

***THIS REPORT MUST BE ACCOMPANIED BY THE
REPORT AUTHORISATION FORM 4.C.214***

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

CABINET MEETING: 21 March 2019

SCHOOL ADMISSION ARRANGEMENTS 2020/21

REPORT OF DIRECTOR OF EDUCATION

AGENDA ITEM:

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 20016, Admission Authorities are required to review their School Admission Arrangements annually.
2. This report is to inform the Cabinet of responses received following public consultation on the Council's School Admission Arrangements 2020/21.

Background

3. In order to comply with the legislation above, School Admission arrangements for implementation in the 2020/21 academic year (i.e. from September 2020) must be determined on or before 15th April 2019.
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.

Issues

Summary of the Council's School Admission Arrangements 2020/21 Consultation

5. The Council's draft School Admissions Policy 2020/21 (see Appendix 1) was issued for consultation on 21 January 2019 to all those the Council are required to consult with as set out in the Welsh Government's School

Admissions Code (Headteacher, Governing Bodies, Diocesan Directors, neighbouring Local Education Authorities). The consultation closed on 22 February 2019.

6. The proposed changes to the arrangements for 2020/21 compared to the arrangements for 2019/20, relate to the following:
 - Amendment of the Funding Individual Healthcare Plan (FIHP) criterion to become Funded Individual Development Plan (FIDP);
 - Removal of the FIHP criterion for admission to secondary education;
 - Clarification of the process for Out of Chronological Age Applications, School Managed Transfers and the Fair Access Protocol.
 - Clarification of how changes of address during the admissions process are considered
 - Clarification of how multiple birth siblings are considered when applying oversubscription criteria
 - Clarification on eligibility for Early Years Funding and funded childcare
 - Clarification on circumstances in which a school offer may be withdrawn
 - Reduced Published Admission Number for Glan yr Afon Primary School.
7. The policy was published on the Council website with details of how responses could be submitted which provided an opportunity for parents and other interested parties to comment. Responses were requested to be returned by 22 January 2019.
8. Details of the consultation were promoted via social media and schools.
9. Proposed oversubscription criteria for 2020/21 are set out on pages 8, 11 and 14 of Appendix 1.

Responses received regarding the draft policy during the consultation period

10. The points of view raised in the responses received are set out in *italics* below. The Council's response to each point can be seen underneath, under the heading "Appraisal of views expressed".
11. A total of three responses were received.

Formal responses

12. A response from Fitzalan High School included the following points:
 - *The School agreed in principle with the admission arrangements but were concerned that those refused places at the school are supported to ensure they are successfully placed by the beginning of the new school year in order to avoid stress for families and placing children at risk.*

- *The School also wanted information regarding children who had moved out of the catchment and no longer eligible to attend the school to be communicated to the school before the beginning of the school year.*

13. A copy of the full response can be seen at Appendix 2.

Appraisal of views expressed

14. The Council employs a number of measures to encourage all children eligible for a place to apply as part of the annual admissions round.
15. As part of the application process, parents/guardians are strongly encouraged to submit up to five preferences for entry to secondary school. In the event that less than three preferences are expressed, those applicants are contacted advising that their chances of receiving a school offer are substantially reduced if they fail to submit additional preferences.
16. Following the notification of places, the Council ensures that children who are without an offer of a school place or those who have not applied for a school place are engaged with in order to allow for them to secure a school place. This includes regular communication via letter and e-mail to parents/guardians, and the provision of lists of children with no offer to primary schools, with the aim of ensuring that all children without a school place have the opportunity to apply or to submit an alternative preference.
17. Following this, details of any children without a school offer are passed to Education Welfare as potential cases for Children Missing in Education.
18. Parents/guardians will also be contacted with provisional offers and are asked to confirm their preference.
19. Every effort is made to ensure that the information provided to schools is as accurate as possible and details of children who will not be attending a school as previously thought are provided as soon as known.
20. A response from Rhieni Dros Addysg Gymraeg (Parents for Welsh Medium Education) included the following points:
 - *"We suggest the a revision of current School Admissions arrangements is needed to establish a transparent and co-ordinated system, and also to prevent parents from claiming more than one place in several schools. Fairness and consistency need to be secured, which will allow parents to apply for only one place.*
 - *At the moment, three authorities administer school admissions completely separately, namely the Local Authority (community schools), Faith Schools (Anglican and Catholic).*
 - *We strongly recommend that Cardiff Council set a protocol of mutual understanding between the three Admissions authorities, in order to*

create one list for primary and secondary sectors, which will allow them to share information about applications.

