

CABINET MEETING: 16 MARCH 2017

**SCHOOL ADMISSION ARRANGEMENTS 2018/2019
AND CO-ORDINATED SECONDARY SCHOOL ADMISSION
ARRANGEMENTS 2018-2020**

REPORT OF DIRECTOR OF EDUCATION

AGENDA ITEM: 10

PORTFOLIO: EDUCATION (COUNCILLOR SARAH MERRY)

Reason for this Report

1. In accordance with Section 89 of the School Standards and Framework Act 1998 and the Education (Determination of Admission Arrangements) (Wales) Regulations 2006, Admission Authorities are required to review their School Admission Arrangements annually.
2. This report is to inform the Cabinet of responses received following consultations on:
 - the Council's School Admission Arrangements 2018/19
 - the proposed implementation of Co-ordinated Secondary School Admission Arrangements for the period 2018-2020

Background

School Admission Arrangements 2018/19

3. In order to comply with the legislation above, School Admission Arrangements for implementation in the 18/19 academic year (i.e. From September 2018) must be determined on or before 15 April 2017.
4. The Education (Determination of Admission Arrangements) (Wales) Regulations 2006 and the School Admissions Code set out the procedure which admission authorities should follow when determining their admission arrangements, including that proper consultation must be carried out and that the arrangements should be determined by 15th April in the school year beginning two years before the school year which the arrangements will be for. The reason for this is to give all stakeholders the opportunity to comment fully in the consultation and then for parents to have certainty from the 15th April in making their arrangements for their child's education. If the Council does not carry out appropriate consultation and/or delays the determination of the admission

arrangements there is a possibility that a legal challenge by way of judicial review could be brought. The Council also has to show that the admissions arrangements are lawful, in that they comply with all relevant legislation and School Admissions Code, in response to each appeal brought before the Independent School Admissions Appeal Panel. If the Council cannot show that the arrangements are lawful and that a pupil has been affected by the failing, then an appeal will be successful, meaning that the pupil has to be admitted to an already full school. As the Council has approximately 500 appeals per year, if a large number are successful because the admission arrangements are considered to be unlawful and a large number of pupils are affected by this, then there is substantial risk of overcrowding in many of the schools across Cardiff, which would be contrary to the Council's main statutory duty to promote high standards of education.

5. The Council's draft School Admissions Policy 2018/19 (see Appendix 1) was issued for consultation on 05 December 2016 and closed on 23 January 2017.
6. There was minimal change to the policy for 2018/19. The change made was as follows:
 - Clarification of the proximity measurement of pupils living in the same building i.e. flats/apartments. In such instances, the route assessment will be determined from the front entrance of each dwelling.

Coordinated Admission Arrangements Pilot

7. In conjunction with the consultation on the School Admission Arrangements 2018/19, a public consultation on the proposed introduction of co-ordinated admission arrangements for the Year 7 age group for intakes in September 2018, September 2019 and September 2020 was undertaken (a copy of the consultation document can be seen at Appendix 2). This change does not constitute a change to policy but proposes a revised system for administering the admissions process in conjunction with other admission authorities operating in Cardiff.
8. Co-ordinated admission arrangements were introduced in England under the terms of the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007.
9. There are currently no formal co-ordinated admission arrangements in Wales despite the Welsh Government recognising Cardiff has 30 Admissions Authorities (far more than any other Local Authority in Wales) of which 23 are Primary School Governing Bodies, 6 are Secondary School Governing Bodies and 1 is the Council.
10. At present parents apply for secondary education places by submitting a school admission form to the Admission Authority of their preferred school. Any request for admission to a Faith or Foundation school must be made directly to the Governing Body of that school. Requests for admission to any Community school must be made to the Council.

11. Whilst parents may apply for multiple schools and inform the Council of which community schools are their preferred option(s), they are not required to confirm whether they have made applications to other admission authorities nor which non-community school is their higher or lower preference. As a result, parents could be offered more than one school place for their child with some parents choosing to 'hold' offers for more than one school, preventing other children being offered these places.
12. As a result of this, whilst some parents receive offers for their child at multiple schools, other parents have been unsuccessful in securing a place at any of their school preferences.
13. Consequently, there is uncertainty as to which pupils will start at which schools as the order of parental school preferences is unclear at the time of application and some pupils remain unallocated after the first round of allocations.
14. The aim of this proposal is to create a fairer, more equitable system of allocating school places in Cardiff.

Issues

Summary of the Council's School Admission Arrangements 2018/19 Consultation

15. The Council's draft School Admissions Policy 2018/19 was issued for consultation on 05 December 2016 to all those the Council are required to consult with as set out in the Welsh Government's School Admissions Code (Headteachers, Governing Bodies, Diocesan Directors, neighbouring Local Education Authorities).
16. Additionally the Policy was published on the Council website which provided the opportunity for parents and other interested parties to comment. Responses were requested to be returned by 23 January 2017.

Responses received regarding the policy during the consultation period

17. In total 47 responses were received, including a response from the Governing Body of Marlborough Primary School and a joint response from the Local Members for Penylan.
18. The views expressed were largely related to the Marlborough Primary School catchment area and demand for places/ oversubscription at Cardiff High School.
19. The points of view received as part of the consultation are set out in *italics* below and have been grouped according to the issues raised where appropriate. The Council's response to each point can be seen underneath, under the heading "*Appraisal of views expressed.*"

Marlborough Primary School Governing Body response

20. A response from the Marlborough Primary School Governing Body included the following points (a copy of the full response can be seen at Appendix 3):
21. *Following a meeting with parents, the Governing Body are concerned that the current oversubscription criteria unfairly penalises families resident in the primary school catchment area by virtue of their geographic distance to Cardiff High School when compared with the other three primary schools.*
22. *The Governing Body have proposed family longevity of residence (or other similar criteria that removes unfairness of proximity) should take precedence over proximity.*
23. *The Governing Body also expressed concern that whilst parents attention was drawn to the consultation on Co-ordinated Secondary School Admission, they were not equally advised of the consultation on proposed school admission arrangements for 2018/19.*

Appraisal of views expressed

24. As with any admissions criteria, where a school is oversubscribed, some applicants will be admitted while others will not.
25. The criterion of residence within a school catchment area is one applied only in the instance of oversubscription, not as a qualifying criterion for eligibility. It is not permissible within the relevant legislation to guarantee the admission of all pupils within any catchment area to their catchment area school.
26. The introduction of a “length of catchment area residence” criterion would not be recognised as best practice. This point is referenced as per the Welsh Government’s School Admissions Code 2.63, which refers to feeder primary schools and states that if Admission Authorities use this criterion, to do so with caution, as such arrangements can unduly disadvantage children who move into an area at a late stage and should consider the impact that such arrangements have on the ability of a school to serve its local area. The same caution and potential disadvantage would apply to a “length of catchment area residence” criterion.
27. Under Section 19 of The Equality Act 2010, indirect discrimination is prohibited and under Section 85 discrimination in relation to School Admissions is also prohibited. The Council is also bound by the Public Sector Equality Duty in all of its decisions. A “length of catchment area residence” criterion is an example of a potentially indirect discrimination as those who would be disadvantaged by this criterion are more likely to come from vulnerable social groups with protected characteristics; for example, Gypsy and Traveller children, Asylum Seekers/Refugees and some other Foreign pupils.

