



Report of the Cabinet Member for Education and Learning

Council – 5 December 2024

Review of Swansea Council School Admissions Arrangements

Purpose:	To report back to Council following the meeting on 21 March 2024 so that 'The Admission Policy and its criteria be reviewed prior to the 2026-2027 admission arrangements'.
Policy Framework:	Swansea Council Admissions Arrangements Inclusion Strategy Abertawe 2028
Consultation:	School Admission Forum, Access to Services, Legal
Recommendation(s):	It is recommended that: 1) Council considers and accepts the findings of the review by the School Admissions Forum of the Admissions Arrangements and its criteria as outlined in this report.
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1. Introduction

- 1.1 Section 89 of the School Standards and Framework Act (1998) states the local authority (LA) is responsible for determining the admission arrangements for its maintained schools. 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).

- 1.2 Swansea Council 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.
- 1.3 These applications are processed in accordance with Swansea Council's agreed admission arrangements. The admission arrangements are consulted upon annually ensuring a regular and robust process to consider the effectiveness of the arrangements and consider any proposed amendments. The consultation includes the School Admissions Forum, schools, governing bodies and neighbouring local authorities. They are also determined at Council each year ensuring stringent oversight of the process.
- 1.4 Following the consultation in relation to the 2025/2026 admission arrangements a report was taken to Council on 21 March 2024 (see background papers). During that meeting representations were made from a member of the public in relation to the current oversubscription criteria in the admission arrangements. Council resolved that a further review of the arrangements should be undertaken.

2. Background to concern raised

- 2.1 Every LA must have its own oversubscription criteria as part of its admissions arrangements. This means that if more applications have been received for any school than there are places available, the oversubscription criteria apply.
- 2.2 Swansea Council's admission arrangements and oversubscription criteria are legal and compliant with the Welsh Governments School Admissions Code which also states it is for each LA to decide on appropriate criteria dependent on local circumstances.
- 2.3 The full Swansea Council Admission Arrangements are detailed in Appendix A. The oversubscription criteria are as follows:
 1. Children who are in the care of a local authority.
 2. Children who live within the school's defined catchment area.
 3. Children who have a brother or sister of statutory school age attending the school at the date of their admission.
 4. Children attending a designated partner primary school (applies for applications to secondary schools only).
 5. Other children for whom a place has been requested for whom criteria 1 to 4 above do not apply, ie. distance.

Should criteria 1-4 be matched, and there are more applications than places available, then distance is used as a 'tie-breaker'.

- 2.4 During the 2025/2026 admission round, one set of parents raised a concern about the oversubscription criteria in Swansea Council admission arrangements. They considered that the current arrangements were unfair. The parents attended Council in March 2024 and stated they consider that

there should be an additional criteria of “children who live within the school’s catchment area with a sibling attending the school when they join”, which they consider should be the second criteria.

Following the consideration of the admission arrangements in Council in March 2024 a further review of the arrangements was requested.

3. Details of review undertaken

3.1 The review was undertaken by providing existing legislation, guidance alongside a range of additional research, data and modelling to an extraordinary meeting of the School Admissions Forum. The Forum is the key statutory body with the agreed remit to review admission arrangements. Guest members were invited to ensure additional insight and the new information along with additional representations were shared for a full review of the original decision making.

3.2 The additional forum took place on 14 May 2024. In order for them to consider the matter robustly they were provided with:

- 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.

The Forum gave the matter serious consideration. Following the full council meeting, other parents from the same school contacted their local Councillor. These representations were also considered despite the Forum recognising that parents are not statutory consultees. It was considered reasonable to take into account the views expressed.

A full explanation of the considerations of the Admission Forum members is detailed below, which answers each of the points made by the parent in full council meeting and the request by the Council meeting to review the decision.

4. Admissions Forum Review

4.1 The Forum takes its role to provide equity in its admissions arrangements very seriously. Analysis of historical data (Appendix B) in relation to sibling refusal in catchments confirmed 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.

The data analysis confirms that instances of refusal for siblings in catchment are extremely low evidencing the current arrangements work effectively for the vast majority of families living in catchment and wishing siblings to attend the same school.