- The current arrangement also suggests that the way the county presents their figures is misleading. The numbers for successful entries refer to single children, but a child can be refused a place more than once and every child who is refused is counted, which leads to the impression that the refusals are a lot more than they really are.*
- We also believe that the Admissions policy should make provisions for considering the unique situation of children of armed forces families as well as children who are relocated due to their parents' work. They are forced to apply for school places – and to move during the school year – depending completely on their parents' work situation, which more often than not is out of their control. We believe that children who apply for places in Welsh Medium Schools – as there are fewer places and a high demand for places in a number those schools – are affected disproportionately in this context”.*

Appraisal of views expressed

21. The Council must operate within the guidelines set out in the Welsh Government's Admissions Code. In England, co-ordinated arrangements are mandatory but this is not the case in Wales. The Council is however fully supportive of the introduction of a co-ordinated system of admissions which would greatly benefit parents and school and has been working towards this.
22. 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 in December 2016/January 2017.
23. The majority view expressed during the consultation was one of support for the proposed implementation of a co-ordinated secondary school process for the Year 7 age group intakes.
24. Three of the six Admission Authorities (St Teilo's CW High School, Corpus Christi RC High School and Whitchurch High School) indicated their willingness to partake in the scheme for admissions to Y7 in 2018 - 2020. The remaining three Admission Authorities (The Bishop of Llandaff CW High School, Mary Immaculate High School and St Illtyd's Catholic High School) indicated their intention to review their position as the pilot is progressed.
25. The Cabinet subsequently agreed the implementation of co-ordinated secondary school admission arrangements for the Year 7 age group.
26. Whilst it is unfortunate that three secondary schools in Cardiff are yet to take part in the pilot, feedback from those schools within the scheme is that this had been very helpful and is helping to plan places and to give certainty to parents. The Council is keen to encourage all secondary

school to take part in and benefit from the scheme and to roll this out to primary schools in due course.

27. The publishing of school preference data is not a matter for the consultation on admissions arrangements.
28. In accordance with the requirements of the Admissions Code, the Council allows for parents to state multiple preferences for schools (up to five preferences for secondary and three for primary). Some parents opt to state one, two or three preference but would only be offered a place at one of their preferred schools.
29. The Council operate an equal preference scheme, whereby each preference is considered equally as part of the overall application and will endeavour in all cases to offer the highest preference. An application would only be refused in the event that it was not possible to offer any of the preferences listed on the application. It is not usual for an entire application to be refused.
30. The Council publishes preference data to ensure transparency and the total number of applicants can be included in published data.
31. The Council is unable to retain places for the children of armed forces families or for those who are relocated due to their parents' work. As set out in the Welsh Government School Admissions Code paragraph 3.4 "in a normal year of entry, a child must not be refused admission to a school on the ground of prejudice to efficient education or the efficient use of resources except where the number of applications for admission exceeds the admission number". For applications to years other than the normal year of entry (i.e. Reception and Y7) as set out at paragraph 3.8 of the code "admission authorities should admit to the school admission number....As the admission number reflects the school's ability to accommodate pupils, it should not be exceeded to any significant degree in relation to any year group. If an admission number is routinely exceeded overcrowding could result".
32. The Council acknowledges the position of children of armed forces families and in recognition of this has made provision within the Schools Admissions Policy. As set out at paragraph 8.1 "Submission of documents relating to a child of UK Service Personnel or other Crown Servants Children of UK service personnel (UK Armed Forces) or other Crown Servants will be treated as resident at a future address if their application is accompanied by an official Ministry of Defence (MOD) or Foreign and Commonwealth Office (FCO) letter declaring a definite address occupation date and confirmation of the new home or unit postal address.
33. Where applications outside of the normal round of admissions for Children of UK service personnel or other Crown Servants are unsuccessful, parents may appeal against this decision and any appeal hearing convened would be heard as an ordinary prejudice appeal".