28. The Welsh Government's School Admissions Code regarding prohibition of undesirable oversubscription criteria, 2.29 states: "In setting oversubscription criteria admission authorities must not: Expressly exclude applicants from a particular social or religious group." In relation to Gypsy and Traveller children, the Welsh Government's School Admissions Code 3.26 states that "Arrangements must be in place for Gypsy and Traveller children to be registered quickly at a school whether residing permanently or temporarily in the area. Guidance on best practice in relation to access to education for this group of learners can be found in Welsh Assembly Government Circular 003/2008 'Moving Forward - Gypsy Traveller Education'".
29. The proposed change to oversubscription criteria being proposed by some parents of children attending Marlborough Primary School is clearly in response to oversubscription at Cardiff High School. The Council, as the Admissions Authority for all community schools within Cardiff, must consider the entire Cardiff area and impact on the population therein. The use of distance between home and school is as set out in the Welsh Government School Admissions Code (2.48) "a clear and objective oversubscription criterion and is useful as a tie-breaker".
30. An analysis of in-catchment area pupils (234 as at 25 January 2017) whose parents have applied after the annual round of applications has been undertaken. i.e. 'In-Year' applicants for the 2016-17 academic year, thus far, illustrates the cohorts which the Council believes would have been potentially discriminated against by the implementation of a "length of catchment area residence" criterion:
- 12% of **(29)** pupils are recent arrivals into the UK i.e. children who have resided in the UK for no longer than two years;
 - 1% **(3)** are Asylum Seekers (not included above);
 - 15% of **(34)** pupils are recent arrivals into Cardiff from other areas of the UK;
 - 26% of **(61)** pupils have moved address within the Cardiff county boundary.
31. Therefore, potentially, **(127)** 54% of all In-Year in-catchment area applicants for the 2016-17 academic year thus far, would have been adversely affected by the implementation of this criterion. In terms of which of these applicants may claim to have been indirectly discriminated in relation to a protected characteristic (as per the Equality Act 2010), please see information below:
- Religion - the cohort most differentially impacted would have been those of the Islamic faith (35%) **[39 pupils]**.
 - Race - the cohort most differentially impacted would have been White British (35%) **[39 pupils]**. While the second most differentially impacted cohort would have been Arabic (13%) **[14 pupils]**.

32. Given the potential for indirect discrimination under a “length of catchment area residence” criterion, it is not recommended for inclusion within the Council’s School Admissions Policy.
33. Inclusion of such a criterion would require a ‘cut-off’ point to be established i.e. satisfactory evidence of residency over a set period, would be required. This would impose upon applicants a requirement to retain and present original documentation over an extended period such as the entirety of a child’s primary phase education in order to prove longevity of residence, which many parents may have difficulty with. Such a criterion would disadvantage parents that have lived within the catchment area for the specified period of time but are unable to produce appropriate documentation.
34. If the Council were minded to consider a change to its draft School Admissions Policy 2018/19, to include such a criterion as “length of catchment area residence”, this would constitute a significant change and would require further consultation, which would not be possible within the timeframe for consideration of the 2018-19 school admission arrangements.
35. The Council’s draft School Admissions Policy 2018/19 was consulted on in accordance with the requirements of the Welsh Government’s School Admissions Code (section 2.5).
36. As set out at paragraph 6 there were minimal changes to the Council’s draft School Admissions Policy 2018/19. There is no requirement within the Code for parents to be consulted with on proposed school admission arrangements, however the policy was published on the Council website which provided the opportunity for parents and other interested parties to comment. Additionally schools were asked to notify parents of the consultation via their normal means of communication e.g. e-mail, newsletter, social media etc.
37. The proposed introduction of co-ordinated admission arrangements is a significant change and parents were advised of the consultation in order to ensure awareness of the proposed change.

Local Members’ response

38. A joint response from the Penylan Councillors (Cllr Joe Boyle, Cllr Tricia Burfoot and Cllr Bill Kelloway), included the following points (a copy of the full response can be seen at Appendix 3):
39. *The current system of allocation of places on the basis of proximity as a tie-breaker in the case of over-subscription is unfair. The use of proximity relies on one arbitrary measure, enshrines unfairness and is open to abuse.*
40. *The consultation on co-ordinated admissions makes reference to the need for a fairer, more equitable system of allocating school places in Cardiff without impacting on the community. This is an acknowledgement the Council needs to deal with broader problems*

within the current process, with the proximity criteria being the most glaring example of how unfairness is built into the system.

41. *As set out in the WG Admission Code, admissions must not be based on criteria that are 'arbitrary in nature'. We would argue that distance (proximity to school) is an arbitrary measure and certainly not more or less arbitrary than another fundamental measure, namely time (length of residence). Para 2.29 of the Code makes no mention of time nor for that matter distance. To give preference to one over the other is therefore an arbitrary decision. Paras 2.48 - 2.5 of the code could easily be rewritten as 'length of residence in a catchment area is a clear and objective oversubscription criteria and is useful as a tie-breaker' as opposed to 'distance between home and school' as at present.*
42. *We suggest the council rewrites the policy and include either a length of residence in a catchment area criteria or a points based tie breaker (see response for full details). The policy is not fit for purpose and does not meet the council's own stated aims of a fair admissions policy. We believe we have presented two options that could help remove unfairness from the admission process.*

Appraisal of views expressed

43. As set out in the Welsh Government School Admissions Code (2.48) the use of distance between home and school is “a clear and objective oversubscription criterion and is useful as a tie-breaker”.
44. The suggestion regarding the inclusion of ‘length of residence’ as an oversubscription criteria is addressed at paragraphs 24 – 34.

Other responses received

Length of residency criteria

45. Of the 47 responses received, the majority asked for length of residency within the high school catchment area criterion ahead of ‘proximity’ to be included in the policy albeit that several recognised that this may not be possible for 2018/19.
46. The views expressed included the following.
47. *The current use of proximity as a criteria has resulted in a number of families taking up temporary residence (“parachuting into”) in the Cardiff High School catchment area in order to secure a place at the school. This is to the detriment of those children living within the Marlborough Primary School catchment area who have been resident within the high school catchment area over a longer period.*
48. *Evidence from the Council EMS One Live Database (07 December 2016 Pupils in Each Year Group at CHS who are resident in CHS catchment area), provides evidence that on the basis that the Cardiff High intake*

was 240, 10 families moved out before their child started at CHS and during the Year 7 a further 31 left the catchment area giving a total of 41.

Year	Pupils in Catchment Area
7	230
8	199
9	192
10	200

49. *The numbers are significant and clearly correlate to parachuting in and out practice to close proximity to Cardiff High School by those with means from outside the Cardiff High School catchment area. The data for years 8,9,10 also helpfully show typical natural movement in and out of catchment are due to life events etc. The numbers in each year show the actual numbers at Cardiff High School are dramatically lower than the published intake (and max offers) that the school can accommodate.*
50. *The present admissions system is not fit for purpose and disadvantages children living in Penylan as they live further from Cardiff High School than those who attend the other catchment primary schools. The introduction of a length of residency within the high school catchment criteria above proximity would be an effective solution.*
51. *The introduction of a length of residence criteria above proximity but below criteria 1-5 would not discriminate against any of the groups cited in the Equality Act and does not impact upon those deemed most vulnerable.*
52. *Proximity systematically and arbitrarily disadvantages pupils who are resident in those part of the Cardiff High School catchment that are further away from the school. Marlborough children are disadvantaged by virtue of living further from Cardiff High and should be on an equal footing to those who attend the other catchment primary schools.*
53. *The inclusion of a longevity clause would not disadvantage those moving into a catchment area. In the event of a family moving into an area where the school is oversubscribed, they would have some choices. If viable, they could remain at their original school; they could go on the waiting list for their catchment school and wait to be offered a place. The proposed longevity criteria would actually serve this family better as the current policy would mean that this family may be living in the area and on the waiting list for longer while another family could move in closer and be offered a place sooner.*
54. *It has been suggested that the introduction of a longevity criteria would impact on families moving in however the number of such families are small in number ('miniscule') when compared to the huge number of families who are now in limbo wondering whether their child will securing a place at the catchment high school.*
55. *There is likely to be a positive impact on other communities beyond Marlborough/CHS catchment areas by employing length of residence criteria.*

