

CABINET MEETING: 16 NOVEMBER 2017

SCHOOL ADMISSION ARRANGEMENTS 2019/2020

EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH MERRY)

AGENDA ITEM: 4

DIRECTOR OF EDUCATION

Reason for this Report

1. To inform Cabinet of recent research undertaken regarding school admission criteria and proposed changes to Cardiff Council's school admission arrangements in advance of consultation on the Council's School Admissions Policy 2019/20.

Background

2. 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.
3. In order to comply, School Admission Arrangements for implementation in the 19/20 academic year (i.e. From September 2019) must be determined on or before 15 April 2018.

Issues

4. At its meeting on 16 March, 2017, the Cabinet considered a report on 'School Admission Arrangements 2018/2019 and Coordinated Secondary School Admissions 2018-2020'.
5. This report informed the Cabinet of responses received regarding the Council's consultations on the following:
 - the Council's School Admission Arrangements 2018/19
 - the proposed implementation of Co-ordinated Secondary School Admission Arrangements for the period 2018-2020
6. Of the 47 responses received to the Council's School Admission Arrangements 2018/19, views expressed largely related to school

catchment areas and the demand for places/oversubscription of some schools in Cardiff.

7. In total 149 responses were received to the consultation on the proposed implementation of Co-ordinated Secondary School Admission Arrangements for the period 2018-2020. The majority view was one of support for the proposed implementation of a co-ordinated secondary school admissions process for the Year 7 age group intakes.
8. The Cabinet considered the responses received and resolved to:
 - determine the Council's draft School Admission Arrangements 2018/19 and to agree the Admission Policy 2018/19.
 - 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.
 - 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.
9. The Council subsequently engaged Professor Chris Taylor, Wales Institute of Social & Economic Research, Data & Methods (WISERD), Cardiff University, School of Social Sciences to undertake the research as set out in the second recommendation. His full report is attached at Appendix 1.

Catchment area changes and the 21st Century Schools programme

10. Catchment areas are an issue of concern that was raised during the consultation on admissions arrangements as set out in paragraph 5. It has also been a subject of interest from individuals residing in a few areas of the city since the Council refused a small number of in catchment preferences as part of the annual admissions to Year 7 in 2014.
11. The configuration of community school catchment areas is an issue that is perceived as being more important by stakeholders in a situation where demand for places either overall or specific to certain schools is high and may exceed supply. Achieving a better match between supply and demand can be achieved through careful consideration of populations relative to the size and location of the schools across the authority.
12. Any proposed changes to catchment areas require consultation in line with the School Admissions Code 2013. No changes were included as part of the admission arrangements for the 2018/19 academic year.
13. The Council is committed to making catchment area changes at a point where the future pattern of schools has been determined. The capital bid

for Welsh Government Band B 21st Century Schools Programme containing proposals for school organisation in line with the stated priorities for Cardiff has been submitted to the Welsh Government with the outcome of this process expected in late 2017. Once decisions are communicated officers will be able to bring forward proposals for consultation as agreed by Cabinet.

14. To determine new catchment area arrangements based on current populations and school provisions ahead of any confirmation of projects deemed suitable for funding would be imprudent. Any changes to the sizes of schools as a result of any agreed reorganisation project implementation would likely result in the need to further amend catchments within a short period of time. Furthermore, to do so prior to undertaking any necessary consultation processes that may be associated with certain types of proposals would be injudicious as it could be seen as pre-empting the outcome of the process as set out in the School Organisation Code 2013.

