controlled schools annually, or failed to carry out any necessary statutory consultations (including consulting at least once every 7 years).

#### 5. POLICY IMPLICATIONS

None

#### 6. FINANCIAL IMPLICATIONS

None

#### 7. LEGAL IMPLICATIONS

The Local Authority has a statutory duty to formally determine admission arrangements by the deadline each year in respect of the community and voluntary controlled schools for whom it is the Admission Authority. It also has a duty to adopt a co-ordinated admissions scheme each year in respect of the normal admissions round for admissions to Reception, Year 7 and other normal years of entry. The agreed co-ordinated admission scheme for In-Year admissions also continues to operate within the borough.

#### 8. RESOURCE IMPLICATIONS

Managed through established staffing resource

#### 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

#### 10. CONSULTATIONS

The Local Authority consulted with a range of key stakeholders (as set out in the School Admissions Code) for a period of 6 weeks from Friday 8th November 2019 to Friday 20th December 2019 in line with statutory requirements. See Appendix E

Details of responses received can be found in Appendix F. In total, there were 25 respondents of which the majority responded in favour of the proposals.

#### 11. STATEMENT OF COMPLIANCE



The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Carol Grimshaw</b>
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<b>DATE:</b>	14 February 2020
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<b>BACKGROUND PAPER:</b>	<b>Appendix A:</b> Admission policy for Community and Voluntary Controlled primary schools for 2021/22 academic year. <b>Appendix B:</b> Admission Arrangements for Community Junior Schools for 2021/22 academic year. <b>Appendix C:</b> Published Admission numbers for Community and Voluntary Controlled Schools for 2021/22. <b>Appendix D:</b> In Year Coordinated Admissions Scheme. <b>Appendix E:</b> Statutory consultation on proposed admission arrangements for community and voluntary controlled primary schools for 2021/2022. <b>Appendix F:</b> Details of consultation responses received.
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## **Admission policy for community and voluntary controlled infant and primary schools for 2021/22 academic year**

### **Children to be admitted**

The law does not require any child to receive a suitable education until the start of the term following the fifth birthday. In Blackburn with Darwen we operate a single start date of September for all children who will become 5 during that school year. All children who have their fifth birthday between September 1, 2021 and August 31, 2022 may start school in the Autumn Term 2021.

### **Deferred admission**

Parents may wish to consider delaying their child's admission until the term after their fifth birthday. This is called deferred admission. Further information about deferred admission is included in the Council's admissions booklet for parents and can be found at [www.blackburn.gov.uk/admissions](http://www.blackburn.gov.uk/admissions).

## **Admission Arrangements for infant and primary community and voluntary controlled schools for 2021/22 academic year**

All preferences expressed will be considered equally. If the number of children requiring admission does not exceed the school's published admission number, all the children will be offered admission. If the number of children requiring admission exceeds the published admission number, then the Local Authority will consider all preferences equally against the oversubscription criteria shown below.

### **Admission Criteria for Oversubscribed Schools**

Children with an Education, Health and Care plan (EHCP), for whom the preferred school is named in the plan will be admitted first. The remaining applicants who have named this school as a 1<sup>st</sup> 2<sup>nd</sup> or 3<sup>rd</sup> preference will then be considered equally against the Council's admission policy, in the priority order given below:

(a)(i) 'Looked after' children; children who were previously 'looked after' but immediately after being looked after were adopted or became subject to a child arrangements order, or special guardianship order, (*'Looked after' means that the child was (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions*);

(a) (ii) Children who were previously in state care before coming to England.

(b) Children with an older sibling (sibling means a brother or sister, half brother or sister, adopted brother or sister, step brother or sister, not cousins, or the child of the parent/carer's partner, and in every case, the child should be living in the same family unit at the same address) who will still be attending the preferred school when the younger child is admitted;

(c) Children with proven exceptional medical, social or welfare needs which are directly relevant to the school concerned. If you wish to be considered under this category you must provide appropriate supporting evidence with your application from a doctor, social worker or other professional. This evidence must explain why the preferred school is the most suitable and what difficulties would be caused if the child had to attend another school;

(d) Geographical proximity - under this category, the remaining places will be offered to children who live nearest to the preferred school. The distance will be measured in a straight line between the home front door and the main gate of the school using a computerised programme.

### **Tie-breaker**

If category (b), (c) or (d) is oversubscribed, geographical proximity (as set out in category (d)) will be used as the 'tie-breaker' to decide between the remaining cases. If after measuring distances it is still not possible to decide on the child/ren to be offered admission (for example two children living in the same block of flats or in the same house) the Local Authority will then use a random draw allocation (which is carried out automatically by the local authority's computerised system) to decide which of the children can be offered a place.

### **Priority for Twins/Multiple births**

Where there are twins, etc wanting admission and there is only a single place left within the admission number, the Local Authority will exercise as much flexibility as possible within the requirements of infant class sizes. In exceptional circumstances admission authorities are able to offer places to children of multiple births, even when this means breaching infant class size limits. This may also apply to siblings who are in the same year group.

### **NOTE – Criterion (c) medical, social, welfare reasons**

If you feel that there are exceptional medical/social/welfare needs relating to your child which support the need for your child to attend a particular school, and wish your application to be considered under criterion (c) you must state this on your application form AND provide appropriate written supporting evidence for your application from a doctor, social worker or other professional. This evidence must explain why the preferred school is the most suitable and what difficulties would be caused if the child had to attend another school.

This evidence should accompany the application form. If necessary, parents can submit the application form and send the supporting evidence at a later date but the supporting evidence **MUST** be received by the Local Authority on or before the closing date for applications. It is the parent's responsibility to ensure that the Local Authority receives the supporting evidence.

If you do not provide the supporting evidence on or before the closing date, then it will not be possible to consider your application under the medical/social/welfare criterion.

Please bear in mind the following points in relation to this criterion:

1. Only *exceptional* reasons associated with the child and directly relevant to the suitability of that specific school (i.e. showing why the child needs to be admitted to that particular school) are normally accepted under this criterion.

2. All schools can make provision for special educational needs and can also manage common conditions – e.g. asthma, diabetes, epilepsy.

After the closing date, during the early stages of the allocations process, all applications which have requested consideration on the grounds of medical/social/welfare need are considered separately by a panel from the Admission Authority. This involves considering all statements and evidence provided by parents/carers to support the application. The panel may, at their own discretion, contact parents/carers and third parties (with parental consent) to request further information where this is needed to reach a decision.

The Panel's focus in assessing each claim for consideration under this criterion will be to assess whether the evidence provided (a) actually confirms that this child has an exceptional medical/social/welfare need AND (b) demonstrates a clear and exceptional need for this child to attend that specific school for reasons arising from the exceptional medical/social/welfare need.

Where the reasons claimed are not considered exceptional or do not disclose an exceptional need for the child to attend that specific school, then the application will be dealt with under the other admission criteria for the school(s) requested.

### **Late applications for admission**

Where there are extenuating circumstances for an application being received after the closing date for applications, and it is before the cut-off date (12 March 2021) then it will be considered alongside all the others.

Otherwise, applications which are received after the closing date will be considered after all the others, and placed on the waiting list in order according to the admission criteria.

### **Address of pupil**

The address used on the common application form must be the current one at the time of application, i.e. the family's main residence. If the address changes subsequently, the parents should notify the school. Where the parents live at different addresses, and there is shared parenting, the address used will normally be the one where the child wakes up for the majority of Monday to Friday mornings. If there is any doubt about this, then the address of the Child Benefit recipient will be used.

Parents may be asked to show evidence of the claim that is being made for the address, e.g. identity cards of various sorts showing the child's address as the one claimed. Where there is dispute about the correct address to use, the Local Authority reserve the right to make enquiries of any relevant third parties, e.g. the child's G.P. Council Tax Office, Electoral Registration Officer, utilities provider. For children of UK Service personnel and other Crown Servants returning to the area proof of the posting is all that is required.

Where more than one person with Parental Responsibility for the child submits an application for the same child, then neither application will be considered and the parents/carers will be asked to agree a single application. The local authority will require the parents to resolve matters between themselves, taking legal advice if necessary and inform the local authority which application should be processed. PLEASE NOTE - if agreement is not reached or a legal decision is not made before

the closing date, this may affect the chances of your child being allocated a place at the preferred school(s).

### **Non Routine Admissions**

#### In Year admissions

It sometimes happens that a child needs to change school other than at the “normal” time; such admissions are known as in-year admissions. Parents need to submit an “In Year Application Form” to the Fair Access Team. If there is a place in the appropriate school, your child will normally be admitted. If there is no place, the place will be refused but information will be provided about how to appeal against this refusal.

#### Admission of children outside their normal age group

Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health.

#### Children who are already of school age

Parent(s)/carer(s) must submit their written request for admission out of the normal age group to the Local Authority. If their request is agreed and a place is available in the requested year group, the child will be admitted.