Appraisal of views expressed

56. The number of pupils in the current Year 7 age group at Cardiff High School that have been resident in the Cardiff High School catchment for 3 years and over is 86% and 77% for 5 years and over.
57. This compares with an average for all Cardiff Community English-Medium Secondary (CEMS) Schools of pupils that have been resident in their respective catchments for 3 years and over of 85% and 76% for 5 years and over.
58. Therefore, this does not suggest that the Cardiff High School catchment area has school admission residency characteristics significantly different from that of any other CEMS Schools in Cardiff.
59. It also suggests that whilst length of residency is not an admission criterion, a significant number of pupils are already long-term residents in their respective CEMS school catchment areas.
60. Furthermore, the number of pupils in Year 7 who have been resident in the Cardiff High School catchment area for less than 1 year is 1.36% against an average in all CEMS Schools of 2.17%.
61. Of the ten children identified as out of catchment in the EMS One Live Data (07 December 2016), 7 were admitted to Cardiff High School as part of the normal allocation rounds for Year 7 meeting the oversubscription criteria of being Looked After/Previously Looked After or the school being named on a Statement of Special Educational Needs. Legislation requires that these pupils are admitted and given the highest preference wherever they live.
62. The notion that pupils are 'parachuting' into the Cardiff High School catchment area in order to gain a place at the school is unfounded.
63. As regards to the numbers of pupils in older curriculum years, it is misleading to interpret the differential between numbers on roll (NOR) and the number of pupils attending Cardiff High School from within catchment, as an indication of adoption of transient addresses of convenience.
64. Historically, Cardiff High School has been able to accommodate all of the demand for places from within its catchment area and additionally provide places (based on the published admission criteria), for some out-of-catchment area pupils.
65. The number of pupils admitted to Cardiff High School based on the catchment area criterion who are currently on roll at Cardiff High School for curriculum Years 7-11 who are no longer living within the school catchment area averages 10 per year.

66. With reference to the recent oversubscription from within the Cardiff High School catchment area, it should be noted that being resident within a catchment area is neither an eligibility requirement, or a guarantee of a place at any school. There are sufficient places available within the secondary school sector in Cardiff with some pupils who were refused admission into Year 7 at Cardiff High School from September 2016, who were resident in the catchment areas of Cardiff High School and Marlborough Primary School, residing in closer proximity to Cathays High School and/or Willows High School.
67. The EMS One Live Database information from 07 December 2016 referred to relates to the number of pupils from within the Cardiff High catchment area attending the school and not the total number of pupils in each individual group.
68. The suggestion regarding the inclusion of 'length of residence' as an oversubscription criteria is addressed at paragraphs 24 – 34.

Timescales

69. *If changes to the policy such as 'length of residency' cannot be implemented for the 18/19 school year, these could be considered for 19/20.*

Appraisal of view expressed

70. As set out at paragraph 34, the inclusion of such a criterion as 'length of catchment area residence', in the draft School Admissions Policy 2018/18 would constitute a significant change and would require further consultation, which would not be possible within the timeframe for consideration of the 2018-19 school admission arrangements.
71. Further consideration including wider research into the oversubscription criteria used in regard to admission to community schools in other authorities will be undertaken prior to consultation specific to the 2019/20 policy.

Cardiff High School

72. *The Council was aware of increased demand for Cardiff High School and committed to addressing this but have failed to do so. Increased intakes at three of the four partner primary schools will impact further on pupils ability to access a place at the school.*
73. *Over time the pupils from community primary schools closer to Cardiff High School than Marlborough Primary School will start to find themselves locked out of places there.*

Appraisal of views expressed

74. The Council has been aware of the increased numbers of pupils from within the Cardiff High School catchment area primary schools', however

it is the case that there are sufficient school places within the secondary school sector in Cardiff. Those pupils who were refused admission to Cardiff High School from September 2016, who are resident in the catchment areas of Cardiff High School and Marlborough Primary School, reside in closer proximity to Cathays High School and / or Willows High School.

75. As part of the process for the planning of school places, the Council continually reviews secondary school capacity and the evolving need for places. Proposals will be brought forward to ensure there is sufficient capacity to meet the demand for English-medium secondary school places from within the Cardiff High School catchment area. However, the current demand for English-medium places can be met within existing school provision, as sufficient places are available in neighbouring, and in some cases more local schools.
76. As set out in the resolution at the Council meeting on 24 March 2016, the issue of school places across the city will be addressed (via appropriate consultation) by expanding existing provision, the building of new schools and the redrawing of school catchment areas as necessary.

Impact on pupils and the Penylan Community

77. *This current uncertainty around whether children resident in the Marlborough Primary School catchment area is causing a detrimental impact on children which is emotionally harmful. At present, children from the Marlborough Primary School catchment are going to end up in several different schools, which will break up peer groups. There is significant evidence that sustaining peer groups is an important source of social, emotional and therefore academic development (NFER 2006, Young Minds, and Nuffield Foundation 2005, Pratt and George 2005).*
78. *The current use of the proximity criteria not only disadvantages Marlborough children in terms of admissions to Cardiff High School but also places them at a disadvantage when applying for a non-catchment school. There is a real risk children will be allocated whatever is left after everyone else has been accommodated, potentially at some considerable distance from their home and community.*
79. *This uncertainty is impacting on community cohesion. Children who have lived their whole lives within the local community are being denied places at Cardiff High School which is neither fair nor consistent with the goal of creating sustainable communities as per Local Development Plans.*
80. *Families will not want to live in Penylan and the reputation of Marlborough Primary School will suffer.*

Appraisal of views expressed

81. It is acknowledged that there is research such as the study of 30 children conducted by Pratt and George (2005) which highlights the impact of

social networks in supporting transition. There is also a wide and varied wealth of research including other reports cited by the respondent, which show that there are a number of factors that have equal or greater importance in terms of supporting effective transition from primary to secondary education.

82. Other research (Weller, S. 2006), suggests that acquaintances from the peer group can also provide the required familiarity when starting in secondary education and could function well as transitional support helping children to settle in during the initial transition even if they did not develop into enduring friendships. In the case of Marlborough Primary School, it is not expected that children would need to transfer to an alternate secondary school alone and would therefore benefit from moving on with known acquaintances. Primary Schools are encouraged/expected to ensure that smooth transition arrangements are made with the secondary school that their pupils will promote to.
83. Furthermore it does not follow that children who attend the same secondary school will have '*enduring friendships.*' particularly as schools frequently mix the pupil intake and children are not in the same form group or subject groupings, with '*enduring primary school friendships found to be more frequent amongst those in a different secondary school than children in the same school but in a different class.*'
84. The majority of participants in the Families and Social Capital ESRC research discussed by Weller, settled into their new secondary school and established new friendships. Several of the reports identified that for a minority of children there was greater benefit of transferring with friends for particularly vulnerable children who struggle with transitions. Similarly, for many familiar faces (including acquaintances) could help to build confidence and establish a sense of belonging. However, '*Most children are resilient, able to adapt and develop friendships in new circumstances*' and the range of transition measures put in place by schools supports effective relationship building with their peers so as to reduce anxiety and fully support the integration of all pupils into their new surroundings.
85. The admissions criteria is predicated on a geographical basis giving priority to those living within a school catchment area and also considering proximity of school to home address. This seeks to maintain where possible children attending a local school.

Travel arrangements

86. *The practice of families moving in to the Cardiff High catchment area on a temporary basis in order to secure a place at the school results in children travelling across the city to get to schools outside their catchment areas.*

Appraisal of views expressed

87. The suggestion that families are moving into the Cardiff High Catchment area on a temporary basis in order to secure a place at the school is addressed at paragraphs 56 - 67.
88. The number of pupils admitted to Cardiff High School based on catchment criteria who are currently on roll at Cardiff High School for curriculum years 7-11, who are no longer living within the school catchment area averages 10 per year. It is not expected that the number of out-of-catchment pupils attending the school are likely to have a significant impact on the transport network.

