



City and County of Swansea

Minutes of the **Scrutiny Performance Panel – Education**

Multi-Location Meeting - Lilian Hopkin Room, Guildhall / MS Teams

Thursday, 14 November 2024 at 4.30 pm

Present: Councillor L R Jones (Chair) Presided

Councillor(s)

A Davis
Y V Jardine
F D O'Brien

Councillor(s)

A M Day
S M Jones
A J O'Connor

Councillor(s)

B Hopkins
J D McGettrick
W G Thomas

Co-opted Member(s)

Beth Allender

Co-opted Member(s)

Elizabeth Lee

Co-opted Member(s)

Other Attendees

Cllr R Smith

Cabinet Member Education and Skills

Officer(s)

David Bawden
Helen Howells
Helen Morgan-Rees
Kate Phillips
Kelly Small

14-19 Curriculum Officer
Team Manager for Pupil Support
Director of Education
Head of Vulnerable Learner Service
Head of Education Planning & Resources Service

Apologies for Absence

Councillor(s): S Joy

170 Disclosure of Personal and Prejudicial Interests

Personal interests in Item 9 (subsequently move to Item 7) was given by Councillors Mike Day, Angela O'Conner, Francisca O'Brien and Will Thomas.

171 Prohibition of Whipped Votes and Declaration of Party Whips

None

172 Minutes

The minutes from the Panel meetings on the 20 June 2024, 19 September 2024 and 17 October 2024 were agreed as a correct record.

173 Letter/s

The letters to the Cabinet Member from the Panel meetings on 20 June 2024, 19 September 2024 and 17 October 2024 were noted by the Panel.

174 Public Questions

Public questions were received for Item 9 (subsequently moved to Item 7) relating to the Schools Admissions Policy. These questions asked were as follows:

- The data suggests that cases of over-subscription do occur, and we accept the fact that there will be some children who will not be granted their preferred school choice. Until this fact can be rectified should consideration not be made to minimise the negative impact upon children and families who are affected by this? Assuming that is the wish of the Education Department, it is vital to recognise that their report and recommendations give no mention or consideration to the children most negatively affected by the current policy, and that is the elder siblings already in attendance at the school. When a second sibling is denied a place at a school the family has two options:
 1. To separate siblings and send them to different schools. Having two or more children of primary age at different schools which start and finish at the same time is completely impractical. It negatively impacts education by lateness and places huge stresses on family life and finances. It divides families and prevents siblings having a shared education journey.
 2. To disrupt the elder child's education by changing schools. This is potentially very distressing and damaging for that child's welfare, mental health and education. This disruption is completely unnecessary and avoidable. There is a simple, fair and easily applied alternative policy available as proposed by the Education Department report itself and as is used in all other 20 Welsh Local Authorities (Swansea and Neath are the exception) and every single one of the 317 English Local Authorities. This policy would have an over-subscription criterion which ranks children living in catchment AND already have a sibling in attendance, higher than children who live in catchment with no sibling in attendance. This policy would have the following benefits:
 - It would be significantly less damaging to those who are affected. As mentioned it is the eldest sibling who is at risk of being disrupted and distressed by being forced to move schools. If only the eldest child is affected then they are not settled in a school and not at risk of such negative consequences, and any subsequent siblings would be protected to attend the same school by the change in policy.
 - It would negatively impact less children overall – as mentioned the Education Department figures do not include the elder siblings affected by the current policy, so the figures quoted of children affected are actually at least double than that stated. The proposed policy would by definition only affect the eldest child of any family and so the current figure quoted would be correct, and by definition affect less than half the number of children overall.

- It would be welcomed by the stakeholders of Swansea. This policy is not controversial and there are no negative effects on the families of Swansea by its implementation. Every parent would agree that if you live in catchment and your first child is offered a place at a school, then providing you remain in catchment then subsequent siblings should have the right to attend the same school as their sibling. The Education Department have argued that it would result in children living closer to the school being declined a place. However, it is important to appreciate that this is only applied to children who live within catchment, and the difference in distance these families live from the schools is in the order of 10's of metres, not large distances by definition of living in the catchment area. The Education Department also mention that it could lead to vulnerable children being excluded. However, there is no reason that vulnerable children would be any more affected by this policy change than the current policy, they are equally likely to benefit from it if they have a sibling at the school. This claim by the Education Department is unsubstantiated and there is no group of children that will be adversely affected by this change in policy.