**Please note:** The Local Authority will not honour a decision made by another admission authority on admission out of the normal age group. Parent(s)/carer(s), therefore, should consider whether to request admission out of the normal year group at all of their preferred schools, rather than just their first preference school.

The Local Authority will make a decision on the request before the offer date if at all possible.

If the request is agreed, the parent(s)/carer(s) must make a new application for the next main admission round the following year, and their current application for the normal age group should be withdrawn before a place is offered.

If their request for admission outside the normal age group is refused, parent(s)/carer(s) must decide whether to accept the offer of a place for the normal age group that they receive from the Local Authority, or to refuse it and make an in-year application to the Local Authority for admission to year one for the September following their child’s fifth birthday.

#### **Making the decision**

Parent(s)/carer(s) seeking admission of their child outside their normal age group must send their written request to the Local Authority. It is the responsibility of the parent(s)/carer(s) to provide the Local Authority with all relevant information relating to this request, including the parent(s)/carer(s) views; information about the child’s academic, social and emotional development; medical history and views of a medical professional (where relevant); whether the child would naturally have fallen into a lower age group if it were not for being born prematurely; and whether the child has previously been educated out of their normal age group.

The Local Authority is required to take into account the views of the Head Teacher on the application as well as the information from the parent(s)/carer(s). The Local Authority will make their decision on the basis of the circumstances of each individual case, and in the best interests of the child concerned.

The Local Authority will then inform the parent/carer of their decision on the year group the child should be admitted to and will provide the reasons for their decision.

Parent(s)/carer(s) have a statutory right to appeal to an independent admission appeal panel against the refusal of a place at a school for which they have applied. As the purpose of the appeals process is to consider whether a child should be admitted to a particular school, the right of appeal does not apply if they are offered a place at the school but it is not in their preferred year group. However, they may make a complaint about an admission authority's decision not to admit their child outside their normal age group.

### Appeals

Where the Local Authority is unable to offer a place because the school is oversubscribed, parents have the right to appeal to an independent admission appeal panel, set up under the School Standards and Framework Act, 1998, as amended by the Education Act, 2002. **Parents should complete and return the appeal form to the Local Authority by 24 May, 2021.** Parents will have the opportunity to submit their case to the panel in writing and also to attend in order to present their case. Parents normally receive 14 days notice of the place and time of the hearing.

Appeals which are received after the deadline will be slotted into the schedule where this is possible. There is no guarantee that this will happen and late appeals may be heard after the stipulated date at a second round of hearings. The schedule is subject to change depending upon the availability of appeal panel members, clerks, venues and the number of appeals for each school (which will vary year on year).

If your family is moving house, your application and appeal will be considered as being made from your old address until you provide suitable evidence of a permanent change of address, e.g. exchange of contracts on your house purchase or the signed tenancy agreement and rent book for your new address.

Please note that you cannot re-appeal for a place at a school within the same school year unless there has been relevant, significant and material change in the family circumstances.

This right of appeal against the Local Authority's decision does not prevent you from making an appeal in respect of any other school.

### Fraudulent applications

Where the Local Authority discovers that a child has been awarded a place as the result of an intentionally misleading application from a parent, for example, a false claim of residence which effectively denies a place to a child with a stronger claim, then the Local Authority may withdraw the offer of the place. The application will be considered afresh and a right of appeal offered if a place is refused.

### Waiting list

Where a school has more applications than places, the admissions' criteria will be used. Children who are not admitted will have their name placed on a waiting list. The names on this waiting list will be in the order resulting from the application of the admissions criteria. Since the date of application cannot be a criterion for the order of names on the waiting list, late applicants for the school will be slotted into the order according to the extent to which they meet the criteria. Thus it is possible that a child who moves into the area later may have a higher priority than one who has been on

## Appendix A

the waiting list for some time. If a place becomes available within the admission number, the child whose name is at the top of the list at that time will be offered a place. This is not dependent on whether an appeal has been submitted. Please note that looked after children, previously looked after children and those allocated a place at the school in accordance with the Fair Access protocol must take precedence over those on the waiting list.

This waiting list will operate until 31<sup>st</sup> December 2021.



## Admission Arrangements for Community Junior Schools for 2021/22 Academic Year

### Making an application

Applications for admission for September 2021 should be made on the common application form between September 3, 2020 and January 15, 2021. It is not normally possible to change the order of your preferences for schools after the closing date.

Parents must complete the Local Authority application form, stating three preferences. The forms are available from the community infant school or the School Admissions Team.

Letters informing parents of whether or not their child has been allocated a place will be sent out by the Local Authority by April 16, 2021. Parents of children not admitted will be informed of the reason and offered an alternative place by the Local Authority.

All preferences expressed will be considered equally. If the number of children requiring admission does not exceed the school's published admission number, all the children will be offered admission. If the number of children requiring admission exceeds the published admission number, then the Local Authority will consider all preferences equally against the oversubscription criteria shown below.

### Admission criteria for oversubscribed schools

Children with an Education, Health and Care plan (EHCP), for whom the preferred school is named in the plan will be admitted first. The remaining applicants who have named this school as a 1<sup>st</sup> 2<sup>nd</sup> or 3<sup>rd</sup> preference will then be considered equally against the Council's admissions policy, in the priority order given below:

(a)(i) 'Looked after' children; children who were previously 'looked after' but immediately after being looked after were adopted or became subject to a child arrangements order, or special guardianship order, (*'Looked after' means that the child was (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions*).

(a)(ii) Children who were previously in state care before coming to England

(b) Pupils completing Year 2 at Audley Infant School if applying for admission at Audley Junior School, or Longshaw Infant School if applying for Longshaw Junior School or Meadowhead Infant School if applying for admission at Meadowhead Junior School, or Shadsworth Infant School if applying for admission at Shadsworth Junior School.

(c) Children with an older sibling (sibling means a brother or sister, half brother or sister, adopted brother or sister, step brother or sister, not cousins, or the child of the parent/carer's partner, and in every case, the child must be living in the same family unit at the same address) who will still be attending the preferred school when the younger child is admitted;



(d) Children with proven and exceptional medical, social or welfare needs which are directly relevant to the school concerned. If you wish to be considered under this category there is certain evidence you must provide. Please see the note below which provides full details regarding the application of this criterion.

(e) Geographical proximity - under this category, the remaining places will be offered to children who live nearest to the preferred school. The distance will be measured in a straight line between the home front door and the main gate of the school using a computerised programme.

### **Tie-breaker**

If category (b), (c), (d) or (e) is oversubscribed, geographical proximity (as set out in category (e)) will be used as the 'tie-breaker' to decide between the remaining cases. If after measuring distances it is still not possible to decide on the child/ren to be offered admission (for example two children living in the same block of flats or in the same house) the Local Authority will then use random allocation (which is carried out automatically by the local authority's computerised system) to decide which of the children can be offered a place.

### **Priority for twins/multiple births**

Where there are twins, etc wanting admission and there is only a single place left within the admission number, the Local Authority will exercise as much flexibility as possible. In exceptional circumstances admission authorities are able to offer places to children of multiple births, even when this means breaching the school's published admission number. This may also apply to siblings who are in the same year group.

### **NOTE – Criterion (c) medical, social, welfare reasons**

If you feel that there are exceptional medical/social/welfare needs relating to your child which support the need for your child to attend a particular school, and wish your application to be considered under criterion (c) you must state this on your application form AND provide appropriate written supporting evidence for your application from a doctor, social worker or other professional. This evidence must explain why the preferred school is the most suitable and what difficulties would be caused if the child had to attend another school.

This evidence should accompany the application form. If necessary, parents can submit the application form and send the supporting evidence at a later date but the supporting evidence **MUST** be received by the Local Authority on or before the closing date for applications. It is the parent's responsibility to ensure that the Local Authority receives the supporting evidence.

If you do not provide the supporting evidence on or before the closing date, then it will not be possible to consider your application under the medical/social/welfare criterion,

Please bear in mind the following points in relation to this criterion –

1. Only *exceptional* reasons associated with the child and directly relevant to the suitability of that specific school (i.e. showing why the child needs to be admitted to that particular school) are normally accepted under this criterion.
2. All schools can make provision for special educational needs and can also manage common conditions – e.g. asthma, diabetes, epilepsy.

After the closing date, during the early stages of the allocations process, all applications which have requested consideration on the grounds of medical/social/welfare need are considered separately by a panel from the Admission Authority. This involves considering all statements and evidence provided by parents/carers to support the application. The panel may, at their own discretion, contact parents/carers and third parties (with parental consent) to request further information where this is needed to reach a decision.

The Panel's focus in assessing each claim for consideration under this criterion will be to assess whether the evidence provided (a) actually confirms that this child has an exceptional medical/social/welfare need AND (b) demonstrates a clear and exceptional need for this child to attend that specific school for reasons arising from the exceptional medical/social/welfare need.