Three Year Pilot

89. *As with the co-ordinated admissions proposal, a three year pilot of a 'length of residency' criteria could be considered to enable a review.*

Appraisal of views expressed

90. The suggested introduction of a 'length of residency' is addressed at paragraphs 24 - 34.

Sibling Criteria

91. *The sibling link should be extended to include sixth form as at Bishop of Llandaff and Whitchurch High School.*

Appraisal of views expressed

92. At present sixth form provision is available at 12 of the 19 secondary schools in Cardiff, as well as at Cardiff and Vale College and St David's Catholic Sixth Form College.
93. The Council has agreed to delegate to the Governing Bodies of Community High Schools the responsibility for the determination of admission arrangements for sixth form provision, including the administrative processes under which admissions to sixth form are considered. Sixth form is non-statutory and admission authorities can set arrangements based upon aptitude. The Council believes sixth forms are best placed to manage the planning for and delivery of the range of subject options available at Further Education level.
94. If the Council were minded to consider a change to its draft School Admissions Policy 2018/19, to include a 'sixth form sibling' criterion, this would constitute a significant change which would require further consultation, which would not be possible within the timeframe for consideration of the 2018-19 school admission arrangements.

Residency within catchment

95. *There are insufficient checks to ensure residency within catchment. The admissions criteria should be amended to state that documentary evidence must be provided.*

Appraisal of views expressed

96. Documentary evidence of residency is not routinely sought i.e. in respect of preferences for schools which are undersubscribed (where the number of applications is fewer than the number of places available).
97. Where parental preferences for a school exceed the number of places available, address verification processes are undertaken.
98. The Council examines information held by schools (including a pupil's address history) and Council Tax and Electoral Roll information (held by the Council), to match pupils and parents to addresses submitted during the application process.
99. Additional information is sought where there is a discrepancy and/ or where there is a concern around the validity of information. If there is a discrepancy between the information held by the Council and information submitted by the applicant or any concern around the validity of this information, then further investigations will be carried out and additional information requested, such as:
- Credit information
 - Bank statements
 - Child benefit information
 - Driving licence
100. This list is not exhaustive. Officer visits will be carried out if necessary.
101. As set out in the Welsh Government's School Admissions Code (3.40) "Once an admission authority has made an offer of a school place, it may only lawfully withdraw that offer in very limited circumstances. These may include when the admission authority offered the place on the basis of a fraudulent or intentionally misleading application from a parent or young person (for example, a false claim to residence in a catchment area) which effectively denied a place to a child with a stronger claim."
102. Every effort is made to determine residency within the catchment area for oversubscribed schools prior to offers being made. However should the Council receive evidence of fraudulent information having been provided to gain a place at a school to which the pupil would not have been entitled, the place will be withdrawn. This was the case during the second round of allocations to Cardiff High School for admission to the Year 7 age group in September 2016, when a place was withdrawn and reallocated to a child who would have been allocated the place in the first round of allocations.

Prioritising pupils from English-medium community primary schools for places at Cardiff High School

103. *A number of parents who chose Welsh-medium or Faith primary school education are choosing to switch to English-medium community secondary which makes it very difficult for the Council to plan places for the four English-medium community primary schools within the Cardiff High catchment. An alternative to a length criteria would be to prioritise continuity of education for those who have chosen English-medium community primary school with the same being true for those who chose Welsh-medium or Faith based education.*
104. *There are no other catchment options available to Marlborough pupils as they don't speak Welsh. The policy is potentially discriminating white, non-religious pupils i.e. if a pupil has attended primary religious or Welsh schools, these should be offered as their first choice in the event of oversubscription at schools such as Cardiff High.*

Appraisal of views expressed

105. Within the maintained education sector in Cardiff, types of school include English-medium Community; Foundation; Roman Catholic; Church-in-Wales and Welsh-medium Community. At any point during a child's education parents may express a preference for the type of education they desire for their child. For those wishing to transfer into Welsh-medium education at a later stage, the Council operate both primary and secondary phase Welsh Language Immersion units to facilitate transfer.
106. As per the Welsh Government's *Iaith Pawb: A National Action Plan for a Bilingual Wales* policy, which relates to creating a bilingual Wales, that is, a country where 'people may choose to live their lives through the medium of either or both Welsh or English and where the presence of the two languages is a source of pride and strength to us all,' parents of all backgrounds have been afforded the opportunity to elect for their child to attend an English-medium or Welsh-medium school.
107. Over the last five intakes into Year 7 in September, only 9% of all children from Cardiff's Church-in-Wales or Roman Catholic primary schools have been admitted into a non-religious secondary school in Cardiff. Similarly, over the last five intakes into Year 7 in September, less than 9% of all children from Cardiff's Welsh-medium primary schools have been admitted into an English-medium secondary school in Cardiff.
108. As set out in the Welsh Government's School Admissions Code (E.10), 'the Human Rights Act 1998 confers a right of access to education. This does not extend to securing a place at a particular school. Admission Authorities, however, do need to consider parents reasons for expressing a preference when they make decisions about the allocation of school places, to take account of the rights of parents under the Act, though this may not necessarily result in the allocation of a place'.

109. The Council cannot implement priority based criteria with respect to an applicant's religious or non-religious background or preference for medium of education as to do so would introduce an unlawful discrimination against those with the opposing characteristics (as per the Equality Act 2010). While this applies to the determining of admissions criteria for English-Medium and Welsh-Medium Community Schools, an exception applies under Welsh Government's School Admissions Code 2.29 which states: "In setting oversubscription criteria admission authorities must not: Give priority to children based on religious faith except where the school has been designated as having a religious character (Equality Act 2010)." Thus, it is only the Admission Authorities of faith-based schools, which may choose to prioritise the admission of children on religious faith.

Consideration should be given to proximity of a central point

110. *Consideration should be given to proximity to a central point in the catchment area and/or length of attendance at one of the four primary schools in the Cardiff High School catchment.*

Appraisal of views expressed

111. Applying a proximity based oversubscription criterion that is measured to and from an address point other than a school (such as from a central point of a catchment area) would not be reasonable. Those pupils living in closest proximity to a school would be ranked as a lower priority than those living in closer proximity to an arbitrary point but who live further from the school.
112. The Welsh Government's School Admissions Code 2.48 states that "distance between home and school is a clear and objective oversubscription criterion."

Appeals Process

113. *Lack of transparency around the appeals process. No 'success criteria' for an appeal so parents do not know what they must demonstrate at the appeal and those judging the appeal do not know whether to deem the appeal successful or not resulting in the appeal being unsuccessful.*

Appraisal of views expressed

114. The school appeals process is independent of the Council's process for admissions to schools.
115. The Appeals process in Cardiff is transparent and complies with the Welsh Government's School Admissions Appeals Code, which sets out the legal tests which the Independent School Admissions Appeals Panel applies when considering appeals. The process itself involves 3 independent panel members hearing directly from parents about their family's personal circumstances for each appeal and a legal adviser (Clerk to the Panel) is always present throughout. The Panel recently

updated its FAQs which are sent to every appellant to try to assist parents with the process; this included details of common grounds put forward by other parents, however as each appeal is individual it is not possible to give a “success criteria.”

116. The City of Cardiff Council is fortunate to have almost 20 independent panel members who receive regular training about the legal tests they have to apply and they are very experienced in determining whether an appeal is successful or not. They also provide a view entirely independent of the Council and use their own judgement in applying the principles of natural justice when considering appeals. Parents have the right to complain to the Public Services Ombudsman if they are unhappy with the Appeals process and despite the City of Cardiff Council facilitating almost 1500 appeals in the last three full school years (2013/14 to 2015/16), no complaints were upheld by the Public Services Ombudsman regarding the Appeals process.

Clearer guidance on medical and social compelling grounds

117. *There needs to be clearer guidance as to what would constitute medical and social compelling grounds.*

Appraisal of views expressed

118. All applications including supporting information are assessed on an individual basis. Children can only be prioritised for admission under the criterion “Pupils in respect of whom the Council judges that there are compelling medical grounds or compelling social grounds for their admission to a specific school” where there is a clear written recommendation from a medical consultant or a social worker or similar professional, explaining that the child should be admitted to a particular school”. This guidance is found in all of the Council’s school admission application forms and application-related documentation.