WISERD Report: 'Cardiff Council Admission Criteria'

Overview

15. The research report specific to admissions to schools in Cardiff undertaken by WISERD considered the following:
 - Context for admissions in Cardiff
 - Cardiff's existing admission arrangements
 - Other Local Authorities' arrangements, including 15 other LAs in England, plus Swansea and Newport
 - Published research on admissions arrangements
16. The research report also put forward a number of recommendations regarding potential changes to the arrangements for consideration by the Council.
17. The WISERD research is primarily concerned with admission arrangements specific to Cardiff community schools for which Cardiff Council is the admissions authority. Faith schools and the foundation school (Whitchurch High School) are their own admission authorities and set their own arrangements separate to the Council's process.
18. The report is predominantly focussed on secondary school admissions although any significant deviation from primary was taken into consideration.
19. Since the catchment area for Whitchurch High School is congruent with those of the local authority this school it has been included in some of the analysis undertaken and presented for consideration.

Context for admissions in Cardiff

20. The WISERD report noted the levels of segregation in the authority and the overall impact of the current criteria in terms of balanced cohorts of pupil intake in each school, and it identified the following:

- there are high levels of residential segregation in Cardiff by social class and ethnicity
- these segregation levels are 'higher than the Wales average but largely typical of urban areas which are more residentially segregated to begin with'
- segregation by age is amongst the highest in England and Wales and is exacerbated by the high number of university students in the city
- current oversubscription criteria have done little to create more balanced intakes than might be expected based on where pupils live but they have not contributed toward worsening the underlying levels of residential segregation that exists across Cardiff
- there are wide differences in the socio-economic composition of Community school intakes in Cardiff e.g. the percentage of eFSM pupils in Years 7-11 (2016/17) varies from 5.5% to 46.3%
- in the main Welsh-medium secondary school intakes are 'heavily polarised', particularly in relation to the low number of BAME students on roll and are considerably less likely than most English-medium schools to admit pupils eligible for free school meals
- some schools admit much higher levels of low attaining pupils and are 'losing' potentially higher attaining pupils to alternative schools that are perceived as being more popular/providing a more desirable offer by parents
- there are few schools that appear to take an equivalently lower proportion of low attaining pupils
- controlling admissions based on geography (catchment area or proximity) would have very little difference on the overall levels of segregation in Cardiff.

Cardiff's School Admission arrangements 2018/19

21. The admission criteria currently operating for admission to nursery, primary and secondary schools in Cardiff can be summarised as follows (full criteria can be found at Appendix 2):

Nursery	Primary	Secondary
SEN Statement	SEN Statement	SEN Statement
Looked After Children / <u>pLAC</u>	Looked After Children / <u>pLAC</u>	Looked After Children/ <u>pLAC</u>
EYAP or CAP funded children	EYAP or CAP funded children	Sibling 'directed'
Sibling*	Sibling 'directed'	Catchment*
Compelling M/S*	Catchment*	Compelling Medical/Social*
Closest proximity	Compelling Medical/Social*	Sibling*
Furthest from alternative	Sibling*	Closest proximity*
	Closest proximity*	Furthest from alternative
	Furthest from alternative	Premature admission
	Premature admission	
9 criteria and sub criteria	19 criteria and sub criteria	18 criteria and sub criteria

*Each of the lower criteria are applied as sub criteria or tie breaker

22. Each of the criteria set out in the table above are considered in further detail together with associated recommendations in Appendix 3.

Other Local Authority Admission Arrangements

23. In addition to considering the arrangements operated by Cardiff Council, the WISERD report also looked at the admission arrangements being implemented by fifteen other local authorities – thirteen from England and two from Wales. It found that ‘the extent to which admission arrangements are controlled by the local authority versus school autonomy in setting their own admission arrangements varies considerably...much of this variation is due to the proliferation of Academies and Free Schools in England’.
24. Whilst Cardiff can be considered to have authority-led admission arrangements, there is as much autonomy for faith/foundation schools to set their own admission arrangements as there is in many of the English authorities selected.
25. Of the Local Authorities reviewed:
- All conform with the statutory requirement for first priority to be given to Looked After Children or previously Looked After Children.
 - All use catchment areas as a key criterion for allocating oversubscribed places. The report notes that ‘even where authorities ‘dropped’ catchment areas as a criterion in the last twenty years many of them have re-introduced them’.
 - Nine, including Swansea, do not use other exceptional grounds (e.g. medical need) as a criterion, with the main justification for this being that if an SEN statement names a school then that pupil must be admitted to the school.
 - All use siblings as a key criterion with most giving priority to applicants with siblings living in the catchment area.