Where the reasons claimed are not considered exceptional or do not disclose an exceptional need for the child to attend that specific school, then the application will be dealt with under the other admission criteria for the school(s) requested.

### **Late applications for admission**

Where there are extenuating circumstances for an application being received after the closing date for applications, and it is before the cut-off date (12 March 2021) then it will be considered alongside all the others.

Otherwise, applications which are received after the closing date will be considered after all the others, and placed on the waiting list in order according to the admission criteria.

### **Address of pupil**

The address used on the common application form must be the current one at the time of application, i.e. the family's main residence. If the address changes subsequently, the parents should notify the school. Where the parents live at different addresses, and there is shared parenting, the address used will normally be the one where the child wakes up for the majority of Monday to Friday mornings. If there is any doubt about this, then the address of the Child Benefit recipient will be used.

Parents may be asked to show evidence of the claim that is being made for the address, e.g. identity cards of various sorts showing the child's address as the one claimed. Where there is dispute about the correct address to use, the Local Authority reserve the right to make enquiries of any relevant third parties, e.g. the child's G.P. Council Tax Office, Electoral Registration Officer, utilities provider. For children of UK Service personnel and other Crown Servants returning to the area proof of the posting is all that is required.

Where more than one person with Parental Responsibility for the child submits an application for the same child, then neither application will be considered and the parents/carers will be asked to agree a single application. The local authority will require the parents to resolve matters between themselves, taking legal advice if necessary and inform the local authority which application should be processed. PLEASE NOTE - if agreement is not reached or a legal decision is not made before the closing date, this may affect the chances of your child being allocated a place at the preferred school(s).

### **Non Routine Admissions**

#### In Year admissions

It sometimes happens that a child needs to change school other than at the "normal" time; such admissions are known as in-year admissions. Parents need to submit an "In Year Application Form" to the Fair Access Team. If there is a place in the appropriate school, your child will normally be admitted. If there is no place, the place will be refused but information will be provided about how to appeal against this refusal.

#### Admission of children outside their normal age group

Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health.

### Children who are already of school age

Parent(s)/carer(s) must submit their written request for admission out of the normal age group to the Local Authority. If their request is agreed and a place is available in the requested year group, the child will be admitted.

**Please note:** The Local Authority will not honour a decision made by another admission authority on admission out of the normal age group. Parent(s)/carer(s), therefore, should consider whether to request admission out of the normal year group at all of their preferred schools, rather than just their first preference school.

The Local Authority will make a decision on the request before the offer date if at all possible.

If the request is agreed, the parent(s)/carer(s) must make a new application for the next main admission round the following year, and their current application for the normal age group should be withdrawn before a place is offered.

If their request for admission outside the normal age group is refused, parent(s)/carer(s) must decide whether to accept the offer of a place for the normal age group that they receive from the Local Authority, or to refuse it and make an in-year application to the Local Authority for the child to be admitted outside their normal year group (either when they leave their current primary school, if the child is in a lower year group, or in the following school year, if the child was in a higher year group).

### **Making the decision**

Parent(s)/carer(s) seeking admission of their child outside their normal age group must send their written request to the Local Authority. It is the responsibility of the parent(s)/carer(s) to provide the Local Authority with all relevant information relating to this request, including the parent(s)/carer(s) views; information about the child's academic, social and emotional development; medical history and views of a medical professional (where relevant); whether the child would naturally have fallen into a lower age group if it were not for being born prematurely; and whether the child has previously been educated out of their normal age group.

The Local Authority is required to take into account the views of the Head Teacher on the application as well as the information from the parent(s)/carer(s). The Local Authority will make their decision on the basis of the circumstances of each individual case, and in the best interests of the child concerned.

The Local Authority will then inform the parent/carer of their decision on the year group the child should be admitted to and will provide the reasons for their decision.

Parent(s)/carer(s) have a statutory right to appeal to an independent admission appeal panel against the refusal of a place at a school for which they have applied. As the purpose of the appeals process is to consider whether a child should be admitted to a particular school, the right of appeal does not apply if they are offered a place at the school but it is not in their preferred year group. However, they may make a complaint about an admission authority's decision not to admit their child outside their normal age group.

### **Appeals**

Where the Local Authority is unable to offer a place because the school is oversubscribed, parents have the right to appeal to an independent admission appeal panel, set up under the School Standards and Framework Act, 1998, as amended by the Education Act, 2002. **Parents should complete and return the appeal form to the Local Authority by 24 May, 2021.** Parents will have the opportunity to submit their case to the panel in writing and also to attend in order to present their case. Parents normally receive 14 days notice of the place and time of the hearing.

Appeals which are received after the deadline will be slotted into the schedule where this is possible. There is no guarantee that this will happen and late appeals may be heard after the stipulated date at a second round of hearings. The schedule is subject to change depending upon the availability of appeal panel members, clerks, venues and the number of appeals for each school (which will vary year on year).

If your family is moving house, your application and appeal will be considered as being made from your old address until you provide suitable evidence of a permanent change of address, e.g. exchange of contracts on your house purchase or the signed tenancy agreement and rent book for your new address.

Please note that you cannot re-appeal for a place at a school within the same school year unless there has been relevant, significant and material change in the family circumstances.

This right of appeal against the Local Authority's decision does not prevent you from making an appeal in respect of any other school.

### **Fraudulent applications**

Where the Local Authority discovers that a child has been awarded a place as the result of an intentionally misleading application from a parent, for example, a false claim of residence which effectively denies a place to a child with a stronger claim, then the Local Authority may withdraw the offer of the place. The application will be considered afresh and a right of appeal offered if a place is refused.

### **Waiting list**

Where a school has more applications than places, the admissions' criteria will be used. Children who are not admitted will have their name placed on a waiting list. The names on this waiting list will be in the order resulting from the application of the admissions criteria. Since the date of application cannot be a criterion for the order of names on the waiting list, late applicants for the school will be slotted into the order according to the extent to which they meet the criteria. Thus it is possible that a child who moves into the area later may have a higher priority than one who has been on the waiting list for some time. If a place becomes available within the admission number, the child whose name is at the top of the list at that time will be offered a place. This is not dependent on whether an appeal has been submitted. Please note that looked after children, previously looked after children and those allocated a place at the school in accordance with the Fair Access protocol must take precedence over those on the waiting list.

This waiting list will operate until 31<sup>st</sup> December 2021.



## **Blackburn with Darwen Borough Council Co-ordinated Primary Admission Scheme for 2021/22 Academic Year**

### **Background**

The law requires Local Authorities (LAs) to establish a co-ordinated admission scheme that will apply to all primary schools.

The purpose of co-ordinated admission schemes is to establish mechanisms for ensuring, so far as reasonably practicable, that every parent/carer of a child living in the LA area who has applied for a school place in the 'normal admission round' receives one offer of a school place on the national offer day. The scheme must also cover late applications made after the closing date, but before the start of the school year.

The Local authority must also provide information in the composite prospectus setting out how applications that are made during the academic year for admissions to age groups other than the normal year of entry, i.e. "In-Year applications", will be dealt with.

The Council is required to inform the Secretary of State of the agreed scheme by 28 February 2020. The Secretary of State will impose a scheme if the Council fails to notify him of the agreed scheme.

### **Co-ordinated scheme for the 'normal admission round'**

#### Age and entry of admission to reception

The law does not require any child to start school until the start of the term following the fifth birthday. In Blackburn with Darwen a start date in September is used for admission of all children who will become 5 during that school year. All children who were born between 1 September 2016 and 31 August 2017 may start school in the autumn term 2021.

#### Deferred admission

Parent(s)/carer(s) can delay their child starting school until the term after their fifth birthday. This is known as deferred admission. Parent(s)/carer(s) who are considering deferred admission are strongly advised to still apply for a school place by the closing date. The offer of a reception place will be kept open, even if the child does not take it up until later in the academic year, but it must be taken up before the end of the academic year or it will be withdrawn and the parent/carer will have to apply again for admission. Free nursery places would cease at the end of the term when the child turns five.

Parent(s)/carer(s) of summer born children who wish to delay their child(ren) starting school until September 2022 should carefully consider the information in the section about *Admission outside of normal age group* in the published admission arrangements for each/every school at which they wish to seek a place for their child.

If the child is refused admission to the school, then parent(s)/carer(s) have a right of appeal to an independent appeal panel. Parent(s)/carer(s) should note that “class size prejudice” (i.e. breach of the Infant Class Size limits) where applicable, will be considered at your appeal. Please also note that this right of appeal does not apply if your child is offered a place in another year group at the same school.

The law states that all children must receive a suitable education from the term after their fifth birthday. If parent(s)/carer(s) do not make suitable arrangements they could be breaking the law and be prosecuted.

