

**Policy/Strategy/Project/Procedure/Service/Function Title:**

Cardiff Council's Schools Admissions Policy 2020/21

**New/Existing/Updating/Amending**

**Who is responsible for developing and implementing the Policy/Strategy/Project/Procedure/Service/Function?**

Name: Janine Nightingale	Job Title: Head of School Organisation, Access & Planning
Service Team: School Organisation, Access & Planning	Directorate: Education & Lifelong Learning
Assessment Date: 21/02/2019	

## 1. Aims and Objectives

**What are the objectives of the Policy / Strategy / Project / Procedure / Service / Function?**

To establish admission arrangements that do not have discriminatory criteria in accordance with the School Admission Code and to equitably administer the admission of eligible children to nursery, primary and secondary classes/schools based on parent/guardian preference in accordance with the admissions criteria detailed in Cardiff Council's School Admissions Policy 2020/21.

## 2. Background Information

**Please provide background information on the Policy / Strategy / Project / Procedure / Service / Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]**

Cardiff Council is committed to equality of opportunity and to eliminating discrimination. In respect of admissions to community schools, all pupils and prospective pupils are treated equitably, regardless of gender, race, ethnicity, culture, nationality, language, ability/disability or religious belief.

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The Council is the Admissions Authority for the following:

- Community Nursery Schools/Nursery Classes in Community Schools
- Community Primary Schools
- Community Secondary Schools

In order to facilitate the admissions process, the Local Authority has to consider:

- Children are entitled to a part-time nursery place from the start of the term following their third birthday and must attend for five half days.
- Children are admitted to reception classes in the September following their fourth birthday.
- Children transfer to secondary education in the September following their eleventh birthday.
- All maintained schools must admit pupils up to their published Admission Number.

Parents have the right to express a preference for their preferred schools; these will be considered individually and complied with wherever possible. Some schools have more requests for places than there are places available. Where a school is oversubscribed preferences will still be considered but the oversubscription criteria set by the Council will be applied. In deciding which children to admit to a school, the Council applies the criteria set out in its Schools Admissions Policy Document and examines the merits to support each case by considering any reasons put forward supporting any expressed preference.

If parents are dissatisfied with the result of an application for a particular School, an appeal may be submitted to the Independent Statutory Appeal Panel, any decision made by the Panel being binding on the Council, the school and the appellant. If the appeal is not successful, further requests to appeal for a place at the same school will not be considered whilst the pupil is on the waiting list unless the Director of Education & Lifelong Learning determines there are significant and material changes in the circumstances of pupil/parents or school. There is no right of appeal for admission to a Community Nursery School/ Nursery Classes in Community Schools.

This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government's School Admissions Code E.3 which states:

“An admission authority **must not** discriminate on the grounds of disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

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In accordance with Section 89 of the Schools 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.

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

### **3 Assess Impact on the Protected Characteristics**

#### **3.1 Age**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative/]** on younger/older people?

	<b>Yes</b>	<b>No</b>	<b>N/A</b>
Up to 18 years	✓		
18 - 65 years	✓		
Over 65 years	✓		

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

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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.

Removal of the FIHP criterion for admission to secondary education will have no impact as any eligible children will be covered by the requirements of the Additional Learning Needs and Education Tribunal (Wales) Bill.

To summarise, it is expected that there would be no differential impact affecting this protected characteristic as a result of implementing the Schools Admissions Policy.

Parents have to apply for their child's admission to their chronological age group.

The nature of the policy is such that it will inherently apply to the 3 - 16 years old age groups as it is relevant to school and nursery-aged children and young adults.

Whilst implementation of this policy would therefore have a differential impact, it would not be regarded as prejudicial to older age groups as they are not part of this educational place provision process.

**What action(s) can you take to address the differential impact?**

N/A

### 3.2 Disability

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on disabled people?