- Only one provides any clear guidance that catchment areas can change over time.
 - Six give additional priority to pupils attending named feeder schools (sometime referred to as designated primary schools). In all examples, there is greater priority for applicants with siblings and/or who live in the catchment area. This is in contrast to the historic 'feeder school system' that used to operate in many local authorities including Cardiff that gave higher priority to pupils attending designated feeder primary schools.
 - All include a tie-break either based on distance (fourteen authorities) or lottery (one authority). Two authorities also use random allocation as a second tie-break where distance alone cannot be used as a tie-break.
26. Some of the other key oversubscription criteria used in these local authorities were the use of banding, pupils eligible for the Pupil Premium (as an indicator of disadvantage eFSM and/or LAC/pLAC) and children of salaried staff. The School Admission Code precludes the use of Banding and salaried staff as a criterion in Wales.
27. The report sets out six other observations from the review of local authority arrangements:
- The easiest set of admission arrangements to understand are those that include a relatively small number of criteria
 - The most difficult admission arrangements to understand are those where the oversubscription criteria are presented for each school separately.
 - Oversubscription criteria are more difficult to understand when they are presented as groups of priority rather than criteria for prioritisation.
 - Oversubscription criteria having equal priority could be considered confusing for applicants when trying to understand how criteria are ranked.
 - Several authorities make explicit reference to the admission of children of Service Personnel (e.g. Newport).
 - One authority publishes a list of the open evenings/days for all schools in its annual admissions guide which provides a much higher level of openness and transparency that could encourage fair access.
28. The WISERD research report set out 19 recommendations for consideration by Cardiff Council with regard to its admission arrangements and oversubscription criteria. These are set out below with officers' appraisal and response to each in turn in Appendix 3.

Summary

29. Cardiff Council's admission arrangements have remained largely unchanged since the removal of the feeder criterion in 2001.

30. It is apparent from the WISERD report that Cardiff Council's Admission Arrangements have served to provide an effective mechanism for supporting the administration of admissions to Cardiff's community schools despite the challenge of rising demand for places as the populations have grown.
31. Furthermore, the report has demonstrated that the majority of Cardiff Council's admission oversubscription criteria are in line with other Local Authorities arrangements. The Admissions Code 2013 (Wales) prohibits the use of a number of the criteria used in England and therefore they cannot be considered for application in the Cardiff context.
32. Whilst Cardiff Council's admission arrangements have not accelerated the social segregation apparent in the authority it is noted that they have also done little to mitigate disadvantage.
33. The existing criteria used in Cardiff are relatively complex and would benefit from simplification to make them more readily accessible and easily understood.
34. In addition to enabling Cardiff Council to consider the impact of its current criteria and to benchmark them against others based on the evidence and published research, the report also sets out detailed recommendations for consideration as set out in Appendix 3. These are split into three broad types:
 - organisational – these are largely designed to improve the transparency of the criteria so they are better understood by parents applying and focus on the inclusion of additional clarification/information to support decision making
 - substantive change necessitating formal consultation – removal/addition/amendment of criteria
 - legislative - those that are beyond the control of the Local Authority and would necessitate discussion and consideration by other partners including the Welsh Government

Options

35. Appendix 4 sets out the proposed oversubscription criteria options in respect of entry to nursery, primary and secondary education for consideration ahead of stakeholder consultation.
36. The proposed changes are specific to the following criteria:
37. Removal of:
 - Directed sibling
 - Premature admission
 - Nearest to alternative
38. Potential new criteria at secondary:
 - Attendance at in catchment primary school
 - Children with Individual Funded Health Plans (IFHP)

39. Amendment of:
- EYAP/CAP funding to become IFHP

Reason for Recommendations

40. The Council is required to review its school admission arrangements annually and the report enables the Cabinet to consider the outcome of the wider research undertaken ahead of consultation.