### **Equal preferences**

It is a legal requirement on all admission authorities to consider equally all applications for admission to maintained infant/primary schools. The rank order of preference, whether a first, second or third preference, will not be taken into consideration at this stage. If the school receives more applications than the published admission number, the relevant oversubscription criteria will be applied by the school’s admissions authority to all applicants.

If it is possible to offer admission at more than one of the preferred schools then the school at which a place will be offered will be the one that is the highest ranked on the common application form (CAF). Offers from lower preference schools will be removed and these places will be offered to other eligible children. This will ensure that each child is only offered a place at one school.

### **Fraudulent applications**

If the Council or a school finds that misleading information has been given, the child may not be given a place at that school. If a place has been offered and the information given turns out to be false, that place may be withdrawn. If the place is withdrawn the application will be considered again, based on the correct information. If the application is refused a right of appeal will be given. If the child is allowed to continue at the school, their sibling(s) will not be given priority under the “sibling” category in the admission policy if they then apply for places at the school in question.

### **Stage 1 – common application form**

The Council will publish an admission prospectus “Primary School Admissions for September 2021”. This will be available from the Council website [www.blackburn.gov.uk/admissions](http://www.blackburn.gov.uk/admissions), any Blackburn with Darwen primary school and from the Children’s Services Department from **3 September 2020**. Please note that parent(s)/carer(s) are being encouraged to apply on-line and this process will be available from **3 September 2020**.

The online application form or the common application form which is included in the prospectus for admission to all maintained primary schools must be completed by parent(s)/carer(s) of Blackburn with Darwen (BwD) children by **15 January 2021 (“the closing date”)** and returned to the Council’s Schools Admissions Team. Schools are also requested to return completed forms sent to them in error to the Council’s Schools Admissions Team.

The online application form / common application form (CAF) will allow parent(s)/ carer(s) to express three preferences in rank order and to state reasons for the preferences. The form will also allow parent(s)/carer(s) to provide denominational reasons in support of their application e.g. baptismal / church membership and attendance / mosque membership.

Some faith aided primary schools may also require parent(s)/carer(s) to complete an additional school application form. Parent(s)/carer(s) who are applying for admission under the faith category for The Olive School must also complete an additional school application form which is available within the Council's prospectus and should be returned to the school.

**Please note that no application will be processed without an online application form or a common application form.**

Parent(s)/carer(s) of Blackburn with Darwen children resident in the borough wishing to apply for admission at schools in neighbouring Councils must include the preference(s) on the Blackburn with Darwen application form.

PLEASE NOTE - Where more than one person with Parental Responsibility for the child submits an application for the same child, then neither application will be considered and the parents/carers will be asked to agree a single application. The local authority will require the parents to resolve matters between themselves, taking legal advice if necessary and inform the local authority which application should be processed. If agreement is not reached or a legal decision is not made before the closing date, this may affect the chances of your child being allocated a place at the preferred school(s).

### **Stage 2 – process for considering applications**

The Local Authority (LA) will provide admission authorities with details of all children whose parent(s)/carers(s) have indicated the school as a preference on the common application form by **31 January 2021**. The order of preferences will not be included in the details sent to each school.

By **28 February 2021** each admission authority will apply its own published admission criteria and return to the LA a list of all applicants, in rank order, in accordance with the published admissions criteria.

Between **29 February 2021 and 27 March 2021** the Council's Schools Admissions Team will consider the list of children that can be offered and refused admission for all schools. Where a child can be offered admission at more than one school, the LA will offer admission at the school that is the highest ranked preference. Any changes to the list of children to be offered and refused admission will be communicated to the schools.

### **Stage 3 – letters offering a school place**

The Council's Schools Admissions Team will send letters on **16 April 2021** to all parent(s)/carer(s) of BwD children informing them of the outcome of the application for admission into a primary school.

If admission is refused to any of the preferred schools, a letter will be sent which will inform parent(s)/carer(s) of the alternative school to be offered. The LA's letter will advise parent(s)/carer(s) of their right of appeal and provide details of the appeals process.

All parent(s)/carer(s) will be asked to confirm acceptance/refusal of the school place offered **either by using the on-line system or by telephone to the Council's Schools Admissions Team by 30 April 2021**. After this date the LA will inform the relevant Admission Authorities of the children whose parent(s)/carer(s) have not accepted the places offered at their schools.

The Admission Authorities will write to these parent(s)/carer(s), informing them that if the place is not accepted within 7 days (either via the on-line system or by telephone), the place will be withdrawn. If after 7 days if the place has not been accepted, the Admission Authorities will tell the LA which children to withdraw from the offer list. If the school has a reserve list the LA will make further offers and inform the schools of the children. The process will continue until all places have been allocated.

For places offered at community and voluntary controlled schools, the LA (as Admission Authority) will contact parent(s)/carer(s) who have not confirmed acceptance of the place offered at those schools. If after 7 days the place has not been accepted the LA will follow the same process re withdrawing places, as the other Admission Authorities.

### Late applications

#### 1. Late applications received between the closing date and the allocation Date

The closing date will as far as possible be observed. If there are exceptional reasons for the delay, then provided the application is received before **12 March 2021 ("the cut-off date")**, a late application may be considered alongside the applications which were submitted on time. The exceptional reasons may include the following:

- Parent(s)/carer(s) who have moved or are moving into the borough after the closing date
- Parent(s)/carer(s) were abroad for the whole period between the publication of the LA's admission booklet and the closing date for the application form
- Parental/carers/child illness which required hospitalisation for the major part of the period between the publication of the LA's admission booklet and the closing date for the application form

If the Admission Authority is not satisfied that there were relevant exceptional circumstances for the delay then any application form received after the closing date, but before places are allocated, will only be considered after all the on-time applications have been considered and allocated places.

Please note that if a late application is received after the cut-off date, it will not be possible for the Admission Authority to consider it alongside the on-time applications even if there are exceptional reasons for the delay.

Parent(s)/carer(s) of Blackburn with Darwen children will be sent letters from the LA informing them of the outcome of the application for admission to borough schools on **16 April 2021**.

#### 2. Applications received after the allocation date



The LA will continue to manage the co-ordinated admission arrangements after the allocation date (i.e. **16 April 2021**) until **31 December 2021**.

Anyone applying after places have been allocated must still complete the LA common application form. The application form and any relevant documents will

be passed on to the appropriate admissions authority for consideration. The LA will retain responsibility for informing parent(s)/carer(s) about the outcome of their application.

If admission is refused to any of the preferred schools, a letter will be sent which will inform parent(s)/carer(s) of the alternative school to be offered. The LA's letter will advise parent(s)/carer(s) of their right of appeal and provide details of the appeals process.

### **Waiting lists & change of preferences**

#### Waiting list

All admission authorities must maintain a waiting list until 31st December in the academic year of admission for every oversubscribed school. The admission authority must use the existing oversubscription criteria to rank the children. As no distinction will be made on the waiting list between applications received on time and late applications, the waiting list will remain fluid.

The LA will maintain a waiting list for admission to community and controlled schools. Details of children who have not been offered a place at their preferred school(s), including late applicants will automatically be placed on the waiting list using the LA published oversubscription criteria.

#### Change of preferences

A change of preference after the closing date (but before the cut-off date) will only be acceptable in exceptional circumstances. This is likely to be when there is a change of address. Verification must be provided e.g. letter from a solicitor exchanging contracts or a tenancy agreement.

If a parent(s)/carer(s) wishes to change a preference after the cut-off date, then they must follow the process outlined above for **Applications received after the allocation date**. Since this is effectively a request for admission to a school(s) not previously indicated on the original application form, the parent(s)/carer(s) must complete a fresh application form. Where a place cannot be offered, the child's details will be placed on the waiting list and an alternative place will be offered.