	Yes	No	N/A
Hearing Impairment	✓		
Physical Impairment	✓		

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Visual Impairment	✓		
Learning Disability	✓		
Long-Standing Illness or Health Condition	✓		
Mental Health	✓		
Substance Dependence	✓		
Other	✓		

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

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To summarise, it is expected that there would be no differential impact affecting this protected characteristic as a result of implementing the Schools Admissions Policy.

This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government's School Admissions Code E.3 which states:

“An admission authority **must not** discriminate on the grounds of age, **disability**; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

Differential impact could occur as the implementation of the School Admissions Policy would allow for priority to be given to applicants where

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the legislation and protection prescribe the inclusion of specific criteria in relation to Additional Learning Needs (ALN) which support pupils with disabilities that are also learning difficulties.

ALN legislation gives absolute priority to these pupils in relation to admissions and has a separate independent appeals process. This would be a positive impact if the degree of need was such that preferential placement were to apply.

All schools have obligations to make provision for pupils with ALN and to make reasonable adjustments under the Equality Act 2010 both to school premises and in all other areas for pupils with disabilities.

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.

**What action(s) can you take to address the differential impact?**

Update as necessary when new ALN legislation takes effect or if School Transport Policy changes

**3.3 Gender Reassignment**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on transgender people?

	Yes	No	N/A
<p><b>Transgender People</b>            (People who are proposing to undergo, are undergoing, or have undergone a process [or part of a process] to reassign their sex by changing physiological or other attributes of sex)</p>		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

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- 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.

Removal of the FIHP criterion for admission to secondary education will have no impact as any eligible children will be covered by the requirements of the Additional Learning Needs and Education Tribunal (Wales) Bill.

To summarise, it is expected that there would be no differential impact affecting this protected characteristic as a result of implementing the Schools Admissions Policy.

This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government's School Admissions Code E.3 which states:

“An admission authority **must not** discriminate on the grounds of age, disability; **gender reassignment**; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

All schools to which the Schools Admission Policy applies are non-gender specific in relation to their admissions criteria.

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.

**What action(s) can you take to address the differential impact?**

N/A

### **3.4. Marriage and Civil Partnership**

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on marriage and civil partnership?

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	Yes	No	N/A
Marriage			✓
Civil Partnership			✓

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

An admission authority **must not** discriminate on the grounds of age; disability; gender reassignment; **marriage and civil partnership**; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

No differential impact would occur as the implementation of the Schools Admissions Policy would not affect this protected characteristic.

**What action(s) can you take to address the differential impact?**

N/A

### 3.5 Pregnancy and Maternity

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on pregnancy and maternity?

	Yes	No	N/A
Pregnancy		✓	
Maternity		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government’s School Admissions Code E.3 which states:

“An admission authority **must not** discriminate on the grounds of age; disability; gender reassignment; marriage and civil partnership; **pregnancy and maternity**; race; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

No differential impact would occur as the implementation of the Schools Admissions Policy would not affect this protected characteristic.



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<b>What action(s) can you take to address the differential impact?</b>
N/A

### 3.6 Race

Will this Policy/Strategy/Project//Procedure/Service/Function have a **differential impact [positive/negative]** on the following groups?

	Yes	No	N/A
White		✓	
Mixed / Multiple Ethnic Groups	✓		
Asian / Asian British		✓	
Black / African / Caribbean / Black British	✓		
Other Ethnic Groups	✓		

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

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- 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.

Removal of the FIHP criterion for admission to secondary education will have no impact as any eligible children will be covered by the requirements of the Additional Learning Needs and Education Tribunal (Wales) Bill.

This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government's School Admissions Code E.3 which states: "An admission authority must not discriminate on the grounds of age, disability; gender reassignment; marriage and civil partnership; pregnancy and maternity;

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**race**; religion or belief; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

To summarise, it is expected that there would be no differential impact affecting this protected characteristic as a result of implementing the Schools Admissions Policy.