34. As set out at paragraphs 15- 18, the Council works closely with parents/guardians to ensure an offer of a school place.

Other responses

35. A response was received from a parent of primary aged children resident within the Cardiff High School catchment area. The points raised are set out below.

The continued use of proximity as a tie-breaker

36. The respondent disagreed with the continued use of proximity as a tie-breaker stating a view that *“it denies access to oversubscribed school to all but the wealthiest children, whose parents can afford to buy or rent closest to those secondary schools. Replacing the proximity test with a longevity of residence test, or a feeder school system would counteract this unfairness and ensure that oversubscribed secondary schools remain inclusive schools that offer equal access to children from diverse backgrounds and economic circumstances, drawn from a wider geographical area. A longevity of residence test would be clear and easily understood by all”*.

Appraisal of views expressed

37. As set out in the report to Cabinet on 16 March 2017, School Admission Arrangements 2018/19 and Co-ordinated Secondary School Admission Arrangements 2018 – 2020, the introduction of a ‘length of catchment area residence’ criterion would not be recognised as best practice.
38. This point is referenced in 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 the 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.
39. 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 Seeker/Refugees and some other Foreign pupils.
40. Following consultation on the School Admissions Arrangements for 2018/2019 which outlined the need to assess the suitability of the Council’s system for allocating school places at a time when surplus places in secondary schools are reducing, and an increasing number of

schools are oversubscribed, the Cabinet authorised 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.

41. 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 which predominantly focused on secondary school admissions, although any significant issues in primary were also taken into consideration.
42. The Cabinet considered the WISERD research report at its meeting of 16 November 2017 and brought forward consultation on the 2019/20 arrangements which sought to respond to the research findings by simplifying existing criteria, and invited comments on alternative options for admission to secondary education.
43. In respect of arrangements for pupils transferring to secondary education, responses were sought on two options which represented a simplified version of the existing arrangements that have operated in Cardiff for a number of years, but with some criteria removed (Option A), or an alternative version (Option B) which represents a more significant change to arrangements by introducing feeder school based criteria.
44. Analysis of consultation responses considered whether there was sufficient benefit in the city-wide Cardiff context to implement such a change.
45. It was clear from evaluation of responses to the consultation that implementing the significant changes to oversubscription criteria as set out in Option B would negatively impact pupils in a number of areas of the city and in each sector. There was not a sufficiently compelling case that making such a change would achieve the aim of introducing more suitable admission arrangements for all pupils in Cardiff.
46. There was also insufficient evidence that the change from a simplified version of existing arrangements (Option A) to the implementation of feeder based arrangements (Option B) would be of benefit in the city-wide Cardiff context. This remains the case.

The use of PLASC data

47. *"The use of PLASC data in the equality impact assessment produced previously was misleading. Whilst it identified the percentage of each ethnic group who remained in one school throughout their primary education, it did not identify the percentage of each ethnic group who could afford to move during their primary education to within close proximity of an oversubscribed secondary school".*
48. In January of every year, the Welsh Government collects information from schools (Pupil Level Annual School Census (PLASC)). This includes the number of pupils at each school, their age groups, home

addresses, ethnicity, and data on Welsh language, Special Educational Needs, first language and pupils who have Free School Meals. The use of PLASC information is appropriate as it is an accurate record of the number and make up of both the individual and overall school population.