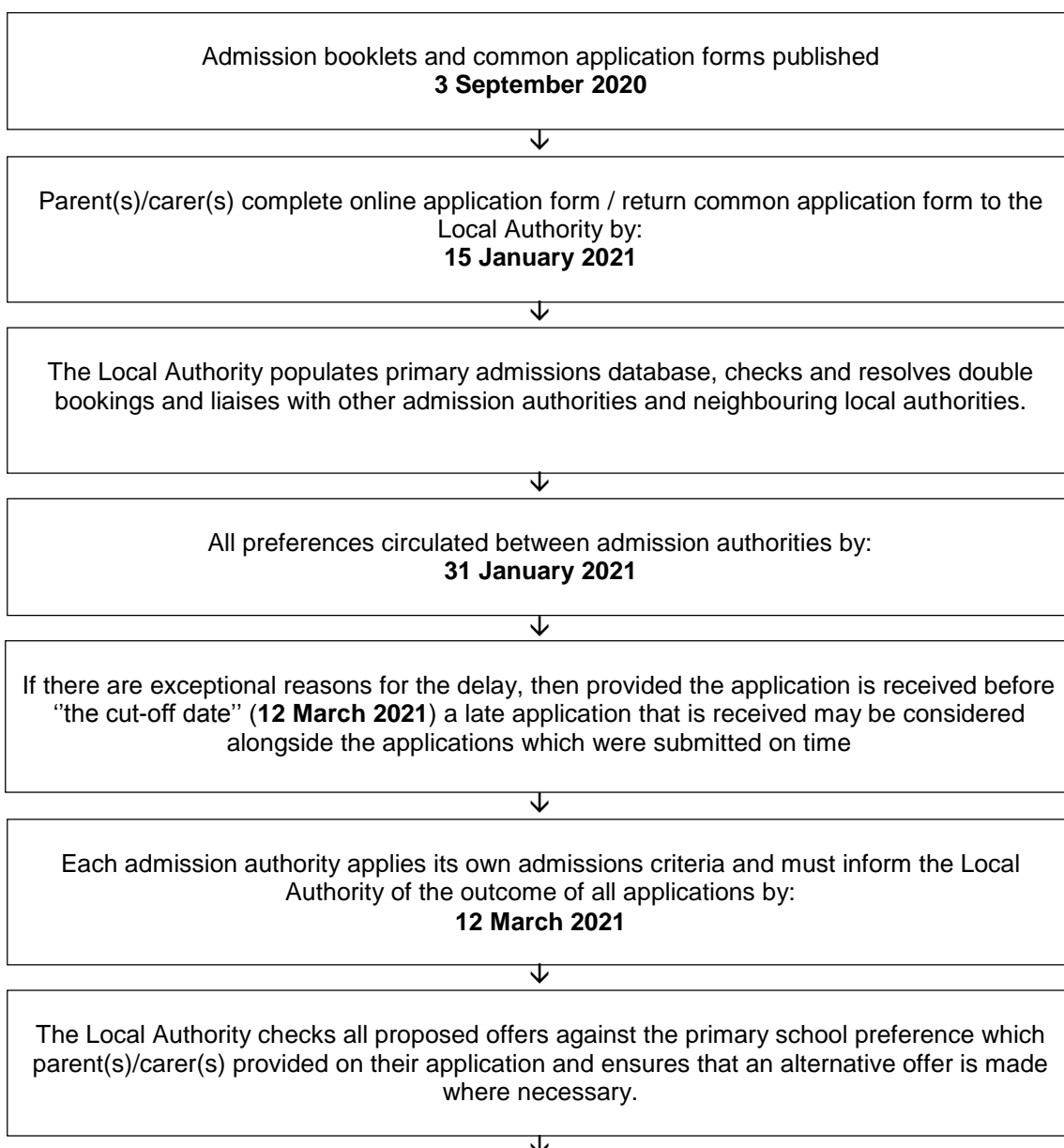
#### In year admissions

The LA has formulated a scheme for the co-ordination of all in year admissions.



## Primary Admissions 2021/22

### T I M E T A B L E



## Appendix C

The Local Authority confirms offers with all maintained infant, junior and primary schools which includes confirmation of alternative offers by:

**13 April 2021**



Offers made to parent(s)/carer(s) by the Local Authority on:

**16 April 2021**



Parent(s)/carer(s) to accept or decline place by:

**30 April 2021**



Closing Date for receipt of appeal forms for appeals to be heard in June/July 2021

**24 May 2021**



Appeals  
**June/July 2021**



## **Blackburn with Darwen Borough Council Co-ordinated Secondary Admission Scheme for 2021/22 Academic Year**

### **Background**

The law requires Local Authorities (LAs) to establish a co-ordinated admission scheme that will apply to all secondary schools.

The purpose of co-ordinated admission schemes is to establish mechanisms for ensuring, so far as reasonably practicable, that every parent/carer of a child living in the LA area who has applied for a school place in the 'normal admission round' receives an offer of a school place on the national offer day. The scheme must also cover late applications made after the closing date but before the start of the school year.

The Local Authority must also provide information in the composite prospectus setting out how applications that are made during the academic year for admissions to age groups other than the normal year of entry i.e. "In-Year applications" will be dealt with.

The Council is required to inform the Secretary of State of the agreed scheme by 28 February 2020. The Secretary of State will impose a scheme if the Council fails to notify him of the agreed scheme.

### **Co-ordinated scheme for the 'normal admission round'**

#### **Equal preferences**

It is a legal requirement on all admission authorities to consider equally all applications for admission to maintained secondary schools. The rank order of preference, whether a first, second or third preference, will not be taken into consideration at this stage. If the school receives more applications than the published admission number, the relevant oversubscription criteria will be applied by the school's admissions authority to all applicants.

If it is possible to offer admission at more than one of the preferred schools then the school at which a place will be offered will be the one that is the highest ranked on the common application form.

Offers from lower preference schools will be removed and these places will be offered to other eligible children. This will ensure that each child is only offered a place at one school.

### Fraudulent applications

If the Council or a school finds that misleading information has been given, the child may not be given a place at that school. If a place has been offered, that place may be withdrawn. If the place is withdrawn, the application will be considered again, based on the correct information. If the application is refused a right of appeal will be given. If the child is allowed to continue at that school, their sibling(s) will not be given priority for places at that school under the “sibling” category in the admission policy if they then apply for places at the school in question.

### Stage 1 – common application form

The Council will publish an admission prospectus “ Secondary School Admissions for September 2021”. This will be available from the Council’s website.

[www.blackburn.gov.uk/admissions](http://www.blackburn.gov.uk/admissions), any Blackburn with Darwen primary school and from the Children’s Services Department from **3 September 2020**. Parent(s)/carer(s) are encouraged to apply using the on-line form which will be available from **3 September 2020**.

The online application form or the common application form which is included in the prospectus for admission to all maintained secondary schools must be completed by parent(s)/carer(s) of Blackburn with Darwen (BwD) children (even if you are applying for a school place in another Local Authority area) by **31 October 2020 (“the closing date”)**.

The online application form / common application form (CAF) will allow parent(s)/carer(s) to express three preferences in rank order and to state reasons for the preferences. The form will also allow parent(s)/carer(s) to provide denominational reasons in support of their application e.g. baptismal / church membership and attendance / mosque membership.

When applying for admission for the following schools parent(s)/carer(s) must also complete an additional school application form that is available within the Council’s prospectus and should be returned to the school:

- St Wilfrid’s CE Academy
- Queen Elizabeth’s Grammar School

Parent(s)/carer(s) who are applying for admission under the **faith** category for the following schools must also complete an additional school application form which is available within the Council’s prospectus and should be returned to the school.

- Tauheedul Islam Girls’ High School
- Tauheedul Islam Boys High School

### **No application will be processed without an online application form or a common application form.**

Parent(s)/carer(s) of Blackburn with Darwen children resident in the borough wishing to apply for admission at schools in neighbouring Councils must list the preference(s) on the Blackburn with Darwen common application form/online form.

PLEASE NOTE - Where more than one person with Parental Responsibility for the child submits an application for the same child, then neither application will be considered and the parents/carers will be asked to agree a single application. The local authority will require the parents to resolve matters between themselves, taking legal advice if necessary and inform the local authority which application should be processed. If agreement is not reached or a legal decision is not made before the closing date, this may affect the chances of your child being allocated a place at the preferred school(s).

### **Stage 2 – process for considering applications**

The Local Authority will provide admission authorities with details of all children whose parent(s)/carer(s) have indicated the school as a preference on the common application form by **26 November 2020**. The order of preferences will not be included in the details sent to each school.

By **17 December 2020** each admission authority will apply its own published admission criteria and return to the LA's Schools Admissions Team a list of all applicants, in rank order, in accordance with the published admissions criteria.

Between **3 January 2021 and 4 February 2021** the LA's Schools Admissions Team will consider the list of children that can be offered and refused admission for all schools. Where a child can be offered admission at more than one school, the LA will offer admission at the school that is the highest ranked preference. Any changes to the list of children to be offered and refused admission will be communicated to the schools.

### **Stage 3 – letters offering a school place**

The LA's Schools Admissions Team will send letters on **1 March 2021** to all parent(s)/carer(s) of Blackburn with Darwen children informing them of the outcome of the application for admission into a secondary school.

If admission is refused to any of the preferred schools, a letter will be sent which will inform parent(s)/carer(s) of the alternative school to be offered. The LA's letter will advise parent(s)/carer(s) of their right of appeal and provide details of the appeals process.

All parent(s)/carer(s) will be asked to confirm acceptance/refusal of the school place offered, **either by using the on-line system or by telephone to the Council's Schools Admissions Team**, by **15 March 2021**. After this date the LA will inform the relevant Admission Authorities of the children whose parent(s)/carer(s) have not accepted the places offered at their schools.