Financial Implications

41. There are no financial implications directly arising from this report. The funding provided to individual schools, including external grant funding, is largely predicated on the basis of pupil numbers. Therefore, any proposal that results in changes to the number of pupils admitted to an individual school presents the possibility that the budget for a school will increase or decrease. Any changes to the Admissions Policy that results in a change to the school transport provision required will need to be identified and considered as part of the Council's budget planning process and reflected in the Medium Term Financial Plan.

Legal Implications

42. 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.
43. The Education (Determination of Admission Arrangements) (Wales) Regulations 200 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.
44. The Welsh Government has issued the School Admissions Code, which sets out the process for Local Authorities to follow when determining their admission arrangements. The School Admissions Code requires that no prohibited criteria (as set out on page 12 of the Code) are included in the admission arrangements and gives guidance on using various types of oversubscription criteria. This report reflects these requirements.
45. 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

46. The Equality Impact Assessment 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. The outcome of the consultation will also further inform the Council before a final decision is taken to determine the admission arrangements.
47. 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.
48. The Council must also consider its legal obligations under the Well-being of Future Generations (Wales) Act 2015 to think more about the long term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.
49. There are also legal obligations under the Education Act 1996 which require pupils with statements of special educational needs to be admitted to the school named in the statement and the Education (Admission of Looked After Children) (Wales) Regulation 2009 which requires the Council to admit children who are currently looked after (in accordance with the definition in section 74 of the Social Services and Wellbeing Act (Wales) 2014).

HR Implications

50. There are no HR implications arising from this report or its recommendations.

Equality Impact Assessment

51. The Equality Assessment for this report and the proposals contained within it is set out in full at Appendix 5.
52. As set out in the EQIA differential impact could occur as the implementation of the School Admissions Policy would allow for priority to be given to applicants where the legislation and protection prescribe the inclusion of specific criteria in relation to Special Educational needs which support pupils with disabilities that are also learning difficulties.
53. Similarly differential impact could occur as the implementation of the School Admissions Policy would allow for priority to be given to applicants for whom compelling medical and/or compelling social grounds could be evidenced indicating particular needs. This would be a positive impact if the degree of need was such that preferential placement were to apply.
54. As can be seen from the tables included in 3.6 of the EQIA, differential impact could occur if a feeder criterion is introduced. On average 14.3% of pupils living in their local catchment at the point of transfer to secondary school could be disadvantaged by the introduction of a feeder criterion owing to the fact they moved into catchment later in the primary phase.
55. Whilst there is not a significant difference between the average and particular groups, the analysis shows Black / African / Caribbean / Black British pupils, Traveller families (although the sample size for this group is small) and other ethnic groups are, on average, less likely to be on roll in a primary school throughout the primary phase (and therefore would potentially be disadvantaged from the feeder criterion should they opt to apply for their catchment school).
56. The reasons for moving into catchment during the primary phase are varied, these include immigration from outside the city, internal relocation within Cardiff associated with affordability and availability of appropriate properties etc. The employment of a feeder school criterion whilst applying a practice to all pupils equally has the effect of discriminating against populations that experience a higher degree of mobility. If a particular group demonstrating a higher degree of mobility is disproportionately represented as having one of the prescribed characteristics, this group could be judged to be disadvantaged (indirect discrimination).
57. In order to prevent a differential impact on the basis of length of time pupils have lived in the catchment area and/or whether they were able to secure admission to an in-catchment primary feeder school as a result of

residing in the area at the point of application, the Council could implement admissions criteria as set out in Option A, which relies upon proximity, that is how close a pupil lives to the school.

58. The Council will therefore consider the outcomes of the consultation before the final admission criteria is determined.