Feeder School System

119. *The Council is creating a property bubble which can be averted by de-prioritising proximity to school and replacing it with a ‘feeder school’ system whereby those living in the catchment area and attending a partner primary school will be given priority over others living in the catchment area or a test of the child’s length of residency in the catchment area.*

Appraisal of views expressed

120. The suggested introduction of a ‘feeder school’ system/‘length of residency’ criteria is addressed at paragraphs 24-34.

Sixth Form Provision

121. *Is there a possibility of bringing sixth form applications into the Council so that numbers can be capped, tracked, managed in a similar way to that*

that is being proposed under co-ordinated admission arrangement to help with post 16 education planning city wide.

Appraisal of views expressed

122. The suggestion relating to sixth form provision is addressed at paragraphs 92 – 94.

Alternative Options

123. *It does not follow that a reasonable alternative would be to change the Marlborough Primary School catchment secondary school as some council members have suggested. Any such review would surely need to consider the alternative secondary schools for all areas in the current Cardiff High School catchment: Roath Park's catchment is, for example, relatively close to Cathays High School.*
124. *Given the pressure on places, consideration should be given to establishing an all through 3-16 school on the Howardian site subject to appropriate site sizes being available.*

Appraisal of views expressed

125. As set out at paragraph 76 the issue of school place planning across the city will be addressed (via appropriate consultation) by expanding existing provision, the building of new schools and the redrawing of school catchment areas as necessary.
126. The Local Authority is currently looking at needs across the city relating to availability and sufficiency as part of the 21st Century Schools Programme Band B planning process, which includes considering the provision of English-medium and Welsh-medium primary school provision.
127. Any new proposals brought forward would be subject to full public consultation.

Catchment area arrangements

128. *Consideration should be given to removing areas of dual catchments which seem to benefit those living in those particular areas above others.*

Appraisal of views expressed

129. All secondary school-aged pupils resident in Cardiff live in the catchment area of one English-medium secondary school and one Welsh-medium secondary school.
130. The majority of primary school-aged pupils resident in Cardiff live in the catchment area of one English-medium primary school and one Welsh-medium secondary school, with the following exceptions:

- Shared English-medium primary catchment area arrangements were implemented in Llanishen, Lisvane and Thornhill, as part of a reorganisation of provision, to alleviate localised concerns raised by stakeholders including Schools, Governors and Parents within the area.
- A longstanding shared English-medium primary catchment area arrangement exists in Canton. Consultation on changes to catchment areas, including removing the shared arrangement, took place in 2016 but in response to concerns raised by stakeholders including Schools, Governors and Parents within the area, the existing arrangements were retained.
- Dual stream schools serve parts of north west Cardiff, where some addresses are served by a single school for both English-medium and Welsh-Medium provision.

131. There are no current proposals to amend these catchment areas. Any proposed changes to catchment areas would be subject to full public consultation.

Support for schools

132. *Consideration should be given to allocating additional resources to support schools that receive fewer applications or at least increase the promotion of what schools can offer so parents can make informed choices rather than relying on perceptions.*

Appraisal of views expressed

133. The Council works closely with the governing bodies of schools to ensure that standards in schools are high, that teaching is good and that leadership and governance is strong.

134. As set out in *Cardiff 2020: a renewed vision for education and learning in Cardiff*, the Council is committed to ensuring all children and young people in Cardiff attend a great school and develop the knowledge, skills and characteristics that lead them to become personally successful, economically productive and actively engaged citizens.

Wellbeing of Future Generations (Wales) Act 2015

135. *The Wellbeing for Future Generations (Wales) Act 2015 requires the Council to take into account the interests of children and young people. The current policy is at odds with this.*

Appraisal of views expressed

136. The Wellbeing of Future Generations (Wales) Act 2015 requires public bodies to make sure their decisions take into account the impact they could have on people living in Wales in the future. The Council has done so in relation to its proposed school admission arrangements. All

Admission Authorities in Wales are legally bound to Section 84 of the School Standards and Framework Act (1998) (the Welsh Government's School Admissions Code) and the Council has also complied with that legislation. Account is also taken of the Council responsibility to provide and promote high standards of Education under the Education act 1996.

Waiting Lists

137. *In the event of parents accepting a lower preference school, will pupils stay on the waiting list for their higher ranked school?*

Appraisal of views expressed

138. In circumstances where an applicant's higher preference has been offered, lower preferences will be automatically withdrawn. Where a second or lower preference has been offered, the applicant will automatically be placed on the waiting list(s) for their higher school preference(s). Unless a parent chooses to withdraw their child from a waiting list or a waiting list has reached its expiry date (no earlier than 30 September in relation to the normal admissions round, as per the Welsh Government's School Admissions Code 3.27), the applicant can only be withdrawn from a waiting list if allocated a place at the school.

Summary

139. A number of responses suggested changes to the school admission criteria. Any significant change would require further consideration including wider research into the oversubscription criteria used with regard to admission to community school in other authorities. Any changes arising out of this would be subject to consultation.

Summary of the Consultation specific to proposed Co-ordinated Secondary School Admission Arrangements for the period 2018-2020

140. As set out at paragraph 7, a consultation specific to the proposed introduction of co-ordinated admission arrangements for the Year 7 age group for intakes in September 2018, September 2019 and September 2020 was undertaken.
141. The consultation ran from 05 December 2016 to 23 January 2017.
142. The consultation process involved:
- Publication of a Consultation Document on the Council website (a copy of the Consultation Document can be seen at Appendix 2);
 - Distribution of a letter via schools to parents of all pupils in maintained nursery and primary schools outlining the proposal and giving details of how to access the Consultation Document online (a copy of the letter can be seen at Appendix 4);
 - Six public drop-in sessions where officers were available to answer questions;

- A consultation response slip for return by post or e-mail, attached to the Consultation Document;
- An online response form at www.cardiff.gov.uk/admissionarrangements

143. The views expressed at Council organised drop-in sessions and received on paper or electronically through the appropriate channels, have been recorded.

Responses received regarding the proposed introduction of co-ordinated admission arrangements during the consultation period

144. In total 149 responses were received. The majority view expressed at drop-in sessions and in written correspondence was one of support for the proposed implementation of a co-ordinated secondary school admissions process for the Year 7 age group intakes.

145. Formal responses were received from the six Admission Authorities with responsibility for admissions to secondary provision within Cardiff: St Teilo's CW High School, Bishop of Llandaff CW, St Illtyd's Catholic High School, Corpus Christi RC High School, Mary Immaculate High School, Whitchurch High School,

146. Responses were also received from a number of community schools for whom the Local Authority is the Admission Authority. These included: Radyr Comprehensive School, Cathays High School, Fitzalan High School, Ysgol Gyfun Gymraeg Plasmawr and Springwood Primary School.

147. A joint response was submitted by the Local Members for Penylan.

148. The points of view received as part of the consultation are set out in *italics* below and have been grouped according to the issues raised where appropriate. The Council's response to each point can be seen underneath, under the heading "*Appraisal of views expressed.*"

Admission Authorities Responses

St Teilo's CW High School

149. A response from St Teilo's CW High School included the following points (a copy of the full response can be seen at Appendix 5):

150. *In principle, the Governing Body supports the process that you are consulting upon. Representatives of the Governing Body and school attended your recent meeting and conveyed this view.*

Appraisal of views expressed

151. The Council acknowledges the view expressed.

Bishop of Llandaff CW High School

152. A response from the Bishop of Llandaff High School included the following points (a copy of the full response can be seen at Appendix 5).
153. *It is the governors' view that the proposed admissions process will add another level to a process that is unnecessary for the school. There are processes in place for the admissions to the school that are effectively managed. The governors understand the complications around the admissions process but at present do not feel the new format would be beneficial.*
154. *On page 5 it states that the local authority already has an online system for applications but you will be aware that The Bishop of Llandaff High School does not. Consequently, it is a bigger step for the school than it would be for many others to change to the co-ordinated online system. Would there be a shared online system? Who would maintain the system and who would pick up the cost?*
155. *It is difficult to follow the logic on page 7 that more pupils would be offered their preferred school as a consequence of the co-ordinated system. The school is limited in the number of Foundation and Community places it can offer which cannot be affected by the application system. Similarly, knowing which children will be admitted does not assist the school to plan its budget, class organisation or staffing arrangements.*
156. *As for resources, ranking all applicants would significantly increase the workload of the admissions staff. It is also not clear why this proposal would result in fewer appeals as there will still be significant numbers of unsuccessful applicants due to the limit on places, not the system of application, as acknowledged in the section on Transport which recognises there is no change in the supply of school places.*
157. *The Governors do not wish to be part of a pilot for such an important process, given the disruption and uncertainty of making the change in a live admissions environment. The preference is for the pilot to be conducted and the school would consider the situation again once the problems of a new county-wide system have been ironed out.*

Appraisal of views expressed

158. The Council acknowledges the views expressed. The pilot (subject to implementation) will be kept under review and the school will be updated on progress.