I also believe there is an unfairness in the policy that has not been addressed. This is that in the current policy, if over-subscription criteria got as far as considering families living outside of catchment, then sibling attendance would then take priority over other families without a sibling regardless of distance from school. However, when all applications are from within catchment, sibling attendance is irrelevant, and distance alone is used as a tiebreaker. This is clear evidence that the prioritisation of siblings is possible in the policy and a major discrepancy between how families living outside of catchment and those within catchment are treated when places are allocated. When all applications are from within catchment it is simply a case of whoever lives closest, and sibling attendance is irrelevant.

The data suggests that cases of over-subscription do occur and so there will always be some children who will not be granted their first choice of school. Until this can be rectified should efforts not be made to minimise the number of children this affects and reduce the negative impact upon those children who are affected? If so, then is the negative impact on the family who already have an elder child settled at the school not significantly more than that of the family with no pre-existing ties to the school? That family has the option to either separate their children or cause huge disruption and distress to their eldest child by moving school.

- When considering the children and taking a common-sense, family orientated approach, do you not agree that if a family lives in catchment of a school and their eldest child is offered a place, then providing they remain living in catchment, subsequent siblings should be given priority to also attend the same school? This would keep the family unit together and prevent the unnecessary movement (and distress this causes) of children between schools. This does not seem an unreasonable request and is all that we are asking the Panel to consider.

175 Briefing on School Admissions Policy

The Head of the Vulnerable Learners Service provided a report for the Panel and attended along with the Cabinet Member Cllr Smith and the Director of Education to present the report and to discuss the Panels questions. The following issues were covered by the report:

- Background and context
- The current position
- The Admissions Forum Review Findings

Panel Members raised the following issues/questions:

- Why are we different from most other local authorities in relation to the points raised in the public questions.
- How do you collect the data and ensure that it is correct reflection of the cases?
- By not accepting this policy are you increasing journey times because people are doing 2 school runs instead of instead of 1. How does that impact on the walking routes to schools and environmental aims of the Council.

The questions asked in the public questions section and those raised by Councillors were addressed as follows.

The Panel heard that the Education Department want to offer families their first preference and do not want to separate siblings. In the response it was said, we believe our arrangements offer the best chance of the highest number of applicants achieving their first preference. We have undertaken modelling on other suggested arrangements which confirms our thinking that the current arrangements offer the best chance to families of gaining their first preference and staying with siblings. We have heard the concerns from a small number of families and we recognise admission applications can be an anxious time. Our further review and revised modelling considered these representations but the findings of these, along with our consistent (year on year) high first preference rate and very low in catchment refusal rates confirm our belief that the long standing and legally compliant arrangements are also the most equitable. The full **written response** has been attached to the minutes.

The Panel will summarise their views following this discussion in their letter to the Cabinet Member following this meeting.

176 Strategy for Poverty Proofing the School Day

The Head of Education Planning and Resources took the Panel through the report and highlighting and discussing the key issues with the Panel members, including

- The background to the issue
- Pupil Development Grant amounts and usage
- The rollout of universal free school meals
- The cost of the school day
- School uniform policy and grant

The Panel raised a number of issues including:

- What sort of sharing and learning on this is happening across schools in Swansea.
- What is done to ensure those previously eligible for free schools meals are still applying, given the roll out of universal school meals, in order to ensure the school can claim PDG and the parents can claim school uniform grant.
- Good report and wonderful to hear and see the impact that these things are having with children.
- How are these things linked up with other Council policies to provide for example, meals in schools holidays etc.
- Portion size of school meals can be small.
- Is the issue of period poverty also addressed in schools.
- Take up of universal school meals is lower in some schools, what can be done about this.

A summary of the issues raised and views of the Panel will form part of the letter to the Cabinet Member following this meeting.

177 Progress with Inclusion Strategy (including update on Behaviour Strategy)

This item was deferred for discussion at the next panel meeting on the 12 December 2024.