The Admission Authorities will write to these parent(s)/carer(s), informing them that if the place is not accepted within 7 days (either via the on-line system or by telephone), the place will be withdrawn. If after 7 days the place has not been accepted, the Admission Authorities will tell the LA which children to withdraw from

## Appendix C

the offer list. If the school has a reserve list the LA will make further offers and inform the schools of these children. The process will continue until all places have been allocated.



## Late applications

### 3. Late applications received between the closing date and the allocation date

The closing date will as far as possible be observed. If there are exceptional reasons for the delay, then provided the application is received before **29 January 2021 (“the cut-off date”)**, a late application may be considered alongside the applications which were submitted on time. The exceptional reasons may include the following:

- Parent(s)/carer(s) who have moved or are moving into the borough after the closing date
- Parent(s)/carer(s) were abroad for the whole period between the publication of the LA’s admission booklet and the closing date for the application form
- Parental/carers/child illness which required hospitalisation for the major part of the period between the publication of the LA’s admission booklet and the closing date for the application form

If the Admission Authority is not satisfied that there were relevant exceptional circumstances for the delay then any application form received after the closing date but before places are allocated will only be considered after all the on-time applications have been considered and allocated places.

Please note that if a late application is received after the cut-off date, it will not be possible for the Admission Authority to consider it alongside the on-time applications even if there are exceptional reasons for the delay.

Parent(s)/carer(s) of BwD children will be sent letters from the LA informing them of the outcome of the application for admission to secondary schools on **1 March 2021**.

### 4. Applications received after the allocation date

The LA will continue to manage the co-ordinated admission arrangements after the allocation date i.e. **1 March 2021** until **31 December 2021**.

Anyone applying after places have been allocated must still complete the LA common application form. The application form and any relevant documents will be passed on to the appropriate admission authority for consideration. The LA will retain responsibility for informing parent(s)/carer(s) about the outcome of their application.

If admission is refused to any of the preferred schools, a letter will be sent to inform parent(s)/carer(s) of the alternative school to be offered. The LA’s letter will advise parent(s)/carer(s) of their right of appeal and provide details of the appeals process.

### **Waiting lists**

All admission authorities must maintain a waiting list until at least 31<sup>st</sup> December in the academic year of admission for every oversubscribed school. The admission authority must use the existing oversubscription criteria to rank the children. As no distinction will be made on the waiting list between applications received on time and late applications, the waiting list will remain fluid.

### **Change of preferences**

A change of preference after the closing date (but before the cut off date) will only be acceptable in exceptional circumstances. This is likely to be when there is a change of address. Verification must be provided e.g. letter from a solicitor exchanging contracts or a tenancy agreement.

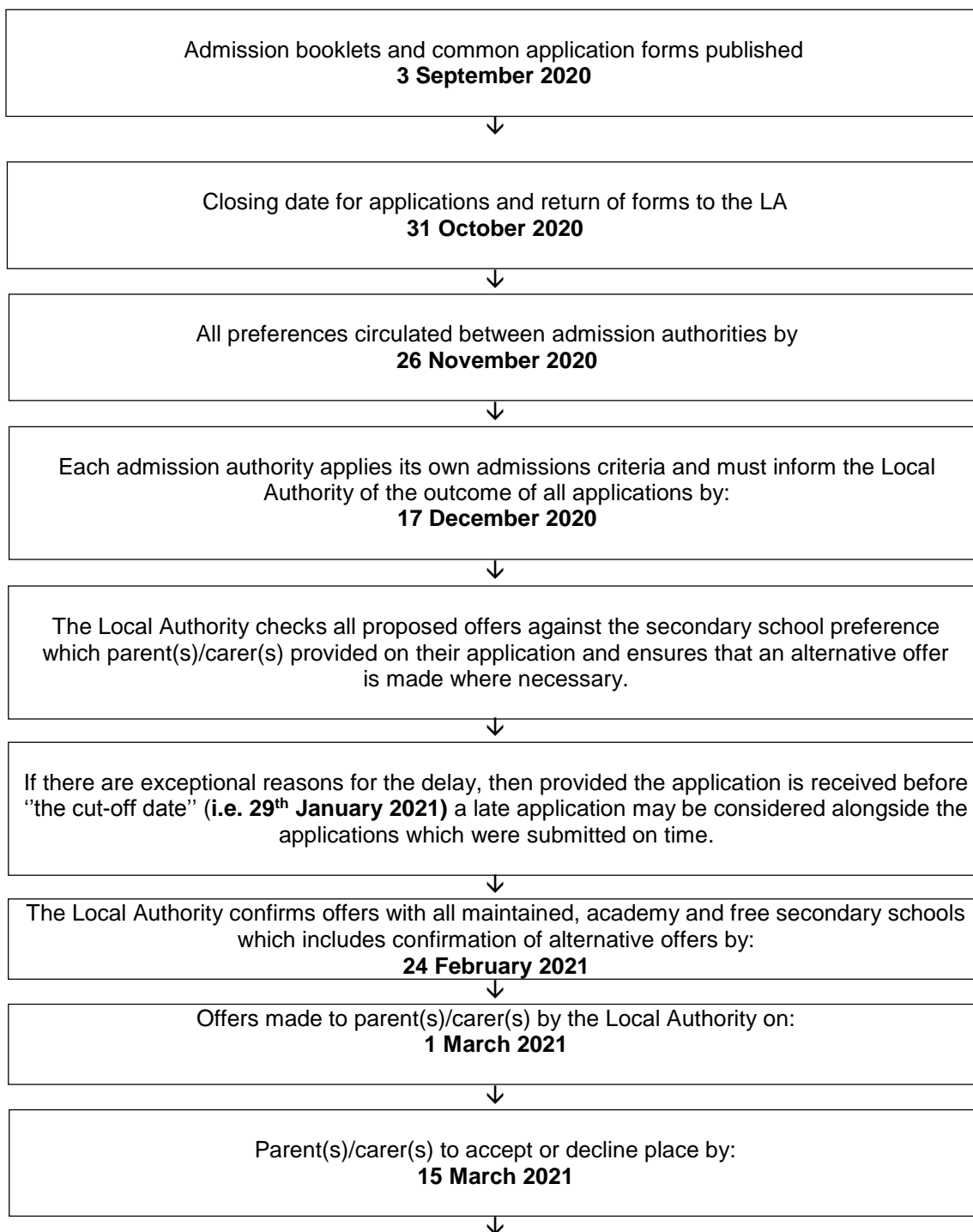
If parent(s)/carer(s) wish to change a preference after the cut-off date, then they must follow the process outlined in the section **Applications received after the allocation date**. Since this is effectively a request for admission to a school(s) not previously indicated on the original application form, the parents/carers must complete a fresh application form. Where a place cannot be offered, the child's details will be placed on the waiting list and parent(s)/carer(s) will be advised of alternative schools which have places available.

### **In year admissions**

The LA has formulated a scheme for the co-ordination of all in year admissions.



### Secondary Admissions for 2020/21 Timetable



Closing Date for receipt of appeal forms for appeals to be heard in June/July 2021  
**1 April 2021**



Appeals  
**May/June/July 2021**



## **In-Year Co-ordinated Admissions Scheme**

### **In-Year Admissions**

The Local Authority (LA) has responsibility for co-ordinating all normal years of entry, i.e. admission to reception class, transfer from an Infant to a Junior school, and the transfer from primary to secondary school. The LA's Fair Access team is responsible for co-ordinating all other admissions. These are called 'in year applications' and would include:

- Children wishing to change from one school to another school within the borough
- Children who have arrived into the borough requiring a school place
- Children wishing to move from an independent school to a school maintained by the Council

The Local Authority is the admission authority for community and voluntary controlled schools. The Governing Body of a voluntary aided, foundation, trust school or academy/free school is their own admission authority.

### **Fair Access Protocol**

This protocol operates outside of the 'normal' in year admission arrangement and particularly applies to the following groups of vulnerable children:

- Children from the criminal justice system or Pupil Referral Units who need to be reintegrated into mainstream education
- Children who have been out of education for two months or more
- Children of Gypsies, Roma, Travellers, refugees and asylum seekers
- Children who are homeless
- Children with unsupportive family backgrounds (pupils on CPP)
- Children who are carers
- Children with special educational needs, disabilities or medical conditions (but without a statement, EHCP or IPRA)

Schools and Local Authorities are also free to include within a Fair Access Protocol other categories to meet the needs of children residing in the area. Please contact the Fair Access team for further information on this.

### **Children with an EHCP, Statement for SEN or an IPRA**

Please contact the LA's Statutory Assessment team regarding applications for a school place for a child with an Education, Health and Care Plan (EHCP), Statement for Special Educational Needs (SEN) or an Individual Pupil Resourcing Agreement (IPRA).

### **Stage 1 – In Year Admission Form (IYAF)**

Parents / carers of Blackburn with Darwen (BwD) children must complete the Council's In-Year Admission Form in order to apply for admission to any publically-funded school within the boundary of BwD. This form is available from either the 'Fair Access' or 'Place Planning and Admissions' teams.

