



## Report of the Cabinet Member for Education and Learning

### Education Scrutiny Performance Panel – 14 November 2024

## Briefing on School Admissions Arrangements

<b>Purpose:</b>	To brief the Scrutiny Performance Panel on the School Admissions Arrangements including a recent review.
<b>Content:</b>	The report sets out to describe the governance statutory processes around the admissions arrangements which are reviewed annually, including its oversubscription criteria.
<b>Councillors are being asked to:</b>	Consider the information provided and give views around the processes.
<b>Lead Councillor:</b>	Councillor Robert Smith, Cabinet Member for Education and Learning
<b>Lead Officer &amp; Report Author:</b>	Helen Howells, Team Manager for Pupil Support Helen.Howells@swansea.gov.uk

### 1. Background

- 1.1 Swansea Council has a legal responsibility for determining the admissions arrangements for its maintained schools under section 89 of the School Standards and Framework Act (1998). Furthermore, in accordance with the Education (Determination 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. Guidance for this is set out in the Welsh Government School Admissions Code (2013). The School Admissions Arrangements for 2025/2026 can be found in Appendix A.
- 1.2 Swansea Council has established an independent, experienced and quorate Admission Forum, which is specified in section 85A of the 1998 Act (inserted by section 46 of the Education Act 2002). The Admission Forum in Swansea ensures that the arrangements are fair and equitable, providing a vehicle for admission authorities and other key interested parties to scrutinise the effectiveness of local admission arrangements, consider how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. As an Admission authority, Swansea Council pays due regard to any advice offered by the Forum.

- 1.3 The Admission Forum in Swansea has a key 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. Forums are responsible for monitoring compliance with the Welsh Government School Admissions Code 2013.
- 1.4 Admissions arrangements are reviewed annually. This process is set out in the Welsh Government School Admissions Code 2013 and is fully complied with by Swansea Council. Should there be no significant changes, then the arrangements are reviewed by the Admission Forum prior to consultation with all Swansea LA maintained schools, Swansea VA schools, Chairs and Clerks to Governors, and neighbouring LAs. The consultation period each year runs from December to January. Following completion of the consultation process the LA must determine the admission arrangements by 15th April in the determination year. To meet the requirements of the legislation and code, the agreed arrangements are reported to Council (usually at a meeting in March) to be determined.
- 1.5 If a significant change to the admission arrangements were proposed, the LA would be required to undertake a full consultation process (i.e with parents of all children likely to be affected which is every family living in Swansea and indeed any family likely to move to the area).

## **2. Current position**

- 2.1 The Admissions team represents the admitting body for Swansea Council, and processes over eight thousand admission applications per year. Approximately five thousand of these applications are made during admission rounds for year of entry i.e. Nursery, Reception and Year 7. Each application is processed in accordance with Swansea Council's agreed admission arrangements.
- 2.2 Swansea Council complies with all legal requirements and have always consulted with statutory consultees on an annual basis since we have been required to do so. Throughout all this time and from a total of 94 schools, all but one primary school (in last year's consultation), felt overwhelmingly that the arrangements are fair and work well for Swansea. This means that 99.3% of schools per pupil population currently consider the arrangements fair for all.

In addition to this, we have a high rate of meeting parental preferences, which is between 97 and 98% year on year. This indicates that our arrangements are effective for the vast majority of families. In any arrangements dealing with such high volume and where there are pressures on places in certain areas, there will always be a very small number of refusals, but our admissions appeal process allows for these cases to have further, independent consideration if requested. We also operate waiting lists. Details of admission appeals by school and outcome are published every year in our Information for Parents Booklet.