Transition Arrangements

49. *“Children should be able to expect to move from primary school to secondary school along with their friendship groups which reduces the stress of an important transition. Stress affects everyone in the classroom (pupils and teachers), as well as a whole community of families at home. Paragraph 2.36 of the statutory School Admission Code states explicitly that ‘the use of named feeder primary schools as an over subscription criterion can allow better continuity for pupils’. Primary school and secondary schools both benefit from close working partnerships in these systems”.*
50. See paragraphs 37 – 46.
51. As set out in the report to Cabinet on 15 March 2018, School Admission Arrangements 2019/20, there is a wide and varied range of research which shows that there are a number of factors that have equal or greater importance in terms of supporting effective transition from primary to secondary education.
52. 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. 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.

Local Member consultation (where appropriate)

53. All members were consulted on the draft Admissions Arrangements 2020/2021.

Reason for Recommendations

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

Financial Implications

55. 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, should the proposal result in changes to the number of pupils admitted to an

individual school, it presents the possibility that the budget for a school will increase or decrease. In addition, should the proposal result in a change to the school transport provision required, it 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 (including Equality Impact Assessment where appropriate)

56. 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. The report shows that consultation has been conducted.
57. 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 1st March and determine the admission arrangements by 15th April. The arrangements must then be published within 14 days of the determination and appropriate bodies must be notified. The report shows that the consultation was conducted before the 1st March.
58. 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.
59. 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
60. 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 Council must have due regard to these obligations when this decision is taken to determine the admission arrangements.
61. 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 Welsh in Education Strategic Plan, the Council must consider how it can promote Welsh medium education. This report reflects those requirements.
62. The Council must also consider its legal obligations under the Wellbeing 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.
63. 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. The report and proposed admission arrangements reflect these obligations.

HR Implications

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

Transport Implications

65. 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).
66. 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.

67. Habits – Encouraging children to understand the benefits of, and to adopt use of, sustainable forms of transport early in their lifetime will increase the likelihood of them continuing to travel sustainably in the future. It is therefore important that children are educated about the benefits of sustainable transport and encouraged and supported to travel to and from their school by walking, cycling or public transport.
68. 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 benefits that come from young people
69. The traffic implications of this proposal are not known. Consistent with the Council's transport policies for the city it is strongly recommended that 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.
70. The transport team is now actively working with schools to help them implement measures to support journeys to school by walking and cycling. This work will contribute to the delivery of the commitment in the Council's Corporate Plan for every school in Cardiff to have an Active Travel Plan in place.

Impact on the Welsh Language

71. The Council is committed to developing a Bilingual Cardiff. The Council's Welsh in Education Strategy (WESP) 2017 – 2020 will help Cardiff to support the Welsh Government's vision to see one million Welsh speakers across Wales by 2050.
72. The WESP is an integral part of the Council's 5 year Bi-lingual Strategy. The Council recognise that a strong and inclusive Welsh-medium education sector is vital if Cardiff is to develop as a truly bilingual city where Welsh is a vibrant living language.
73. The Bilingual Strategy aims to increase the number of Welsh speakers within Cardiff and promote the use of the language throughout the city. The Council recognise that the education system is a key element in

ensuring that children are able to develop their Welsh skills, and for creating new speakers.

74. Officers will continue to monitor 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 being forward appropriate plans to meet any increased demand.
75. The teaching of Welsh within an English-medium setting is subject to the requirements of the National Curriculum. This would not change.

Wellbeing of Future Generations

76. 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 Schools Standards and Framework Act (1998) (the Welsh Government's School Admission Code) and the Council has also complied with that legislation. Account is also taken of the Council's responsibility to provide and promote high standards of Education under the Education Action 1996.

Equality Impact Assessment

77. 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 3).

RECOMMENDATIONS

Cabinet is recommended to:

- Determine the attached Council's draft School Admission Arrangements 2019/2020 as set out in the Admission Policy 2019/2020.

NAME OF DIRECTOR

Date

The following appendices are attached:

Appendix 1 – Draft School Admissions Policy 2020/21
Appendix 2 – Formal responses
Appendix 3 – Equality Impact Assessment

The following background papers have been taken into account