St Illtyd's Catholic High School

159. A response from St Illtyd's Catholic High School included the following points (a copy of the full response can be seen at Appendix 5).
160. *St Illtyd's would like to be part of this admission pilot scheme.*

Appraisal of views expressed

161. The Council acknowledges the view expressed.

Corpus Christi RC High School

162. A response from Corpus Christi High School included the following points (a copy of the full response can be seen at Appendix 5).

163. *In the interests of trying to make the whole system fairer for everybody concerned, the decision has been made to support the pilot. It was also agreed, however, that if the new system does not work well, Governors will reassess the situation when discussing the school's Admissions Policy before the end of the pilot.*

Appraisal of views expressed

164. The Council acknowledges the views expressed.

Mary Immaculate High School

165. A response from Mary Immaculate High School included the following points (a copy of the full response can be seen at Appendix 5).

166. *The current window to comment on this proposal is too narrow and has therefore not allowed a full discussion at Governors. Most Governors meet every half term, meaning, depending on the deadlines set, Governors should be able to meet to discuss. The narrow window of opportunity has meant this is not possible and is a discouraging beginning to the situation;*

167. *A three year trial period is much too long; pilot programmes are rarely of such length because of the need to supply a more immediate assessment of progress. We would suggest a more limited geographical and time-limited approach;*

168. *We would like to know what the proposed monies are set aside for additional staffing or technical demands, given the expansion of the existing system.*

169. Notes from Admissions Proposal document:

- a. *P.6 – where you say that ‘192 parents are holding 205 places’; we felt this phrase needed further explanation – for example could this be resolved by having a stricter approach to accepting places as apportioned within a narrower time window?*
- b. *P.7 – what evidence can you cite to support the comment ‘Children would have a better experience and more effective start to school’? If parents are unhappy with the current system, can you please outline the number and type of complaints you have received?*

- c. *What would happen if a pupil were noted as a category 1 entrant in multiple schools – who would define where they would go? When and how would the successful school be notified? We feel it would be necessary to have a transparent approach so that schools could see where they were ranked by parents.*
 - d. *Where is parental choice if they are only offered one option? (p.8) How could you be sure that they would be offered their preferred school – what data can you use to support this assumption?*
 - e. *What would happen if a parent only expressed a choice for one school and no other? What would then happen if they did not gain admission to that school?*
 - f. *You say that continuing the current system would lead to an increase in inequality; at our school the number of appeals has reduced (even though the number of unsuccessful applications has remained the same) as our systems have become more efficient in supporting parents.*
 - g. *What would happen if parents filled in the common form but did not fill in the school form? What does the common form look like (we should have sight of this prior to any decision), how does it operate and is the ICT system sufficiently robust to cope with this demand. Can parents only choose a VA school?*
 - h. *If you say ‘there is little or no effect on the numbers on roll’ (p.8), what do you presume the effect would be – what is your evidence?*
 - i. *How would the system be affected if we accepted pupils from another borough?*
170. *These are key points that would need to be addressed prior to the Governors allowing Mary Immaculate to participate in any new system. We do feel that there are too many unknowns and too many un-evidenced assumptions to make a definitive decision. We certainly feel there needs to be a narrower trial to ensure these assumptions could be tested.*
171. The points raised were responded to. The Governing Body have subsequently confirmed that they do not wish for the School to be part of the pilot at this time but are open to participating in the future. (A copy of the full response can be seen at Appendix 5).

Appraisal of views expressed

Whitchurch High School

172. A response from Whitchurch High School included the following points (a copy of the full response can be seen at Appendix 5)
173. *The proposal removes the rights of parents to apply to more than one admission authority and thereby affects the rights of children which the consultation document does not make clear. Families who may wish to*

change the nature of the school their child will attend are not catered for in a system asking them to list three school choices.

174. *The proposal seems to have lost sight of the needs of certain children and is focused upon making the admission process easier for admission authorities.*
175. *The on-line consultation response form lack relevance. It would have been useful to have targeted parents of Years 3, 4 & 5 in primary schools, those who would take part in the pilot scheme as there is no way of knowing whether any of the respondents have children in these year groups and likely to be affected.*
176. *Many of the authority's challenges around admission appeals are due to planning of school places issues (there are insufficient places for pupils in the right areas of Cardiff). Coming together as a shared admission service will not solve this. Whilst strategic plans to enhance secondary school places in the East and West of the City are in place, these are unlikely to be in place for 2018 so that appeal are likely to be at current levels, if not greater.*
177. *The governors would have liked to consult with their parents and particularly parents in feeder schools but the timescale does not allow for this.*
178. *The governors are concerned that the consultation document indicates that the governing body would be required to sign up for a three year period. As the school is an Admission Authority it is felt that the local authority cannot remove this statutory right by any written contract nor would the governing body required the approval of Officers of the authority to carry out such functions*
179. *It is unclear from the consultation document whether the co-ordinated school admission arrangements will proceed if some of the secondary admission authorities do not sign up to the co-ordinated admission arrangements.*

Appraisal of views expressed

180. The points raised by the Governing Body were responded to and officers met with the Governing Body Admissions Sub Committee on 28 February 2017. The Chair of Governors subsequently confirmed the Governing Body's agreement that the school will to be part of the pilot subject to its ongoing successful implementation.

Community Schools' responses

181. The responses received from community schools indicated support for the proposal and included the following points:

182. *The proposal would make things a lot easier for schools and remove the fears that some parents have with other children holding more than one place.*
183. *For Cathays High School who admit pupils from all over the city and from a large number of primary schools we currently suffer from the situation where parents apply to us for places and to other secondary schools, therefore our admission number in March is never the same as the pupils that turn up in September. The new arrangements will mean that we can use the list that is supplied in March and can plan accordingly.*
184. *Fitzalan High School have struggled for many years to seek a coordinated approach and so this new proposal would go a long way to achieving this. At present we have to request from parents via our close links with primary schools as to which school they wish to take up and even then this often turns out not to be the case in September.*
185. *Fitzalan High School does however still have a concern across different authorities as the number of our cluster pupils who hold places in the Vale will still continue. The major concern that we still have is that our cluster is still too large. Even with increasing our pupil numbers to 300 (which we do not have space for) there are still over 600 pupils in our 9 cluster schools – this still will pose a very large problem for our parents.*
186. *Fitzalan High School also believe that more needs to be done to accommodate the high numbers of families that we have who do not speak English and do not have an email address let alone access to the internet at home. The new Hub/online system has proved particular challenging this year and so any future changes would need to be mindful off this.*
187. *We (Fitzalan High School) have met with Admissions Officers this year to address these concerns and have offered to pilot or consult on the impact of any proposed changes.*
188. *The Governing Body of Ysgol Plasmawr approve the proposal to co-ordinate secondary school admissions for the Year 7 age group.*
189. *Members of the Ysgol Plasmawr Governing Body are pleased to know that officers are monitoring birth rates; the yield from proposed housing and the patterns of take up in Welsh medium provision at primary and secondary age with a view to bringing forward appropriate plans to meet the increased demand. The Governing Body would wish to be consulted with at an early stage of any proposal that would have an impact on the admission number or existing catchment of Ysgol Gyfun Gymraeg Plasmawr.*
190. *The Headteacher of Springwood Primary indicated support for the proposal.*

Appraisal of views expressed

191. The Council acknowledges the views expressed.

Local Members' response

192. A joint response from the Penylan Councillors (Cllr Joe Boyle, Cllr Bill Kelloway and Cllr Tricia Burfoot) included the following points (a copy of the full response can be seen at Appendix 5).

