



## Report of the Cabinet Member for Children, Education & Lifelong Learning

Council – 22 March 2018

### Admissions Arrangements 2019/2020

**Purpose:** To determine the admission arrangements for maintained schools for the academic year 2019-2020

**Policy Framework:** The Admission Arrangements to Schools Policy.

**Consultation:** Education; Legal; Finance; all headteachers and governing bodies including voluntary aided schools; neighbouring admission authorities; the Admissions Forum.

**Recommendation(s):**

1. The proposed admission arrangements for 2019-2020 for Nursery as set out in Appendix A are approved.
2. The proposed admission arrangements for 2019-2020 for Reception as set out in Appendix B are approved.
3. The proposed admission arrangements for 2019-2020 for Year 7 as set out in Appendix C are approved.
4. The proposed admission arrangements for 2019-2020 for in-year transfers as set out in Appendix D are approved.
5. The proposed admission arrangements/criteria for entry for 2019-2020 for sixth forms set in Appendix E are approved.
6. The Schedule of Events at Appendix F is approved.
7. The admission numbers for primary and secondary schools are noted, as set out in Appendix G.
8. That delegated authority is given to the Chief Education Officer to make the changes required by the Additional Learning Needs and Education Tribunal (Wales) Act 2018 to the Admissions Arrangements listed above when the Act is implemented.

**Report Authors:** Melissa Taylor/Claire Abraham

**Finance Officer:** Ben Smith

**Legal Officer:** Stephanie Williams

**Access to Services Officer:** Sherill Hopkins

## **1. Introduction**

- 1.1 By virtue of Section 89 of the School Standards and Framework Act (1998) the local authority is responsible for determining the admission arrangements for County maintained schools. In accordance with the Education (Determinations of Admission Arrangements) (Wales) Regulations 2006 the Council has a duty to review the Admissions to Schools Policy and to consult governing bodies of voluntary aided schools on their admission arrangements.
- 1.2 The Welsh Government in July 2013 issued the School Admissions Code and the School Admission Appeals Code in December 2013. The School Admissions Code applies to arrangements made for the 2019-2020 academic year and covers admissions to primary and secondary schools.
- 1.3 Copies of the proposed admission arrangements for nursery classes are attached at Appendix A.
- 1.4 Copies of the proposed admission arrangements for primary schools are attached at Appendix B.
- 1.5 Copies of the proposed admission arrangements for secondary schools are attached at Appendix C
- 1.6 Copies of the proposed admission arrangements for in year transfers are attached at Appendix D.
- 1.7 Copies of the proposed admission arrangements and criteria for entry for sixth forms are attached at Appendix E.
- 1.8 The proposed 'Schedule of Events' for the admission process is shown at Appendix F.

In a change to previous years' admission arrangements, both the Year 7 (secondary) and Reception (primary) admission rounds are scheduled to run together in the autumn term for a period of eight weeks. This revised timetable was proposed following discussions with the Funding and Information Unit and in order to assist with budget planning preparation for schools will benefit by being in a better position to provide pupil projection figures which are submitted in January.

- 1.9 The admission numbers (ANs) for primary and secondary schools are shown at Appendix G.

## **2. Admission limits**

The local authority administers all admissions for community schools (schools funded and maintained entirely by LAs). Requests for admission to Voluntary Aided schools - Church schools (e.g. Roman Catholic, Church in Wales schools) are administered and determined by the admission criteria set by the Governing Body of that school. Voluntary Aided schools are responsible for determining their own admission arrangements.

## **Primary**

- 2.1 The capacity of each primary school including its nursery classes has been calculated using the Welsh Government formula and from this an Admission Number (AN) has been set. The admission numbers for primary schools are shown in Appendix G. All schools must admit up to their AN in the year of entry i.e. Reception in primary schools. In the year of entry, and in all other year groups, a child will be refused a place by the local authority (LA) once the AN is reached.
- 2.2 The School Standards and Framework Act 1998, The School Admissions (Infant Class Sizes) (Wales) Regulations 2013, restricts infant class sizes to a maximum of 30 (i.e. Reception, Year 1 and Year 2). Welsh Government has also introduced a recommended limit of 30 for key stage 2 class sizes.

## **Secondary**

- 2.3 The ANs shown at Appendix G are the limits for each year group.
- 2.4 Schools must not exceed their AN in the year of entry (i.e. Year 7 for secondary admissions or in any other year group).

