

**SCHOOL ADMISSIONS ARRANGEMENTS 2022/2023**

**EDUCATION, EMPLOYMENT & SKILLS (COUNCILLOR SARAH MERRY)**

**AGENDA ITEM:**

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**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 2022/2023.

**Background**

3. In order to comply with the legislation above, School Admission arrangements for implementation in the 2022/2023 academic year (i.e. from September 2022) must be determined on or before 15<sup>th</sup> April 2021.
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 15<sup>th</sup> 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 2022/2023 Consultation**

5. The Council's draft School Admissions Policy 2022/2023 (see Appendix 1) was issued for consultation on 18 December 2020 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 5 February 2021.

6. The proposed changes to the arrangements for 2022/2023 compared to the arrangements for 2021/2022, relate to the following:
  - Clarification of the Out of Chronological Age process
  - Clarification of the Fair Access Protocol
  - A change to the priority given under the admissions criteria for multiple birth siblings
  - Clarification on guidance for schools where children who have been allocated a place at the school fail to attend
  - Increased Published Admission Numbers for Cathays High School and Ysgol Mynydd Bychan
  - Reduced Admission Number for Allensbank Primary School
7. The policy was published on the Council website with details of how responses could be submitted which provided an opportunity for any interested parties to comment. Responses were requested to be returned by 5 February 2021.
8. Details of the consultation were promoted via social media and schools.
9. Proposed oversubscription criteria for 2022/2023 are set out on pages 9, 13 and 16 of Appendix 1.

### **Responses received in respect of the draft policy during the consultation period**

10. Prior to the annual consultation, the Council works closely with the Admissions Forum to consider how well existing and proposed admission arrangements serve the interests of children and parents city-wide. The Cardiff Admissions Forum includes Diocesan representatives, representatives of community and voluntary controlled, foundation and voluntary aided schools, parent governors and local community representatives.
11. The role of the admission forums is to provide a vehicle for admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements. This includes raising any particular issues that they may be privy to and consider how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved and whether this would represent issues that should be included in the wider consultation.
12. The points of view raised in the responses received in relation to the issues consulted upon are set out in *italics* below. The Council's response to each point can be seen underneath, under the heading "Appraisal of views expressed".
13. A total of two responses were received.

### **Formal responses**

14. A response from Cllr Robert Hopkins, Liberal Democrats Education Spokesman, included the following points:

- *There is no connection made between length of time resident at a qualifying address in the residency criteria whether living inside or outside a school's catchment area. Where new housing developments appear, this can mean that families who may have lived at a more established property within the catchment area of a particular school, are edged out of a place. This is especially so where a new housing development may be sited closer to a school than other pre-existing properties in the area.*
- *Should the council not review the impact of the proximity and residency criteria where there are particular pinch points across the city? Should consideration be given to using a points-based system within the criteria reacting to the proximity and residency criteria? Should consideration be given to increasing the number of places available, especially in primary schools, including the potential for using section 106 monies?*
- *Further consideration should be given to whether the sibling criterion is given sufficient weight and prominence in the criteria overall. It is extremely upsetting and disruptive where siblings are not able to attend the same school. This further undermines the commitment to "Active Travel", especially for children of primary school age.*

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

#### Appraisal of views expressed

16. The Council acknowledges the views expressed.
17. The changes suggested in the consultation response were not proposed by the Admissions Forum ahead of consultation. The consultation response does not comment on the changes proposed within the draft Admissions Policy 2022/23, but comments on paragraphs and oversubscription criteria that were proposed to be unchanged from the 2021/22 policy following consideration by the Admissions Forum.
18. The Cabinet has previously considered responses to consultations on school admissions arrangements which suggested the inclusion of criteria which gave priority according to the length of time resident in an address.
19. 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.
20. 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.

21. 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 pupils.
22. The Council must consider whether there is sufficient benefit in the city-wide Cardiff context to implement changes and whether there is a sufficiently compelling case that making such a change would achieve the aim of introducing more suitable admission arrangements for all pupils in Cardiff.
23. 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.
24. 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.
25. The WISERD report on Admission Criteria noted observations from the review of local authority arrangements, including that:
  - 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.
26. A points-based oversubscription criteria would not be clear and easy for all parents to understand.
27. In line with the Cardiff Planning Obligations Supplementary Planning Guidance (SPG), the Council will seek the provision of new school places

in circumstances where the need generated by a proposed development cannot reasonably be met by existing schools, because the capacity at the schools in whose catchment areas the new housing development is proposed would, as a result of the development, be exceeded by demand.