2.3 Unusually, in the consultation for the 2024 Admission Arrangements there was an objection from a statutory consultee (a single primary school). Given that this objection had followed 100% agreement rate for many years, it was considered important to give a very through consideration to this objection. In addition to this, a parent whose child attended the same school had written in to state they felt the criteria was unfair. Their child had not been offered a place at their preferred school at the time although they were subsequently offered a place, in line with the oversubscription criteria, when one became available from the waiting list. While parents are not statutory consultees, their comments were still given detailed consideration by the Forum. The details of this consideration and the findings of the consultation are outlined in the report to March Council 2024 (Appendix D). The key points from this report are:

- To inform Council of the statutory process undertaken by the Admissions Forum.
- To ensure Council have all the information relating to the current admissions arrangements.
- To advise council that the arrangements remain fair and equitable.
- To highlight any consultee (statutory or otherwise) who feel that the current arrangements are unfair.
- To provide a full and through report enabling Council to determine the arrangements for the LA.
- The report addressed the specific issues raised during the consultation process and the justification for the proposal to retain the current arrangements as changes proposed in line with the suggestion made would disadvantage other applicants.

This report was considered by Council in March 2024. Following further representations to Council from the same member of the public who had submitted the letter regarding the arrangements, Council requested a further review.

Following this request the Admissions Forum undertook an additional review to ensure they were satisfied that the arrangements and specifically the oversubscription criteria remain equitable. Despite the parent not being a statutory consultee, the Forum felt that it was appropriate that their views were considered.

Additional information was also considered, such as:

- potential scenarios and outcomes which would have occurred should the oversubscription criteria be amended to that being suggested.
- additional data in relation to previous admission rounds.
- outcomes of meetings with colleagues in other LAs.

2.4 A report has been compiled for council consideration in December, outlining the issues raised and the findings of the Admissions Forum (Appendix E).

2.5 The Admissions Forum's key findings, following scrutiny of historical data and analysis of current practise are detailed below.

### **3. Admission Forum Review Findings**

3.1 The Forum concluded that data analysis (Appendix B) confirms that instances of refusal using our long standing arrangements during the admissions rounds, are extremely low, noting the following:

- Instances of sibling refusal, in catchment, are extremely low. Data confirmed that each admission round deals with over 5,000 applications per annum. In six years and approximately 30,000 applications, only five applications had been refused when a child was living in catchment which equates to 0.016%.
- Of those five catchment refusals, only three had siblings also attending the school, equating to 0.01%.
- Over the last 6 years this was an anomaly in two years only, 2021 and 2023, and occurred as standalone instances in two different primary schools.
- There have been no catchment refusals for September 2024.
- In 2023, two out of the three refusals were subsequently offered their first choice school, due to pupil movement, this is a usual occurrence, and while initial refusals are upsetting, the team work tirelessly to match as many children as possible to their first choice school.

Thus, evidencing the current arrangements work effectively for the vast majority of families living in catchment and wishing siblings to attend the same school

3.2 Data in Appendix B shows that the highest level of refusal occurs when parents apply for a school outside their catchment. The LA recognises parental right to choose a school for their children and provides support and guidance for all parents choosing schools outside of their catchment area.

3.3 The Forum consider that Swansea Council are fully compliant with the Admissions Code and are identical to its closest neighbouring authority. Additionally, officers have consulted with other local authorities in Wales, during National meetings, and understand that their instances of in catchment refusal/appeals, including that of the sibling criteria, are equal to or higher in other LAs. Given this new information the Forum therefore concluded that our arrangements are best suited to the local need.

3.4 The Forum continues to exercise fairness to all parents and recognise it is difficult to have multiple criteria and to satisfy all parents/families and all circumstances. The Welsh Government School Admissions Code provides guidelines and examples of good practice for oversubscription criteria that are fair to all children and their families. It states, "it is possible for a criterion to be fair in some circumstances and not in others. It is for admission authorities, acting in accordance with the provisions and guidelines in this Code, to decide which criteria they will use and in what circumstances."

3.5 Members of the Forum wished to highlight that the Local Authority processes up to 8,000 admission applications annually and they consider that the criteria is fair and equitable. Over 97% rate of first applications are met in the

admission rounds, which is similar or higher than that of other LAs. Coupled with data from schools which shows that all but one is currently in agreement that the arrangements are fair, the Forum have therefore concluded that they are equitable and suitable.