## **Primary and secondary**

- 2.5 Even if parents living within the catchment area of a school apply for a place before the parental deadline, there is no guarantee of a catchment place if the AN has been reached.

## **In-year transfers**

- 2.6 Availability of places is determined by reference to the school's admission number. A child will be refused a place once the admission number has been reached. ANs shown at Appendix G are the limits for each year group. Schools must not exceed their AN in the year of entry (i.e. Reception for primary admissions and Year 7 for secondary admissions, or in any other year group).

## **Sixth forms**

- 2.7 Criteria for entry and admission arrangements for sixth forms, including admission limits, are outlined in Appendix E.

For schools with a sixth form, admission numbers will be the same for Years 12 and 13 as they are for Years 7 to 11.

## **3. Admissions criteria**

- 3.1 The Education (Admission of Looked After Children) (Wales) Regulations 2009 places a duty on admission authorities in Wales to admit children looked after by a local authority in Wales where an application for admission is made, even if the AN has been reached. Should an admission authority wish to refuse an admission application for a looked after child then they must refer the matter to the Welsh Ministers within seven days of receiving the application for decision. The decision of the Welsh Ministers is binding.

Previously looked after children (looked after children who cease to be so because they were adopted or became subject to a residence order, or special guardianship order immediately following having been looked after), are also included in this criteria under the Welsh Government's School Admissions Code.

- 3.2 Pupils with a Statement of Special Educational Needs do need to be included and accounted for when places are allocated and schools are informed of this.

### 3.3 **Oversubscription**

Where more applications are received for a particular school than there are places available, places will be awarded using the oversubscription criteria set out in the admission arrangements. (see Appendices A, B, C and D).

## 4. **Results of the Consultation**

### 4.1 **Response 1**

Response 1 was from a Headteacher of a secondary school who commented:

"I can confirm following our Governing Body meeting last night that governors are happy with the admissions arrangements."

### 4.2 **Response 2**

Response 2 was from the governing body of a primary school who commented:

"The proposed admission arrangements are acceptable to our governing body."

### 4.3 **Response 3**

Response 3 was from the governing body of a primary school who commented:

"The Governing Body at xxx Primary School have concerns regarding the criteria for Secondary School Admission and would like these to be considered with regards to the Admission Arrangement 2019-2020. Governors feel that the priority given to children attending a "designated partner primary school but who live outside the catchment area of that school" should be preceded by the distance from the school to where the pupil lives; eg. A child living in Sketty, choosing to attend xxx Primary School, should not be given priority over a child living closer, say West Cross, who attends xxx, as this disadvantages non-feeder primaries situated in between two Secondary schools. The governors have anecdotal evidence of parents choosing neighbouring schools which feed xxx Comprehensive rather than xxx, and also of children moving school to attend a partner primary school in Year 5 or 6 in order to ensure entry to their preferred Comprehensive. Where Secondary Schools are involved in transition work with non-feeder primaries, then there is simply little advantage to this criteria and is of clear detriment to the non-chosen school's budget.

Governors would also recommend that in light of the ALN Bill which will negate the need for Statements of Special Educational Needs then the LA might wish to consider including a line such as the following:

- Correct at time of publishing. Any impact of new legislation will be considered when available
- Correct at time of publishing. *The* impact of new legislation will be considered when available
- Statement of Special Educational Need or the equivalent in the revised ALN regulations

Thank you for the opportunity to comment and consider the Admission Arrangements for 2019-2020”.

### **LA Response:**

You have indicated that the Governing Body for xxx Primary School consider that priority is ‘given to children attending a “designated partner primary school but who live outside the catchment area of that school” should be preceded by the distance from the school to where the pupil lives’.

In all the different admission criteria for Swansea Council, distance is used as the tie-breaker in the event that two or more pupils have equal status to claim a place at a particular Swansea secondary school. The distance tie-breaker is used for each of the separate published over-subscription criteria and the Local Authority considers that this is the most effective way to administer school admissions and is in accordance with Welsh Government requirements.

The Governing Body response indicates anecdotal evidence of pupils seeking places at other primary schools that feed xxx Comprehensive School above xxx Primary School (that does not feed xxx Comprehensive School) in order to have a higher priority for a place at xxx Comprehensive School. It is noted that this is having a negative impact upon xxx Primary School as pupils who live within the designated catchment area for the school sometimes seek places at alternative primary schools that are partner primary schools for xxx Comprehensive School. Further that if distance was used as the admission criteria then pupils would be assessed on the distance they live from a particular school rather than whether they live in a designated catchment area or if they have attended a partner primary school. The Local Authority considers that this system would not provide as much support for secondary schools to implement appropriate transition links with primary schools as it would likely increase the work required to link with a greater number of primary schools to support pupils transferring from Year 6 the primary education phase to Year 7 the secondary education phase.