Transport Matters

59. The City Operations service area is committed to facilitating sustainable transport within Cardiff. One of the most important areas of attention in this regard is with respect to how parents and children travel to and from their school. Encouraging parents and children to adopt sustainable forms of transport has the following benefits (the first two being directly related to the pressure on the highway network).

- Impact on network - Journeys to and from schools using unsustainable forms of transport (e.g. petrol or diesel powered, private motor vehicles) has a major impact local environment and on the highway network and adds significant pressure to the distributor roads. This causes additional delays to general traffic and, more importantly, to more sustainable forms of transport. It is therefore important that parents and children use sustainable forms of transport in order to minimise this negative affect on the network.
- Habits – Encouraging children to understand the benefits of, and to adopt, sustainable forms of transport creates a mind-set which will continue into the future. It is therefore important that we educate children about the benefits of sustainable transport and encourage them to travel to and from their school with this in mind.
- Health – All forms of sustainable transport tend to involve significantly more physical activity during the journey to and from school. This is particularly relevant for walking and cycling but also applies to the use of public transport (e.g. walking to and from the bus stop). Encouraging children to use sustainable forms of transport will therefore have a direct positive effect on their health as well as the indirect affects that come with the changed general mind-set with respect to modes of travel.

60. The traffic implications of this proposal is not known. However, it is strongly recommended that serious consideration is given to the ensuring that children are able to travel to and from their school using a sustainable mode of transport. One of the biggest factors that facilitates this, is the proximity of the children to the school. The school should be within walking or cycling distance of as many children as possible. If walking and cycling is not an option then there should be high quality and reliable bus services available. It is recommended that an assessment is made of the comparable benefits of each option in relation to the above aims. Factors such as average pupil distance to the school and reliability and convenience of public transport should be determined. This could be done using the same methods that are used for a Transport Assessments in relation to new developments.

Community Impact

61. There is a need for a fairer, more equitable system of allocating school places in Cardiff without impacting adversely on the community.
62. It is the Council's view that this proposal could have some limited potential negative impact on some communities in Cardiff. Reference is made to the potential impact on certain ethnic groups in the EQIA as attached at Appendix 5 which warrant careful consideration prior to proceeding to consultation.
63. The inclusion of a 'feeder school' secondary school oversubscription criterion would, in areas of popular / fully subscribed primary schools, benefit those families most able to secure a primary school place at their catchment area primary school at an early stage.
64. Furthermore as set out in the table below, when comparing pupils in receipt of free school meals to those who are not, pupils in receipt of FSM are almost three times (29.1%) as likely to transfer from their catchment area school within their primary education as those not in receipt (10.8%), and would therefore be less likely to meet the requirements of a 'feeder school' criterion.

Free School Meals	Rec from Sept 2010	Yr6 from Sept 2016	% Remaining
In receipt of FSM	330	234	70.9%
Not in receipt of FSM	1389	1239	89.2%
Total	1719	1473	85.7%

65. Officers would work with any community group to ensure that the proposal avoids negative impacts wherever possible.
66. 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. authorise officers to consult on the revised admissions oversubscription criteria for admission to nursery, primary and secondary education as included in Appendix 4
2. note that Cabinet will receive a report in Spring 2018 on the outcome of the consultation to support determination of the Admission Arrangements for 2019/20

3. authorise officers to give further consideration to how alternative admissions criteria may impact positively on diversity and/or socio-economically disadvantaged pupils
4. note that revisions to school catchment areas will follow the consultations on proposed changes to the existing pattern of school provision arising from the 21st Century School Band B programme.

Nick Batchelar

Director

10 November 2017

The following appendices are attached:

Appendix 1: WISERD Report

Appendix 2: Admission Arrangements 2018/19

Appendix 3: Appraisal of WISERD recommendations

Appendix 4: Admissions criteria for consultation

Appendix 5: Equality Impact Assessment