Pupil Level Annual School Census (PLASC) data is collected each year and has consistently shown that all schools have pupils from different races.

There is potential for impact in the future, however the admissions policy is reviewed, consulted on and determined annually.

**What action(s) can you take to address the differential impact?**

Monitor PLASC and school planning data to ensure any impact is identified

### 3.7 Religion, Belief or Non-Belief

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on people with different religions, beliefs or non-beliefs?

	Yes	No	N/A
Buddhist		✓	
Christian		✓	
Hindu		✓	
Humanist		✓	
Jewish		✓	
Muslim		✓	
Sikh		✓	
Other		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

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- Reduced Published Admission Number for Glan yr Afon Primary School.

Removal of the FIHP criterion for admission to secondary education will have no impact as any eligible children will be covered by the requirements of the Additional Learning Needs and Education Tribunal (Wales) Bill.

To summarise, it is expected that there would be no differential impact affecting this protected characteristic as a result of implementing the Schools Admissions Policy.

This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government's School Admissions Code E.3 which states:

“An admission authority **must not** discriminate on the grounds of age; disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; **religion or belief**; sex; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

There are a number of maintained voluntary aided faith schools in Cardiff which are either Roman Catholic or Church in Wales which deal with their own admissions and admit children of those faiths. There are also three independent Muslim schools who deal with their own admission arrangements. As a result there may be a lower number of pupils of these faiths within community schools. However, the Council's admission arrangements do not differentiate between applicants of differing belief systems who apply to attend Community Schools.

**What action(s) can you take to address the differential impact?**

The Council will remain sensitive to the needs of religious communities seeking faith place provision.

### **3.8 Sex**

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Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on men and/or women?

	Yes	No	N/A
Men		✓	
Women		✓	

**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

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- Clarification on circumstances in which a school offer may be withdrawn;
- Reduced Published Admission Number for Glan yr Afon Primary School.

Removal of the FIHP criterion for admission to secondary education will have no impact as any eligible children will be covered by the requirements of the Additional Learning Needs and Education Tribunal (Wales) Bill.

To summarise, it is expected that there would be no differential impact affecting this protected characteristic as a result of implementing the Schools Admissions Policy.

This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government's School Admissions Code E.3 which states:

“An admission authority **must not** discriminate on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; **sex**; or sexual orientation, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”

All schools to which the Schools Admission Policy applies are non-sex

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<p>specific in relation to their admissions criteria.</p> <p>No differential impact would occur as the implementation of the Schools Admissions Policy would not affect this protected characteristic.</p>
<b>What action(s) can you take to address the differential impact?</b>
N/A

### 3.9 Sexual Orientation

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on the following people?

	Yes	No	N/A
Bisexual		✓	
Gay Men		✓	
Gay Women/Lesbians		✓	
Heterosexual/Straight		✓	

<b>Please give details/consequences of the differential impact, and provide supporting evidence, if any.</b>
<p>This proposal has been developed in accordance with the requirements of the Equality Act 2010 throughout and in compliance with the Welsh Government's School Admissions Code E.3 which states:</p> <p>“An admission authority <b>must not</b> discriminate on the grounds of age, disability; gender reassignment; marriage and civil partnership, pregnancy and maternity; race; religion or belief; sex; or <b>sexual orientation</b>, against a person in the arrangements and decisions it makes as to who is offered admission as a pupil.”</p> <p>No differential impact would occur as the implementation of the Schools Admissions Policy would not affect this protected characteristic.</p>
<b>What action(s) can you take to address the differential impact?</b>
N/A

### 3.10 Welsh Language

Will this Policy/Strategy/Project/Procedure/Service/Function have a **differential impact [positive/negative]** on Welsh Language?

	Yes	No	N/A
Welsh Language		✓	

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**Please give details/consequences of the differential impact, and provide supporting evidence, if any.**

The Council is committed to developing a Bilingual Cardiff. The Council's Welsh in Education Strategy Plan (WESP) 2017 – 2020 will help Cardiff to support the Welsh Government's vision to see one million Welsh speakers across Wales by 2050.