178 Briefing on Careers Advice in Schools

The Strategic Skills Co-ordinator took the Panel through the report on Careers Advice in Swansea Schools including

- The background to the issue
- Careers advice, information and guidance in Swansea Council
- Careers advisers
- Business engagement advisers
- Careers Curriculum Team
- Engaging with parents and carers

The Panel were pleased to see good progress in this area and will put their views in a letter to the Cabinet Member.

179 Work Plan 2024/25

The Work Plan was accepted by the Panel.

The meeting ended at 6.20 pm

Chair

Addendum to the minutes

Full/Additional response to public questions for Item 7 – School Admissions Policy.

Overview

We want to offer families their first preference, we don't want to separate siblings, we believe our arrangements offer the best chance of the highest number of applicants achieving their first preference. We have undertaken modelling on other suggested arrangements which confirms our thinking that the current arrangements offer the best chance to families of gaining their first preference and staying with siblings. We have heard the concerns from a small number of families and we recognise admission applications can be an anxious time.

Our further review and revised modelling considered these representations but the findings of these, along with our consistent (year on year) high first preference rate and very low in catchment refusal rates confirm our belief that the long standing and legally compliant arrangements are also the most equitable.

Response to specific elements of public questions

Q1.

When considering the children and taking a common-sense, family orientated approach, do you not agree that if a family lives in catchment of a school and their eldest child is offered a place, then providing they remain living in catchment, subsequent siblings should be given priority to also attend the same school?

This would keep the family unit together and prevent the unnecessary movement (and distress this causes) of children between schools. This does not seem an unreasonable request and is all that we are asking the Panel to consider.

We agree that keeping siblings together is important which is why our second main oversubscription criteria, after 'catchment', is 'sibling'. This criteria gives priority to **all** siblings (as defined in our Information for Parents booklet) and not just to those living in catchment. We believe this also supports our aim to meet parental preference wherever possible and not separate siblings when an older sibling is already attending the school. This applies whether the family live in catchment or not. Prioritising 'siblings in catchment' as the member of the public suggests, does not prevent the separation of non-catchment siblings which we would also like to avoid wherever possible.

All children living in catchment get priority in the oversubscription criteria and this **includes** those with siblings, however we also recognise that families come in many different forms and we would not wish to unfairly penalise first born or only children. Our data modelling indicates that if we changed the policy to the suggested criteria then this would disadvantage other families and given that the incidences of refusal for siblings, in catchment, is extremely low. 3 in 30,000 over last 6 years of which 2 were subsequently offered places so, effectively 1 child in 30,000 who then had the

right to have that refusal considered by an independent appeal panel. We do not consider introducing a criteria that risks penalising another group is appropriate.

Our equality impact assessment screening suggested that changing the criteria will have an impact on other groups, potentially those who are more vulnerable. We have to recognise that every family will be different and there are numerous reasons why a single child family should not be treated less favourably than families with more than one child.

Hypothetical scenario because it didn't actually happen.

Q2

With the current School Admissions Policy when a school is over-subscribed and all applicants live within the catchment area, no consideration is given to the presence of older siblings already in attendance at the school, and places are simply allocated according to distance from the school. This gives no protection to the family unit or consideration of the devastating impact this decision has upon the older siblings already in attendance at the school. This policy forces primary school age siblings to either be separated and sent to different schools, or more likely the elder sibling who is settled, happy, with established friendship groups and teacher relationships is forced to change schools. These are children aged 5-10 years old and causes huge upheaval and distress with negative impact upon child welfare, mental health and ultimately their education experience.

If an amendment was made to give priority to children living in catchment with a sibling in attendance over those with no sibling, then the total number of children declined their first choice school would be identical to that reported. However, the true number of children impacted would be significantly less (less than half) because the current data makes no account for those children who are silently affected and that is the older siblings already in attendance at the school. Furthermore, the negative impact upon those children declined a place would be significantly less. The impact upon the siblings either being separated or forced to move schools is far greater than that on a single child who has no pre-existing ties to a school being declined a place.

My question is, during the review of this policy what consideration has been given to the hugely negative impact it has upon the older siblings in attendance at the school and the wider family? The Education Department have made an assessment of the number of children that would be affected by a change in policy and that is reported as identical. So if the total number of children declined a place will be identical, has the impact of this decision then been considered? Has an impact assessment been made upon the two different cohorts of children potentially affected (i.e. those with siblings vs no-siblings) and has the level of distress and risk to education of the two groups been compared?