28. New school places will either be provided through the expansion of existing schools (where a site is capable of accommodating additional pupil places), or through the provision of new build schools.
29. The number of children generated by a residential development will vary depending on the type and size of the dwellings of which it comprises. In order to be able to project a typical yield for a development, an initial assessment of the number of children likely to be generated by a proposed housing development is made based on yield factors derived from 2011 Census statistics and Number on School Rolls (NOR) data for Cardiff.
30. An evaluation of different educational settings (i.e. English-medium, Welsh-medium, faith and voluntary aided schools) is undertaken based on historical take up of places in the catchment and how place availability would drive parental preference.
31. Where there are sufficient school places within a reasonable distance of the area, housing developers are not obliged to contribute towards the expansion of school provision.
32. The Council already gives priority to siblings of children enrolled in a school within its oversubscription criteria, and has considered the level of priority given in previous consultations on school admissions arrangements.
33. The highest priority for admission is given to Looked After Children and children with a statement of Special Education Need specifying a school or equivalent followed by catchment area applications.
34. Within the oversubscription criteria weight and prominence is given to in-catchment qualifying sibling applications received within agreed deadlines.
35. In the event of there being more applications than places available, allocations are prioritised according to the published oversubscription criteria as set out in the agreed School Admissions Policy.
36. Within these criteria, priority is given to qualifying sibling applications from pupils already on roll at a school. For admissions to schools in September 2020 there were no in-catchment qualifying sibling applications, who applied by the closing date, refused admission.
37. Whilst, in-catchment applications have a high priority than out of catchment applications, qualifying out of catchment sibling applications are given higher priority than those of children without siblings enrolled. Giving higher priority for admission to in-catchment applications supports the Council's commitment to 'Active Travel'.

38. In circumstances where an older sibling is admitted as an in-catchment pupil and there are subsequent changes to the catchment area, priority is given to younger siblings as set out in the Admissions Policy.
39. A response from the Chair of St Peter's RC Primary School including the following:
  - *The draft policy includes an admission number of 75 for St Peter's RC Primary School. The admission of the school as agreed by the Governing Body in 2019 is 60 not 75*
40. A copy of the full response can be seen at Appendix 2.

#### Appraisal of views expressed

41. The Council acknowledges the views expressed.
42. The Published Admission Number within the admissions arrangements has been updated to reflect the admission number of the school as agreed by the St Peter's RC Primary School Governing Body.

#### **Local Member consultation**

43. All members were consulted on the draft Admissions Arrangements 2022/2023.

#### **Scrutiny Consideration**

44. The Children and Young People's Scrutiny Committee will consider these proposals on 15 March 2021.

#### **Reason for Recommendations**

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

#### **Financial Implications**

46. There are no requirements for additional funding, or direct cost implications, 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 will result in an increase or decrease in the budget for that school. In addition, should a 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**

47. 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.

48. 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.
49. 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.
50. 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
51. 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.

52. 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.
53. 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.
54. 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**

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

### **Transport Implications**

56. The Council's policy is to increase the overall share of daily journeys that are made by sustainable modes of transport – walking, cycling and public transport. Many journeys to school are very short. 75% of journeys to education in Cardiff are within 3km of people's homes. More of these journeys could be made by active modes if improvements could be made to the safety of roads and routes for walking and cycling within school catchment areas. The health and wellbeing benefits of enabling children to travel actively and independently to school, as opposed to being escorted by car, are well documented and evidenced.
57. The adopted Local Development Plan sets a target to achieve a 50:50 split between journeys by car and journeys made by foot, cycle and/or use of public transport by 2026.
58. More recently, the Council's Transport White Paper, published in 2020, sets more ambitious modal shift targets and seeks to achieve over 60% of daily work trips to be made by sustainable modes of travel by 2025 with this share increasing to around 75% by 2030.
59. The Transport White Paper includes the commitment to "Develop Active Travel Plans and accessible walking and cycling routes for all schools by



working with children, teachers, parents and governors to promote walking, scooting and cycling to and from schools”

60. The Council is committed to ensuring that every school in Cardiff has an Active Travel Plan by 2022. Such a plan identifies actions by the school to support and encourage active travel to school and will also identify any improvements to on-site and off-site infrastructure required to facilitate active journeys.
61. Admissions policy changes which give greater priority to (multiple birth) siblings attending the same school would tend to reduce overall numbers of vehicular school trips by affected families as siblings can travel together and should be better able to undertake independent and active travel without parents or carers accompanying.
62. An increase in the published admission numbers at Cathays High School would be addressed by recommended mitigation proposals for improvements in travel facilities and transport provision. The Cabinet report of 17 December 2020 refers.
63. Changes to the published admission numbers at Ysgol Mynydd Bychan and Allensbank Primary including current issues with traffic would be addressed by recommended mitigation proposals for improvements in travel facilities and transport provision. The Cabinet report of 17 December 2020 refers.

### **Impact on the Welsh Language**

64. 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.
65. 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.
66. 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.
67. 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.
68. 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

69. 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 Act 1996.

## Equality Impact Assessment

70. 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 agree the Council's School Admission Arrangements 2022/2023 as set out in the Admission Policy 2022/2023.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Melanie Godfrey</b> Director of Education & Lifelong Learning
	12 March 2021

*The following appendices are attached:*

Appendix 1 – Draft School Admissions Policy 2022/23

Appendix 2 – Formal responses

Appendix 3 – Equality Impact Assessment