The Local Authority considers that whichever criteria is in place, there will be schools that will gain and others that may experience disadvantage. This is mainly because parents are at liberty to request a place at any school and applications will be made to schools that are deemed to have the best advantage for a pupil seeking a place at a popular secondary school. The Local Authority does not consider it appropriate to review or realign the current over-subscription criteria as the Governing Body has requested.

With reference to the further points you have made namely:

- Correct at time of publishing. Any impact of new legislation will be considered when available
- Correct at time of publishing. The impact of new legislation will be considered when available
- Statement of Special Educational Need or the equivalent in the revised ALN regulations

The Local Authority is grateful for this response and will include the above references in the final published document.

I would like to thank the Governing Body for the response they have submitted on this occasion.

## **5. Admission Forum**

The admission forum has a role in ensuring a fair admissions system that does not disadvantage one child compared with another and is straightforward and easy for parents to understand. Admission forums are responsible for monitoring compliance with the School Admissions Code. Membership of the forum includes:-

Local Authority representatives (Members and officers)  
Headteacher representatives for secondary schools (English and Welsh Medium)  
Headteacher representatives for primary schools (English and Welsh Medium)  
Governor representatives  
Diocesan representative  
Voluntary Aided schools representatives (primary and secondary)

Following due consideration the Forum agreed that their recommendation would be that the Admission Arrangements 2019-2020 be approved in their current format.

## **6. Equality and Engagement Implications**

A full Equality Impact Assessment (EIA) Report was completed for admission arrangements in 2014, with no adverse impacts identified. The EIA has been reviewed for the 2019-2020 arrangements, with no further changes required.

## **7. Financial implications**

Whilst there are no immediate financial implications arising from this report, acceptance of this policy could result in additional expenditure at a future time. Acceptance of the policy does not mean that additional resources will be made available and it should be assumed that future spending needs will need to be contained within existing budget provision and have full and due regard to the budget principles set out in 'Sustainable Swansea – Fit for the Future' and the likely levels of future budgets having due regard to the budget and medium term financial plan.

## **8. Legal implications**

- 8.1 Section 89 of the School Standards and Framework Act 1998 and Regulation 4 of the Education (Determination of Admission Arrangements) (Wales) Regulations 2006 require Admission Authorities to consult and determine school admission arrangements annually. The Regulations set requirements for consultation and determinations of admission arrangements. The Welsh Government has issued guidance circular 'Measuring the Capacity of Schools in Wales', which sets out methodology for local authorities to follow when determining their admission arrangements. There is also a requirement to consider the guidelines contained in the Welsh Government School Admissions Code.
- 8.2 The Additional Learning Needs and Education Tribunal (Wales) Bill was passed by the National Assembly for Wales on 12 December 2017 and became an Act on 24 January 2018 after receiving Royal Assent. The Act replaces the terms 'special educational needs' (SEN) and 'learning difficulties and/or disabilities' (LDD) with the new term ALN.

In 2018, the ALN Code and regulations which support the Act will be revised, consulted on, laid before the National Assembly for Wales and published.

For the time being, local authorities and all those who work with children and young people with SEN, must ensure that they continue to comply with the duties placed upon them by the Education Act 1996. They must also continue to have regard to the SEN Code of Practice for Wales (2004). However once the ALN Code and Regulations are in force the term Special Educational Needs in the Council's admissions arrangements will need to be revised.

### **Background papers:**

Education (Determination of Admission Arrangements) (Wales) Regulations 2006  
Welsh Government (WG) guidance 'Measuring the Capacity of Schools in Wales'.  
School Admissions Code, School Admission Appeals Code. WG July 2013 and December 2013.

EIA Screening Form

EIA Report

### **Appendices:**

Appendix A - Admission Arrangements 2018-2019 Nursery

Appendix B - Admission Arrangements 2018-2019 Reception

Appendix C - Admission Arrangements 2018-2019 Year 7

Appendix D - Admission Arrangements for 2018-2019 for In Year Transfers

Appendix E - Admission Arrangements/Criteria for Entry 2018-2019 Sixth Forms.

Appendix F - Schedule of Events

Appendix G - Admission Numbers for Primary and Secondary Schools