

Executive Member Decision



REPORT OF:	Executive Member for Children, Young People and Education
LEAD OFFICERS:	Strategic Director of Children's & Education (DCS)
DATE:	27 September 2021

PORTFOLIO(S) AFFECTED:	Children, Young People and Education
WARD/S AFFECTED:	(All Wards);

SUBJECT:

Variation to the Determined Admissions Arrangements for Community and Voluntary Controlled School for the 2021-22 and 2022-23 academic years

1. EXECUTIVE SUMMARY

The new 2021 School Admissions Code has extended the group of children to whom all admission authorities are required to give the highest priority in their oversubscription criteria. The previously determined admissions arrangements for 2021/22 and for 2022/23 require an immediate variation to ensure that they remain lawful.

2. RECOMMENDATIONS

Recommendation 1

That the top priority category in Blackburn with Darwen's determined admission arrangements for 2021-22 is varied with immediate effect to read:

"A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements or special guardianship order, including those who appear to this admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

'A *looked after child*' is a child who is (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 (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. An '*adoption order*' is an order under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see Section 46 adoption orders). A '*child arrangements order*' is an order settling the arrangements to be made as to the person with whom the child is to live under Section 8 of the Children Act 1989 as amended by Section 14 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a '*special guardianship order*' as an order appointing one or more individuals to be a child's special guardian (or special guardians). A child is regarded as *having been in state care outside of England* if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society."

Recommendation 2

That the top priority category in Blackburn with Darwen's determined admission arrangements for 2022-23 is varied with immediate effect to read:

"A 'looked after child' or a child who was previously looked after but immediately after being looked after became subject to an adoption, child arrangements or special guardianship order, including those who appear to this admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

'A *looked after child*' is a child who is (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 (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school. An '*adoption order*' is an order under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children Act 2002 (see Section 46 adoption orders). A '*child arrangements order*' is an order settling the arrangements to be made as to the person with whom the child is to live under Section 8 of the Children Act 1989 as amended by Section 14 of the Children and Families Act 2014. Section 14A of the Children Act 1989 defines a '*special guardianship order*' as an order appointing one or more individuals to be a child's special guardian (or special guardians). A child is regarded as *having been in state care outside of England* if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society."

3. BACKGROUND

The new 2021 School Admissions Code has extended the group of children to whom all admission authorities are required to give the highest priority in their oversubscription criteria (in their admission arrangements). All admission authorities have to give equal highest priority to *Internationally Adopted Previously Looked After Children* (IAPLAC) alongside Looked after and Previously looked after children (LAC and PLAC).

This variation will apply to all in-year applications from Sept 2021 for all year groups and must be fully applied in the admissions round for the 2022-23 intake, which will begin in Sept 2021. In order to do this lawfully, the previously determined admissions arrangements for 2021/22 and for 2022/23 require an immediate variation.

4. KEY ISSUES & RISKS

Failure to apply the necessary variations to the admissions arrangements would result in the Local Authority as the admissions authority for Blackburn with Darwen Community Controlled and Voluntary Controlled Schools not being compliant with the 2021 Schools Admissions Code.

5. POLICY IMPLICATIONS

The admissions arrangements for Blackburn with Darwen Community Controlled and Voluntary Controlled Schools will be varied in line with the recommendation detailed within this report and that are compliant with the 2021 schools admissions code.

6. FINANCIAL IMPLICATIONS

None

7. LEGAL IMPLICATIONS

These variations are necessary to comply with a mandatory requirement of the 2021 Schools Admissions Code

8. RESOURCE IMPLICATIONS

None

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

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.

10. CONSULTATIONS

The implementation of the changes are required with immediate effect due to legislative changes and as such typical statutory consultation processes are not required.

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 in the Summary of Decisions published.

CONTACT OFFICER:	Carol Grimshaw, carol.grimshaw@blackburn.gov.uk
DATE:	27 September 2021
BACKGROUND PAPER:	Appendix 1: BwD School Admissions Policy for Community and Voluntary Controlled Infant and Primary Schools 2021/22 (pre variations) Appendix 2: BwD School Admissions Policy for Community Controlled Junior Schools 2021/22 (pre variations) Appendix 3: BwD School Admissions Policy for Community and Voluntary Controlled Infant and Primary Schools 2022/23 (pre variations) Appendix 4: BwD School Admissions Policy for Community Controlled Junior Schools 2022/23 (pre variations) Appendix 5: BwD School Admissions Policy for Community and Voluntary Controlled Infant and Primary Schools 2021/22 (with variations) Appendix 6: BwD School Admissions Policy for Community Controlled Junior Schools 2021/22 (with variations) Appendix 7: BwD School Admissions Policy for Community and Voluntary Controlled Infant and Primary Schools 2022/23 (with variations) Appendix 8: BwD School Admissions Policy for Community Controlled Junior Schools 2022/23 (with variations)