

SCRUTINY CO-ORDINATING COMMITTEE

13 April 2012



Report of: Scrutiny Manager

Subject: CALL-IN OF DECISION: ADMISSIONS ARRANGEMENTS FOR ADMISSIONS TO SCHOOLS 2013/14 AND COORDINATED ADMISSIONS TO PRIMARY & SECONDARY SCHOOLS AND IN YEAR TRANSFERS 2013/14 AND AN UPDATE ON NEW SCHOOL ADMISSIONS CODE 2012

1. PURPOSE OF THE REPORT

- 1.1 To provide Members of the Scrutiny Co-ordinating Committee with the relevant information relating to the Call-In of the decision taken by the Children's Services Portfolio Holder on the 27 March 2012, in relation to the admissions policy for community and voluntary controlled primary schools in Hartlepool for the school year 2013/14 and the co-ordinated admissions procedures to primary and secondary schools for 2013/14, as per the Authority's Call-In procedure.
- 1.2 To enable the Scrutiny Co-ordinating Committee to:-
- i) Make a decision in relation to the acceptance or rejection of the Call-in; and
 - ii) Consider, subject to the acceptance of the Call-in:
 - The way forward in dealing with the Call-In;
 - The formulation of a response / comments for consideration by the Children's Services Portfolio Holder (via the Proper Officer).

2. BACKGROUND INFORMATION

- 2.1 At the meeting of the Children's Services Portfolio, held on 27 March 2012, a report was considered in relation to the admissions policy for community and voluntary controlled primary schools in Hartlepool for the school year 2013/14 and the co-ordinated admissions procedures to primary and

- secondary schools for 2013/14. The formal deadline for submission of admission arrangements to the Secretary of State being the 15 April 2012.
- 2.2 A copy of the report considered by the Children's Services Portfolio Holder on the 27 March 2012, and relevant decision record (Minute No. 28 refers), are attached at **Appendices A and B** respectively for Members consideration.
- 2.3 Following the decision of the Children's Services Portfolio Holder, a Call-In Notice was issued by 3 Members of the Scrutiny Co-ordinating Committee on the 5 April 2012. This notice was accepted by the Deputy Monitoring Officer on the 5 April 2012 and a copy is attached at **Appendix C**.

3. CALL-IN PROCESS

- 3.1 The Scrutiny Co-ordinating Committee has the power under Section 21 of the Local Government Act 2000, and Rule 14 of the Council's Scrutiny Procedure Rules, to call-in decisions made by the Executive but not yet implemented.
- 3.2 The Call-In notification outlines the reasons why the signatories were of the opinion that the decision had been taken in contravention of the principles of decision making, as outlined in Article 13 of the Constitution. The reasons identified in the Call-In Notice are as follows;

i) Proportionality and xii) Reasonableness;

We do not believe it to be proportionate or reasonable to put children with siblings already in a school ahead of the majority of children who live within the schools admissions zone.

4. NEXT STEPS

- 4.1 In the first instance, the Committee must decide whether it agrees with the Members submitting the Call-In Notice that the decision should be Called-In for the reasons set out in the Notice. These reasons should then form the basis for the Committee's consideration of the decision. The Committee will also then need to decide how it wishes to proceed with consideration of the Call-In.
- 4.2 Subject to the acceptance of the Call-In by the Scrutiny Co-ordinating Committee, invitations have been extended to the Children's Services Portfolio Holder, and relevant officers, to attend today's meeting and assist Members in their consideration of the Call-in.
- 4.3 Having fully discussed the reasons outlined within the Call-In Notice there are two ways forward:-

- (i) Should the Committee be satisfied that the principles of decision making have not been contravened, the decision(s) will be effective immediately; or
- (ii) Should the Committee remain concerned about the decision(s), comments should be agreed for formal consideration by the Children's Services Portfolio Holder at the earliest opportunity. The next possible Children's Services Portfolio meeting being held on the 24 April 2012. Following receipt of these comments the Children's Services Portfolio Holder would be required to reconsider the decision in light of them and either reaffirm or amend the decision. A response from the Children's Services Portfolio Holder must then be referred to the Committee, setting out the reasons for reaffirming or modifying the decision, in relation to the issues raised by the Committee.

5. RECOMMENDATIONS

- 5.1 That Members of the Scrutiny Co-ordinating Committee decide if they wish to accept or reject the Call-In Notice;
- 5.2 That subject to acceptance of the Call-in:
 - i) Consideration be given to the way forward in dealing with the Call-In;
 - ii) Consideration be given to the whether the decision was taken in accordance with the Principles of Decision Making (as outlined in Article 13 of the Constitution); and
 - iii) Should the Committee be of the view that the decision was not taken in accordance with the Principles of Decision Making, comments be formulated for consideration by the Children's Services Portfolio Holder (via the Proper Officer).

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BACKGROUND PAPERS

The following background paper was used in the preparation of this report:-

- (i) Hartlepool Borough Council's Constitution
- (ii) Reports and Minutes – Children's Services Portfolio of 27 March 2012
- (iii) Call-in Notice – 5 April 2012