- 3.6 The Forum agrees that the independent appeals process which can add consideration and weighting to family circumstances provides a further option for these cases to be considered. In conclusion therefore, the Forum feels that the current admissions arrangements and criteria are equitable for all families.
- 3.7 The Council produces and publishes an Information for Parents Booklet every year.

### [Glossary - Swansea](#)

This booklet provides important supplementary information and guidance for all applicants and applicants must sign to confirm they have read it prior to applying for a school place. Amongst the detailed guidance it contains important information confirming that no particular scenario guarantees a place in a preferred school e.g. being in catchment or having a sibling attending. In addition, important definitions are included such as how the Council define siblings for the purpose of school admission applications. This booklet is reviewed every year to ensure that guidance is as clear and relevant as possible.

- 3.8 An Integrated Impact Assessment (IIA) is completed every year for Council to consider before they determine to approve the arrangements. The IIA for current Admissions Arrangements has been assessed as low risk to all communities. Should a full consultation be required in relation to a change to oversubscription criteria then there are potential implications, both in terms of financial cost to the council and for vulnerable communities. Furthermore, given the scale of consultation required, this would not be possible in time for the current admission round, if considered appropriate at all
- 3.9 The most significant issue in relation to ensuring first preferences are met in admissions is not the oversubscription criteria but the availability of places where needed to meet demand, specifically from in year transfers. A transformation strategy is currently underway to identify right schools in the right places, which highlights demand for school places and aims to achieve correct catchment boundaries to minimise oversubscription in schools. Decreasing oversubscription will reduce the need to use any criteria, and the Forum felt that oversubscription itself, rather than the criteria is the issue that needs to be addressed.
- 3.10 Following careful consideration of all facts available the Forum considers the current admissions arrangements equitable and most suitable to meet local need.

#### **4. Legal implications**

- 4.1 In addition to the legal implication contained in the body of the report 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 legal requirement to consider the guidelines contained in the Welsh Government School Admissions Code
- 4.2 Swansea Council fully complies with its statutory duty in relation to its admissions arrangements. Section 85A of the 1998 Act (inserted by section 46 of the Education Act 2002) requires all LAs to establish an Admission Forum. Admission Forums provide a vehicle for admission authorities and other key interested parties to discuss the effectiveness of local admission arrangements, consider how to deal with difficult admission issues and advise admission authorities on ways in which their arrangements can be improved. Admission authorities of all maintained schools, when exercising their functions, must have regard to any advice offered by the Forum.
- 4.3 Admission forums have a key 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. Forums are responsible for monitoring compliance with the Welsh Government School Admissions Code 2013. These guidelines should be read in conjunction with the Education (Admission Forums) (Wales) Regulations 2003.
- 4.4 Any proposed admissions arrangement, should be reviewed by the Admission Forum prior to consultation with all Swansea LA maintained schools, Swansea VA schools, Chairs and Clerks to Governors, and neighbouring LAs. The consultation period each year runs from December to January. If a significant change to the admission arrangements were proposed, the LA would be required to undertake a wider consultation process (i.e with parents of children likely to be affected). Following completion of the consultation process the LA must determine the admission arrangements by 15 April in the determination year. To meet the requirements of the legislation and code, the agreed arrangements are reported to Council (usually at a meeting in March) to be determined.

#### **5. Finance Implications**

- 5.1 There are no financial implication associated with this report

#### **6. Integrated Assessment Implications**

- 6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015

and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

6.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

6.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

### **Background papers:**

[School Standards and Framework Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/30)

[The Education \(Determination of Admission Arrangements\) \(Wales\) Regulations 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2006/1013)

[School admissions code | GOV.WALES](https://gov.wales/school-admissions-code)

[Education Act 2002 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2002/26)

[The Education \(Admission Forums\) \(Wales\) Regulations 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2003/1013)

[Schools Admissions Arrangements 2025-2026 Report](#)

### **Appendices:**

Appendix A [School admission arrangements 2025/2026 - Swansea](#)

Appendix B Data to model the suggested scenario change

Appendix C Current IIA

Appendix D [Schools Admissions Arrangements 2025-2026 Report](#)

Appendix E Report for Council December 2024