193. *We are writing as elected members for Penylan, to support the council's proposal for co-ordinated secondary admissions. They may reduce some of the pressure being faced by many residents in our ward in their efforts to secure a place for their children at their catchment school, Cardiff High*

194. *We are confident the proposals will not have an adverse impact on any one particular group and therefore do not fall foul of any equality requirements.*

195. *Many children in Penylan still look likely to miss out on a place at their catchment school and Penylan residents need a longer term solution particularly as greater numbers come through the system.*

Appraisal of views expressed

196. The Council acknowledges the view expressed.

197. The points raised around demand for places at Cardiff High School please see paragraphs 74 – 76.

Other responses received

198. Concerns surrounding changing the current admission process to pilot a co-ordinated secondary school admissions system

199. *The current system is fairer and offers parents more choice.*

200. *I don't have the confidence that the new system will be an improvement on the existing approach and have seen no information about how weightings might be applied if there are particular preferences for voluntary aided schools.*

201. *Confusing and will have no effect on voluntary aided school. I fail to see the benefit. The issue is that there are not enough English medium schools, with the majority of funding going to Welsh medium schools.*

202. *The school might not accept our admission as it's the only choice.*

Appraisal of views expressed

203. As set out in the Consultation Document (pages 6 & 7), the Council believes the current system is inefficient as some parents applying for their child's admission to secondary education have been offered places at multiple schools, whilst other parents have been unsuccessful in securing their child a place at any one of their school preferences.
204. Based on the initial allocation for transfer into Year 7 from September 2016, a total of 192 children were holding a total of 397 places. That means 192 families were holding 205 places they were not planning to take up and preventing their allocation to others. At the same time 360 other children received no school place offer.
205. Therefore, many families missed out on their higher school preference(s) or received no school place offer at all for their child.
206. Some parents choose to 'hold' offers for more than one school, preventing other children being offered these places, which causes undue stress upon families but also difficulties for both primary and secondary schools planning for the children's transition.
207. A co-ordinated secondary school admission arrangements process would provide more parents with a single school place offer for their child, which would be a fairer, more equitable system of allocating school places in Cardiff. Children would have a better transitional experience and more effective start to their secondary school education.
208. As referred to in the Consultation Document (page 7), the Council aims to offer a co-ordinated admissions process with the voluntary aided and foundation sectors, which provides parents with a clearer picture of the school place choices available to them and the likelihood of securing first preferences. This proposal would contribute towards this aim.
209. The following benefits would be expected to result from this proposal:
- More pupils would secure a higher school preference;
 - More pupils would have peace of mind having secured a secondary school place;
 - More parents would be able to plan work and childcare commitments much earlier;
 - Fewer parents would need to worry about their child being on multiple school waiting lists.
 - Fewer families would need to submit further admission applications or undertake the Independent Appeal process.
 - Children going into Secondary School for their first time will have a better experience as a result of the staff being able to maximise on the efficiencies of the admissions process to provide a more effective start for children to allow them to realise their maximum potential earlier rather than later.
210. As referred to in the Consultation Document (page 9), Voluntary Aided schools and the Foundation school would determine which applicants

qualify for their admissions criteria by ranking all applicants in accordance with their admissions criteria, confirming their decisions having prioritised their list of applicants and detailing each pupil's grounds for admission.

211. It is acknowledged that under the present system, parents have the option of applying for a number of school places over and above three community school places. In recognition of this, subject to implementation, parents will have the opportunity to apply for up to five places and will be encouraged to do so.
212. It is acknowledged that the terminology used can be confusing and in response to this a number of drop-in sessions where officers were available to explain the proposal and answer queries were held. Additionally contact details were provided for further clarification as required.
213. The suggestion that there are not enough English medium schools, with the majority of funding going to Welsh medium schools is addressed at paragraph 74 - 76.
214. All Local Authority maintained schools (including English-Medium and Welsh-Medium) are funded within the requirements of the School Standards and Framework Act 1998. Under this legislation, the Individual School Budget (an amount directly delegated to schools) is achieved through a funding formula of which at least 70% is based on the number of pupils enrolled at the school and is assessed through the Age Weighted Pupil Unit (AWPU). The remainder of the funding is assessed to cover factors such as:
- The size of the premises;
 - The extent of special needs in the school;
 - Support services needed (legal, financial, personnel, ICT, governor support etc);
 - Ongoing implementation of the school workload agreement.

Impact of proposals on Welsh-medium provision

215. *'I don't agree with your assessment of the possible effect on Welsh language education. It seems that there will be a greater chance of a child who wants to be educated in Welsh being rejected from one of only three Welsh language secondary schools in the city'.*
216. *'I'm not confident that you'll be able to provide enough secondary spaces for Welsh-medium education. You need to build and open a fourth Welsh secondary school urgently. I believe that your changes will treat Welsh differently to English'.*

Appraisal of views expressed

217. The planning of and take-up of places in schools is a separate consideration to the determination of admission arrangements.

218. The Council is committed to ensuring that any child wishing to be educated through the medium of Welsh would be offered a place in a Welsh-medium school.
219. There are, at present, c15% surplus places in the Welsh-Medium secondary sector. As the pupil population is growing, the level of surplus will reduce in future years.
220. Officers are monitoring birth rates, the yield from proposed new housing and the patterns of take-up in English-medium community schools, Welsh-medium community schools, Whitchurch High (Foundation) School and Faith schools at primary and secondary school-age, with a view to bringing forward appropriate plans to meet any increased demand. Proposals will be brought forward in good time to ensure that there are sufficient places to meet the demand for English-medium and Welsh-medium school places within each catchment area.

School Places

221. *If none of the high schools are oversubscribed, a unified application system should not disadvantage anyone. In the event of oversubscription, this system creates and perpetuates unfairness to certain groups of persons (i.e. those who have attended an English-medium community primary school) by limiting their catchment options to as few as zero.*
222. *A child could end up without a school place in any of their preferred schools; this is just a ploy to get the numbers up in Cardiff's less popular schools.*
223. *Concern for popular school places and for the future of High School options and space limitations in North Cardiff.*
224. *Concerns around children attending schools who do not live in the local catchment area, and of some children (local and integrated within the community) who have not been able to access places at their preferred school.*
225. *Certain schools are oversubscribed and some children are disadvantaged by the use of the proximity to school in prioritising applications even though they may have lived in the catchment area for some time. In order to ensure a fairer system the Council should consider the inclusion of longevity of residence within catchment area as a support for oversubscribed places.*
226. *Children coming into the area outside of catchment who speak Welsh are disadvantaging children who have lived in catchment and attended a 'feeder' school as they do not speak Welsh and cannot go to a Welsh language school.*

Appraisal of view expressed

227. The Council is committed to meeting the parental demand for both English-medium and Welsh-medium school places across the city. As such, school capacities and local demand for places are reviewed regularly to ensure the best possible match with every effort made to ensure school places are available within a reasonable distance of the pupil's home as set out in the Council's Welsh-Education Strategic Plan.
228. The Local Authority is currently looking at needs across the city relating to availability and sufficiency as part of the 21st Century Schools Programme Band B planning process, which includes considering the provision of English-medium and Welsh-medium primary school provision.
229. Catchment areas are operated as one of the oversubscription criteria within the Council's School Admissions Policy. This policy meets the requirements of the Welsh Government's School Admissions Code.
230. Parents are entitled to state a preference for any school. In the event of a school being oversubscribed, applications are assessed against the oversubscription criteria. Whilst children who are resident in the catchment area of a school have priority for admission to that school over those who are not, children outside the catchment area cannot be denied a place if there are sufficient places available.
231. The suggestion to include 'longevity of residence within catchment area' as an oversubscription criterion is addressed in paragraphs 24-34.
232. The concern around children who do not speak Welsh being disadvantaged is addressed paragraphs 105-109.