The completed In-Year Application form should then be submitted to the 'Fair Access' team.

The In-Year Admission form allows parents / carers to express up to three preferences in order of preference and to state reasons for the preferences.

When applying for admission for the following schools parent(s)/carer(s) must also complete an additional school application form that is available within the Council's prospectus and should be returned to the school:

- St Wilfrid's CE Academy
- Queen Elizabeth's Grammar School

Parent(s)/carer(s) who are applying for admission under the Muslim faith and / or mosque membership criteria for the following schools must also complete an additional school application form which is available within the Council's prospectus and should be returned to the school.

- The Olive School
- Tauheedul Islam Girls' High School
- Tauheedul Islam Boys High School

If you are applying for a place at an **aided (faith) school**, please contact the school as you may also need to complete an additional form available from the school.

### **Stage 2 – Process for Considering Applications**

The Local Authority may seek further information from your child's current school.

The LA will provide details of your application to the admission authorities of the schools which you have indicated as a preference on the In-Year Admission form. The Local Authority will normally do this within 10 school days of receiving your application form and information from the current school (where applicable).

The order of preference, whether a first, second or third preference, will not be taken into consideration at this stage.

Provided all the relevant information has been provided with the In-Year application form, each of the admission authorities will apply its own published admission criteria and reply to the 'Fair Access' team indicating whether a place can be offered to your child. The Admission Authority should do this within 5 school days of receiving all the relevant information.

### **Cross-border applications**

Not all local authorities co-ordinate the in-year admission process. If you are considering applying for a school place outside of BwD, you should contact that local authority to seek information about their application process.

### **Stage 3 – Letter Offering/Refusing a School Place**

If it is possible to offer admission at more than one of the preferred schools then the school at which a place will be offered will be the one that is the highest ranked on the application form. Offers from lower preference schools will be removed and these places (if available) will be offered to other eligible children.

Once it has been possible to determine the BwD school at which a place can be offered to your child, the LA's 'Fair Access' team will contact you informing you of the outcome of your application for admission.

If you have been refused admission to a BwD school, the LA's letter will advise you of your right of appeal and provide details of the appeals process.

If you wish to accept the place offered, you must contact that school to confirm your acceptance. If you do not make contact with the offered school within 7 days of receipt of the written offer of a place, the offer may be withdrawn, and may be offered to another child applying for a place at that school.

### **Fraudulent Applications**

If a school place is offered and this is then found to have been based upon fraudulent or inaccurate information then it may be withdrawn. This can apply even where a child has started at the school. If the child is allowed to continue at that school, even though the information was false, their siblings will not be given priority for places at that school under the "sibling" category in the admission criteria if they then apply for places at the school in question.

### **Waiting List**

The LA will maintain a waiting list for admission to community/voluntary controlled schools for those children whose parents have indicated they want their children to be placed on such a list.

If your child has been refused a place at a voluntary aided, foundation, trust schools or at an academy or free school, please contact that school/academy to ascertain whether a waiting list is maintained by the school or academy.

# Statutory consultation on proposed admission arrangements for community and voluntary controlled primary schools for 2021/2022

From 8 November 2019 to 20 December 2019



## Why are we consulting?

When changes are proposed to admission arrangements, all Admission Authorities must consult on their admission arrangements that will apply to admission applications for the following school year.

At least every 7 years, Admission Authorities must consult on their admission arrangements; even if there have been no changes during that period.

We would like your views on a number of proposed changes to the admission arrangements for community and voluntary controlled primary schools for 2021/2022.

Admission Authorities must consult on proposed changes to its admission arrangements for a minimum of six weeks between 1 October (at the earliest) and 31 January (at the latest) in the determination year.

The consultation period for 2021/2022 admission arrangements for community and voluntary controlled primary schools will run from Friday 8th November 2019 to Friday 20th December 2019.

## What are we proposing to change and why?

1: We are proposing the inclusion of the groups of children named below within the oversubscription criteria as they have exceptional social circumstances, are often disadvantaged and may have encountered adverse childhood experiences. The groups of children are:

- **Children who were previously in state care before coming to England**

2: The local authority are also proposing to change the way in which we deal with applications received from parents with shared parental responsibility:

The address used on the common application form must be the current one at the time of application, i.e. the child's main residence. If the address changes subsequently, the parents/carers should notify the Admissions Authority of this change. Where the parents live at different addresses, and there is shared parenting, the address used will normally be the one where the child wakes up for the majority of Monday to Friday mornings. If there is any doubt about this, then the address of the Child Benefit recipient will be used.

Where more than one person with Parental Responsibility for the child submits an application for the same child, then neither application will be considered and the parents/carers will be asked to agree a single application. The local authority will require the parents to resolve matters between themselves, taking legal advice if necessary and inform the local authority which application should be processed. **PLEASE NOTE - if agreement is not reached or a legal decision is not made before the closing date, this may affect the chances of your child being allocated a place at the preferred school(s).**



3: The local authority are also proposing to consider unaccompanied asylum seeking children and Children of 'Zambrano Carers'<sup>1</sup> under the social, medical and welfare criterion. This will not however guarantee admission to a preferred school.

Summary of the changes to the oversubscription categories are as follows (proposed changes are written in blue):

<b>2021/22</b>	
a)	'Looked after' children and children who were previously 'looked after' but immediately after being looked after were adopted or became subject to a residence/child arrangement order, or special guardianship order. <b>This includes children previously in care outside of England.</b> 'Looked after' means that the child was (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions;
b)	Children with an older sibling (sibling means a brother or sister, half brother or sister, adopted brother or sister, step brother or sister, not cousins, or the child of the parent/carer's partner, and in every case, the child should be living in the same family unit at the same address) who will still be attending the preferred school when the younger child is admitted;
c)	Children with proven exceptional medical, social or welfare needs which are directly relevant to the school concerned. <i>If you wish to be considered under this category you must provide appropriate supporting evidence with your application from a doctor, social worker or other professional. This evidence must explain why the preferred school is the most suitable and what difficulties would be caused if the child had to attend another school;</i>
d)	Geographical proximity - under this category, the remaining places will be offered to children who live nearest to the preferred school. The distance will be measured in a straight line between the home front door and the main gate of the school using a computerised programme.

***Tie-breaker - Within each of the oversubscription categories, if there are more applicants than remaining places available, geographical proximity (as set out in category d) will be used to allocate places.***

#### Who are we consulting with

We are seeking views from:

- 1) Parents in our borough who have children between the ages of two and eighteen
- 2) Other persons in our borough who the Local Authority believes will have an interest in the proposed admissions;
- 3) All other admission authorities within the borough;
- 4) Governing bodies in the borough (who are not admission authorities);
- 5) Our adjoining/neighbouring local authorities where the admission authority;
- 6) The bodies representing the religions/religious denomination of the faith schools in our borough

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<sup>1</sup> A 'Zambrano' carer is a person from a non-EEA state whose residence is required in order to enable a child or dependant adult, who is British, to live in the UK (or the rest of the EEA).

### Consultation timetable

8 November 2019	Consultation opens.
20 December 2019	End of consultation period and deadline for submitting responses to the Local Authority.
Week commencing 13 <sup>th</sup> January 2020	Analysis of consultation responses and preparation of information to be considered by the Local Authority.
18th February 2020	Meeting of the Local Authority's decision panel to consider the responses and agree admission arrangements.
28 February 2020	Formal determination of admission arrangements.
15 March 2020	Publication of determined admission arrangements.

### How to respond

This consultation will run from 8th November 2019 to 20th December 2019 (a period of six term time weeks). You are invited to submit responses about the proposal above to the Local Authority by:

- Online survey <https://www.snapsurveys.com/wh/s.asp?k=157260790690>
- Alternatively, download the consultation response form from [www.blackburn.gov.uk/admissions](http://www.blackburn.gov.uk/admissions) and return via:
- email – Carol Grimshaw at [admissions@blackburn.gov.uk](mailto:admissions@blackburn.gov.uk) or
- post – Carol Grimshaw, School Admissions Team, Ground Floor, 10 Duke Street, Blackburn, BB2 1DH

Responses must be received no later than 5pm on Friday 20 December 2019. Responses received after this time and date may not be considered.