Firstly, the policy does not force primary age siblings to be separated, quite the opposite is the case as evidenced by our very high first acceptance rate and very low refusal rate for siblings **in catchment** (0.01% with actual percentage being even lower as the children were offered places). There are very low incidents of refusal for

siblings in catchment. We recognise that on the very rare occasions that this has happened then this can cause distress and our independent appeals process allows for consideration of individual circumstances to be reviewed.

We do not agree with the suggestion from the member of the public that an impact on sibling refusal will always be greater than the impact on a single child. We can never assume to know any family or child's individual circumstances or assume that because a child is an only, or first born, child they are less entitled to a place or that refusal will be less distressing. We recognise that all refusals are distressing and our policy is designed to minimise refusal wherever possible and to always meet parental preference. This is consistently achieved for between 97 – 98 % of applicants every year.

The member of the public asked if we undertook impact assessment on sibling and non-sibling groups when undertaking the review. We have undertaken an Equality Impact Assessment screening in relation to our current arrangements to consider any negative impact on a number of groups who are considered under the Equality Act. Siblings are not considered under the Act as a protected group unless they have a protected characteristics. This applies to non-siblings too and we consider the individual impact on all protected groups. It is not for Swansea Council to define what constitutes a family unit. We recognise that there are many different types of family, all of which have value and one type of family unit should not take preference over another family unit and neither should first born or single children should be intentionally disadvantaged which the suggested change to the arrangements seems to do.

The member of the public correctly identifies that distance is used as a 'tie break'. Distance is factual, unique and non-judgemental. We always aim to meet family preferences but in the unusual case that we are not able to do so we need to have a non-discriminatory and unique tie break.

We also recognise that there is a higher rate for refusal of siblings who are not in catchment. This is often because older siblings have been able to gain a place outside of catchment but places in subsequent years are not available. This is due to parental preference for school outside of the designated catchment area.

Q3.

I would like to thank the Education Department for the report and work they have done in reviewing the current oversubscription criteria thus far. However, I would like to raise the following points for consideration:

The data suggests that cases of over-subscription do occur, and we accept the fact that there will be some children who will not be granted their preferred school choice. Until this fact can be rectified should consideration not be made to minimise the negative impact upon children and families who are affected by this? Assuming that is the wish of the Education Department, it is vital to recognise that their report and recommendations give no mention or consideration to the children most negatively affected by the current policy, and that is the elder siblings already in attendance at the school.

When a second sibling is denied a place at a school the family has two options:

- 1. To separate siblings and send them to different schools. Having two or more children of primary age at different schools which start and finish at the same time is completely impractical. It negatively impacts education by lateness and places huge stresses on family life and finances. It divides families and prevents siblings having a shared education journey.*
- 2. To disrupt the elder child's education by changing schools. This is potentially very distressing and damaging for that child's welfare, mental health and education.*

*This disruption is completely unnecessary and avoidable. There is a simple, fair and easily applied alternative policy available as proposed by the Education Department report itself and as is used in all other 20 Welsh Local Authorities (Swansea and Neath are the exception) and every single one of the 317 English Local Authorities. **This policy would have an over-subscription criterion which ranks children living in catchment AND already have a sibling in attendance, higher than children who live in catchment with no sibling in attendance.***

This policy would have the following benefits:

- 1. It would be significantly less damaging to those who are affected. As mentioned it is the eldest sibling who is at risk of being disrupted and distressed by being forced to move schools. If only the eldest child is affected then they are not settled in a school and not at risk of such negative consequences, and any subsequent siblings would be protected to attend the same school by the change in policy.*
- 2. It would negatively impact less children overall – as mentioned the Education Department figures do not include the elder siblings affected by the current policy, so the figures quoted of children affected are actually at least double than that stated. The proposed policy would by definition only affect the eldest child of any family and so the current figure quoted would be correct, and by definition affect less than half the number of children overall.*
- 3. It would be welcomed by the stakeholders of Swansea. This policy is not controversial and there are no negative effects on the families of Swansea by its implementation. **Every parent would agree that if you live in catchment and your first child is offered a place at a school, then providing you remain in catchment then subsequent siblings should have the right to attend the same school as their sibling.** The Education Department have argued that it would result in children living closer to the school being declined a place. However, it is important to appreciate that this is only applied to children who live within catchment, and the difference in distance these families live from the schools is in the order of 10's of metres, not large distances by definition of living in the catchment area. The Education Department also mention that it could lead to vulnerable children being excluded. However, there is no reason that vulnerable children would be any more affected by this policy change than the current policy, they are equally likely to benefit from it if they have a sibling at the school. This claim by the Education Department is unsubstantiated and there is no group of children that will be adversely affected by this change in policy.*