The WESP is an integral part of the Council's 5 year Bi-lingual Strategy. The Council recognises that a strong and inclusive Welsh-medium sector is vital if Cardiff is to develop as a truly bilingual city where Welsh is a vibrant living language.

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 recognises that the education system is a key element in ensuring that children are able to develop their Welsh skills, and for creating new speakers

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- 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.

Removal of the FIHP criterion for admission to secondary education will have no impact as any eligible children will be covered by the requirements of the Additional Learning Needs and Education Tribunal (Wales) Bill.

To summarise, it is expected that there would be no differential impact as a result of implementing the Schools Admissions Policy.

For children who did not attend a Welsh-medium Nursery/Primary school at the start of their education and who wish to transfer to Welsh-medium

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education, the Council has established both a primary school age and secondary school age Welsh Immersion Unit, which provides intense Welsh language learning enabling children to gain a level of fluency to transfer to education in a Welsh-medium school.

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 bringing forward appropriate plan to meet any increased demand.

The teaching of Welsh within an English-medium setting is subject to the requirements of the National Curriculum. This would not change.

**What action(s) can you take to address the differential impact?**

Continue to review the obligation to promote Welsh-medium education via the WESP.

#### **4. Consultation and Engagement**

What arrangements have been made to consult/engage with the various Equalities Groups?

The Council's draft School Admissions Policy 2020/21 (see Appendix 1) was issued in both the English and Welsh languages 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 (Headteachers, Governing Bodies, Diocesan Directors, neighbouring Local Education Authorities). The consultation met the statutory timescale and closed on 22 February 2019.

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 comments. Responses were requested to be returned by 22 January 2019.

Details of the consultation were promoted via social media and schools.

Details of the responses received and the Council's appraisal of the views expressed can be seen in the School Admission Arrangements 2020/21 Cabinet report.

Details of the Schools Admission Policy will be made available on the Council's website:

*<https://www.cardiff.gov.uk/ENG/resident/Schools-and-learning/Schools/Applying-for-a-school-place>*

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## 5. Summary of Actions To Be Taken [from the Actions listed in the Sections above]

These actions should be included in your Directorate's Equality Action Plan for the year, monitored on a regular basis and reported in your Directorate Equality Annual Report.

Groups	Actions
Age	None
Disability	Update as necessary when new ALN legislation takes effect or if School Transport Policy changes
Gender Reassignment	None
Marriage & Civil Partnership	None
Pregnancy & Maternity	None
Race	Monitor PLASC and school planning data to ensure any impact is identified
Religion/Belief	The Council will remain sensitive to the needs of religious communities seeking faith place provision.
Sex	None
Sexual Orientation	None
Welsh Language	Continue to review the obligation to promote Welsh-medium education via the WESP.
Generic Over-Arching [applicable to all the above groups]	None



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## **6. ACTIONS TO BE CONSIDERED IN THE FUTURE**

List here any actions that you could not take in the immediate future, but which have arisen as issues to be considered for future service developments

## **7. Authorisation**

The Template should be completed by the Lead Officer of the identified Policy/Strategy/Project/Function and approved by the appropriate Manager in each Service Area.

Completed By : Rosalie Phillips	Date: 27/02/2019
Designation: Senior School Organisation Governance and Compliance Officer	
Approved By: Michele Duddridge Hossain	
Designation: Operational Manager, Planning and Provision	
Service Area: Education and Lifelong Learning	

- 7.1 On completion of this Assessment, please send it to [equalityteam@cardiff.gov.uk](mailto:equalityteam@cardiff.gov.uk), who will publish it on the Council's Website.

For further information or assistance, please contact the Equality Team 029 2087 2536 or email [equalityteam@cardiff.gov.uk](mailto:equalityteam@cardiff.gov.uk).