Allocation of places

233. *It is not clear exactly how places will be allocated after the first choice has been exhausted.*

Appraisal of views expressed

234. The preferences of applicants are treated equally. For example, if applying for Faith, Foundation and Community school places, the Admissions Authorities i.e. the Governing Bodies of the Faith and Foundation schools and the Council (the Admissions Authority for Community Schools) would firstly rank order each preference received by the closing date, in accordance with the admissions criteria for the schools.
235. The Central Admissions Database (having received each Admissions Authority's prioritised list of applicants) would then allocate a single school place at the highest preference to which the child qualifies for admission. All preferences received by the closing date are considered simultaneously.

236. Notification of the result of the application is made available from the Welsh Government's Secondary Offer Day, 1st March or the next working day.
237. It is therefore crucial parents are entirely satisfied with the order in which they rank their school preferences upon submission of their common application form, as while each preference is treated equally, the parents' school preference order will determine, subject to qualifying for admission, which school the child will be allocated.

Extending the period for acceptance of a school place

238. *The time period in which school places must be accepted should be extended to allow parents more time in which to respond to the offer of a school place for their child.*

Appraisal of view expressed

239. The request to extend the acceptance period from 2 weeks to allow parents additional time to respond to offers was made a number of times during the consultation period. This request has been noted. Subject to implementation, the time allowed for acceptance/refusal will be extended to 3 weeks.

Summary

240. Four of the six Admission Authorities (St Teilo's CW High School, St Illtyd's Catholic High School, Corpus Christi RC High School and Whitchurch High School) have indicated their willingness to partake in the proposed implementation of co-ordinated admission arrangements 2018 – 2020. The remaining two Admission Authorities (Bishop of Llandaff CW High School and Mary Immaculate High School) have indicated their intention to review their position as the pilot is progressed.
241. It is recommended that the pilot is implemented even without all eligible schools taking part, as the advantages outlined at paragraph 209 are still expected to accrue.
242. It is not expected that there would be any detrimental impact on those schools who do not participate nor pupils wishing to attend those schools, as the process for applying to these schools will remain unchanged and information regarding admissions to these schools will continue to be included in the Council's Admissions to Schools booklet and available to view on the Council's website.

Local Member Consultation

243. All Members have been consulted as part of the consultation process.
244. Additionally the report and the issues contained within have been considered by the Children and Young People Scrutiny Committee. The

Committee were content for the report to go forward for consideration by Cabinet.

245. The Committee's advice arising out of the review of the report can be seen in a letter from the Chair of the Committee to the Cabinet Member for Education at Appendix 7.

Reason for Recommendations

246. The Council is required to review its school admission arrangements annually and to agree the arrangements following appropriate consultation.

Financial Implications

247. Any staffing changes as a result of new admissions arrangements could potentially have financial implications. These would need to be considered as part of any staffing changes or restructures within the admissions section and would require input from Finance at that stage.

Legal Implications

248. The Council has a statutory obligation under the Education Act 1996 to promote high standards of education for primary and secondary schools in its local authority area. Section 89 of the School Standards and Framework Act 1998 as amended by the Education Act 2002 determines that the Admission Authorities must carry out consultation before determining the admission arrangements which are to apply.
249. The Education (Determination of Admission Arrangements) (Wales) Regulations 2006 set out the procedure which the Admission Authorities should follow when determining their admission arrangements, including the consultation and notification process as well as timescales. In particular, the Admission Authority must determine arrangements in the school year beginning two years before the school year which the arrangements will be for, take all steps necessary to ensure that they will have completed the consultation required by section 89(2) before 1 March and determine the admission arrangements by 15 April. The arrangements must then be published within 14 days of the determination and appropriate bodies must be notified.
250. The Welsh Government has issued a guidance circular 'Measuring the Capacity of Schools in Wales', which sets out the methodology for Local Authorities to follow when determining their admission arrangements. There is also a requirement to consider the guidelines contained in the Welsh Government School Admissions Code. This report reflects these requirements.
251. The Council also has to satisfy its public sector duties and obligations under the Equality Act 2010 (including the specific Welsh public sector duties). Pursuant to these legal duties, Councils must in making decisions have due regard to the need to (1) eliminate unlawful

discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The Council must also not directly or indirectly discriminate against any pupil in its admission arrangements, this means that no pupil or group of pupils may be treated less favourably based on a protected characteristic. Protected characteristics are:

- Age
- Gender reassignment
- Sex
- Race – including ethnic or national origin, colour or nationality
- Disability
- Pregnancy and maternity
- Marriage and civil partnership
- Sexual orientation
- Religion or belief – including lack of belief

252. The Equality Impact Assessment (see Appendix 6) specifically considers how the proposals may affect pupils with protected characteristics. The purpose of the Equality Impact Assessment is to ensure that the Council has understood the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty.

253. In accordance with the Welsh Language (Wales) Measure 2011 and the Welsh Language standards, the Council also has to consider the impact upon the Welsh language any decision that it makes and in accordance with the Well-being of Future Generations (Wales) Act 2015, the Council must consider the impact upon future generations of its decisions. This report reflects those requirements.

HR Implications

254. As a consequence of the pilot admission arrangements, the workload impact on school admissions posts will need to be considered. This applies to school admissions staff within the Council's Education Directorate as well as any school based officers who have a role in school admissions. If changes in roles and/or team structures are required these will need to be dealt with in accordance with the Council's agreed arrangements for restructures, and the grades of roles determined in line with Single Status.

Equality Impact Assessment

255. An Equality Impact Assessment on this proposal has been carried out. The assessment concluded that this proposal would not adversely affect a particular group in society (details of the Equality Impact Assessment can be seen at Appendix 6).

Sustainability Assessment

256. A Strategic Environmental Assessment (SEA) of the proposal has been carried out in accordance with European Legislation. The assessment confirms that the proposal is compatible with the environmental objective identified by Cardiff's 21st Century: A Strategic Framework for a School Building Improvement Programme. (Details of the Sustainability Assessment can be seen at Appendix 6)

Transport Matters

257. Under these proposals there are no plans to change the Council's policy on the transport of children to and from schools. The Council's transport policy for school children can be viewed on the Council's website (www.cardiff.gov.uk).

Community Impact

258. There is a need for a fairer, more equitable system of allocating school places in Cardiff without impacting adversely on the community. It is the Council's view that this proposal is unlikely to negatively impact on any community in Cardiff. Officers would work with any community group to ensure that the proposal avoids negative impacts wherever possible. The schools subject to the proposal are existing schools which offer a range of after school activities and may have community organisations offering services from the school facilities. It is not anticipated that there would be a negative impact on any of these activities.

RECOMMENDATIONS

The Cabinet is recommended to:

1. determine the attached Council's draft School Admission Arrangements 2018/19 and to agree the Admission Policy 2018/19.
2. authorise officers to consider further the Council's school admission arrangements including wider research into alternative options and the impact of each, in advance of consultation on the Council's School Admissions Policy 2019/20.
3. agree the implementation of Co-ordinated Secondary School Admission Arrangements for the Year 7 age group intakes in September 2018, September 2019 and September 2020.

NICK BATCHELAR

Director
10 March 2017

The following appendices are attached:

Appendix 1 – Draft School Admissions Policy
Appendix 2 – Co-ordinated Admission Arrangements consultation document

- Appendix 3 – Formal Responses – Admissions Policy
- Appendix 4 – Letter to parents
- Appendix 5 - Formal Responses – Co-ordinated Admission Arrangements
- Appendix 6 – Statutory Screening Tool
- Appendix 7 – Children and Young People Scrutiny Committee letter