*I also believe there is an unfairness in the policy that has not been addressed. This is that in the current policy, if over-subscription criteria got as far as considering families living outside of catchment, then sibling attendance would then take priority over other families without a sibling regardless of distance from school. However, when all applications are from within catchment, sibling attendance is irrelevant, and distance alone is used as a tiebreaker. **This is clear evidence that the prioritisation of siblings is possible in the policy and a major discrepancy between how families living outside of catchment and those within catchment are treated when places are allocated.** When all applications are from within catchment it is simply a case of whoever lives closest, and sibling attendance is irrelevant.*

The data suggests that cases of over-subscription do occur and so there will always be some children who will not be granted their first choice of school. Until this can be rectified should efforts not be made to minimise the number of children this affects and reduce the negative impact upon those children who are affected? If so, then is the negative impact on the family who already have an elder child settled at the school not significantly more than that of the family with no pre-existing ties to the school? That family has the option to either separate their children or cause huge disruption and distress to their eldest child by moving school.

The member of the public states that the group 'most negatively affected by the current policy are the elder siblings already in attendance at the school'. Firstly, we would disagree with this statement in relation to siblings **in catchment** due to the point already made which is that this has only affected 3 children in the last 6 years (of which 2 went on to secure a place)

Secondly, if we were to take the view that it is the older siblings who are most negatively affected by the policy then we would have to take into account **non catchment** siblings (which is a higher refusal group). The proposed amendment would have no impact on this group as it only provides priority for **in catchment** children. Our current arrangements give priority to **all** siblings (catchment or otherwise) once catchment places are allocated.

Part of the additional review of the admission arrangements was to link with other local authorities in Wales who have the additional oversubscription criteria. These conversations have confirmed that the levels of refusal are similar (or higher) than those in Swansea but impact a different group of children. We believe that our arrangements best suit Swansea and our unique demography. The arrangements are legal, compliant and continually agreed via annual consultation.

The member of the public's proposed change to the arrangements could result in children without siblings being unable to secure a place in their catchment or next nearest schools. This would increase journey time for these children and likely require single use taxis for long distances as it would be the children living in our most rural communities affected. For example, a child without a sibling, living in Rhossili or other remote parts of Gower, North Gower, Felindre, Lliw Valley.

As a City of Sanctuary, we are also concerned the proposed plan could impact our asylum and refugee communities who move into the area and are unlikely to have existing siblings in a school.

It appears the member of the public has assumed that every family has a similar situation to their own but we know from processing in excess of 8000 admission applications a year that there are very many different family arrangements and situations. We believe that our current arrangements give the best possible chance for every family to achieve the preferred school placement.

The member of the public states their proposed change would be welcomed by all stakeholders although provides no evidence of this or the potential repercussions for other families. This includes an assumption that there is no impact on children who do not currently have siblings attending the school as they have 'no pre-existing ties' to a school.

There are numerous reasons why children without siblings in a school would be just as in need of a place in their local school. This can include (not exhaustive):

- A child's medical needs
- A parent's medical needs
- Previous siblings who have left the school but family know the school well
- Cousins or non-sibling family members attending the school
- Childcare arrangements
- An only child's relationship with friendship groups within the school and local community
- The opportunity for a first born child to secure a place so the whole family remains within the school community
- Lack of transport
- Family members working in the school
- Families arriving from overseas and needing to build local connections
- Parental preference for a specific school

We strongly believe that our current arrangements are not only legal and compliant but also provide the best and most equitable opportunities for children in Swansea to attend their preferred school. We recognise that refusal is distressing and this is something we always aim to avoid. Our current policy supports that.

Kate Phillips
Head of Vulnerable Learners Service