### For more information

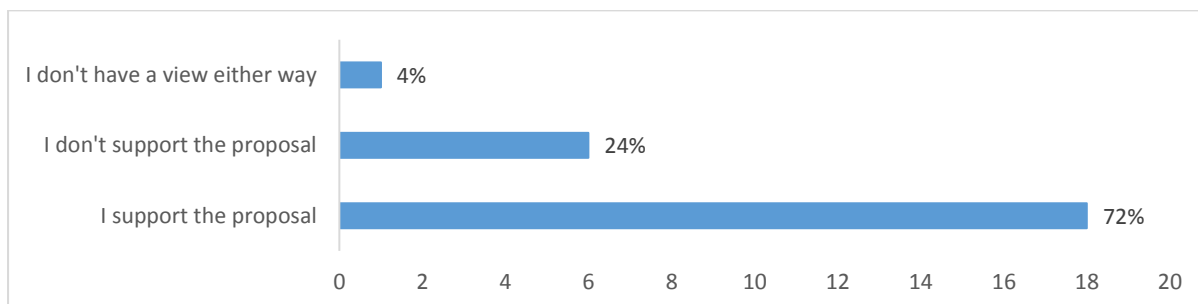
If you would like to discuss the proposal or would like more information, please email Carol Grimshaw at [admissions@blackburn.gov.uk](mailto:admissions@blackburn.gov.uk).

## Details of consultation responses

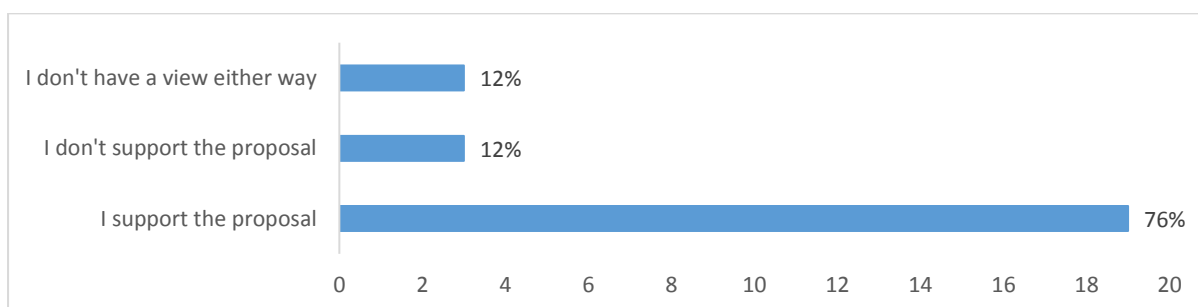
Statutory consultation on proposed admission arrangements for community and voluntary controlled primary schools for 2021/2022

The following charts detail the responses to the proposed changes to the admission arrangements for community and voluntary controlled primary schools for 2021/2022.

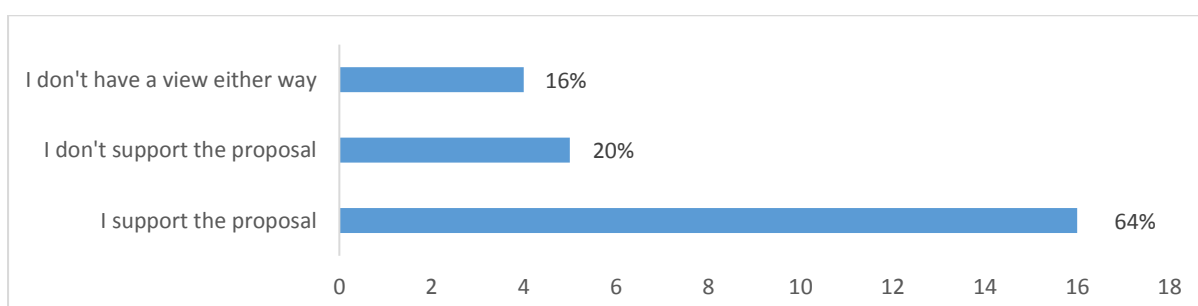
### 1. How do you feel about including 'Children who were previously in state care before coming to England' as part of criteria a?



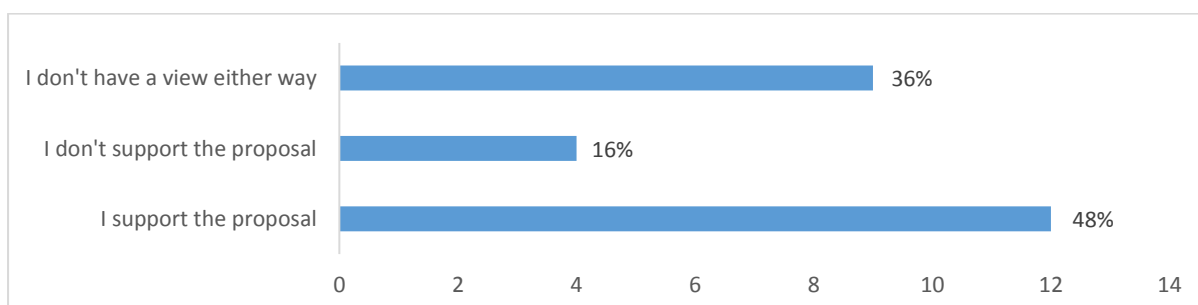
### 2. How do you feel about the proposed amendment to the way in which the local authority will deal with applications received from parents/carers with shared parental responsibility?



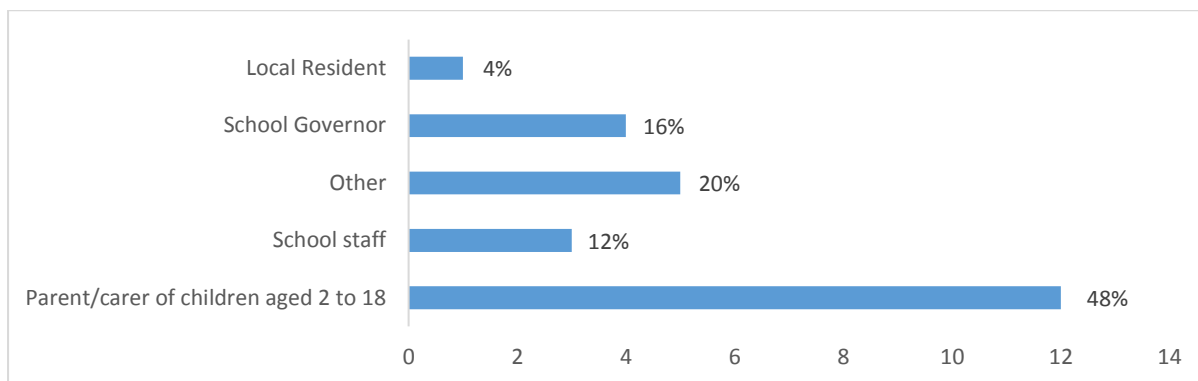
### 3. How do you feel about the consideration of unaccompanied asylum seeking children under criteria c?



### 4. How do you feel about the consideration of children of Zambrano carers under criteria c?



## Which of the following best describes you?



## Please tell us the reason for your views, or write any other comments on this proposal:

I feel British Children are becoming second in line to their right of education. Children should be able to attend those schools, closes to them on a fair trial, whether they are British, in care or have been in care in another country. Allowing these changes leaves the door open for people making assumptions of others and also causing a divide within the communities. Which is unfair for all parties. Each child should be given fair treatment regardless of where they are from.

Our own children should be first and not displaced.

I am broadly in favour of these suggestions but as an education professional I am deeply concerned about the lack of finances to support children with additional needs and the number of children these places will be offered to. A school such as mine has absolutely no resources or experience in supporting EAL children, for example. We are on our knees with SEN and pastoral support as it is - and with both my children having passed through the school I work at, I've seen first-hand the effects of budget cuts to support. We fail all our children by pushing through inclusion without providing support. My school will become overwhelmed very quickly without it. Please budget for the burden and give us the money to recruit and train staff if these changes go ahead.

I go along with the proposals and are happy with the way Blackburn with Darwen are taking these changes into hand.

I support the proposal as it seems to support the best needs of vulnerable children. For another comment - unrelated to the proposal, but regarding admissions, I wish you would review the admissions system for Previously Looked after Children as these are given priority weighting, but cannot be obviously recorded when you complete the admissions form.

The proposals seem to aim for equitable treatment of disadvantaged children

Parents struggle to get their children in their preferred school at the best of times. It is a stressful time, especially if you get given a school out of town and not your first choice. Then have to appeal. Wish we could build more schools to ater for everyone.

## EQUALITY IMPACT ASSESSMENT CHECKLIST

***This checklist is to be used when you are uncertain if your activity requires an EIA or not.***

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

<b>Service area &amp; dept.</b>	Access to Learning – School Admissions	<b>Date the activity will be implemented</b>	29/02/2020
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<b>Brief description of activity</b>	To advise on Local Authorities proposed admission arrangements for the academic year 2021/22 and seek Executive Member formal determination of these arrangements.
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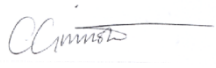
Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	<b>Does this activity:</b> Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
<b>FOR =</b>	<b>TOTAL</b>	<b>AGAINST = 6</b>

**Will you now be completing an EIA?**

Yes

No

The EIA toolkit can be found [here](#)

<b>Assessment Lead Signature</b>	
<b>E&amp;D Lead Signature</b>	Justine Westwell
<b>Date</b>	14/02/2020