- 4.2 The parent expressed concerns regarding the separation of siblings, however, the Forum recognised the work of the Admissions Team to avoid sibling separation wherever possible.

The forum recognised that changing the criteria would result in similar levels of refusal but for children in different categories. Thus, it was considered that changing the criteria to 'siblings first' will increase refusals for children who live in catchment but without siblings attending the school. The Forum acknowledged that these children may be vulnerable, for instance they may have additional learning needs, be young carers or asylum seekers.

The Forum wished it to be noted that equal value should be placed upon every circumstance, and that every scenario of oversubscription will ultimately cause anxiety for families affected. The admission arrangements are designed to minimise instances of refusal and changing to suit one set of circumstances, may disadvantage more families.

Furthermore, changing criteria does not fully provide protection for sibling groups only those where an elder sibling attends school already. Should a first child be refused on the basis they have no older siblings attending the school, and subsequent younger children are given first choice placements, then there is a sibling separation.

Data in Appendix B shows that the highest level of sibling separation occurs when parents apply for a school outside their catchment. The proposed amendment to the criterion does not change the circumstance for these children and families. 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.

- 4.3 The Forum recognises the distress caused to the three children and their families who were refused a placement, while living in catchment with siblings, over the last six years, While the Admissions Team avoid sibling separation wherever possible they cannot mitigate against this scenario entirely. Unfortunately, in any arrangements, given the volume of applications, there will very occasionally be cases where applications must

be refused, and parents have the opportunity to appeal against the decision to refuse a school placement. Unlike the Local Authority, the independent appeal panel can take into consideration personal circumstances.

Data modelling based on the parent's preferred criteria highlights there would be more refusals for first born or only children. Highlighted in the case of the school oversubscribed in 2023, it shows that should the criteria have been 'catchment with siblings' then three children who all lived closer to the school than those with siblings would have been refused a school place instead. Similarly in the case in 2021, there would have been one refusal for a child who lived very close to the school. The same number of children are refused, because the school is oversubscribed in that year (See Appendix B).

- 4.4 It is the view of the Forum that the criteria is not unique to Swansea; Neath and Port Talbot have similar arrangements. Moreover, the code does not recognise a 'best practice guide' rather lists examples only, stating that the arrangements for individual schools must be set in the context of local circumstances and practical application of the criteria. The Forum consider that Swansea Council are fully compliant with the Admissions Code. Additionally, officers have consulted with other local authorities in Wales and understand that their instances of in catchment refusal/appeals, including that of the sibling criteria, are equal to or higher than in Swansea. Given this new information the Forum therefore concluded that our arrangements are best suited to the local need.

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."

- 4.5 The existing arrangements also contain a 'sibling' oversubscription criterion. This comes after the higher criteria of residing in the catchment area for a school. For all existing oversubscription criteria, when there are more applicants meeting any one of the criteria, distance from the home address to the school is used as a tie breaker.

The parent argued that children living in catchment with a sibling in attendance should take priority over simple distance alone and does not believe this would be difficult or controversial to implement. The Forum agrees, and that is why sibling is higher than distance in our oversubscription criteria. However, distance is used as a tie breaker in all criteria.

- 4.6 The Forum recognised that this has been upsetting for the family and were pleased that a place became available, recognising that current criteria ensured that their child was offered that place. As already mentioned, 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. There is an over 97% rate of first applications being met in the admission rounds, which is similar if not higher than in other LAs. This would be at risk should the criteria change for the reasons detailed in this report.

- 4.7 In summary, the Forum believes that the current criteria is best suited and most equitable for children and families in Swansea because it minimises, as far as possible, the instances of refusal. It does not disadvantage families with only one child or an eldest child where their sibling/s have not yet started school, but it also gives priority to siblings by ensuring they are considered before distance in the oversubscription criteria. The policy uses distance as a tie breaker in all oversubscription criteria to ensure that children who live nearest to their preferred school are able to attend wherever possible. This does mean that in very few occasions, catchment and distance takes priority over catchment and sibling but this is only when there is a tie break situation.

The Forum states that changing the policy in the manner advocated would still lead to refusals, but in this case for children living in catchment and living nearer the school in distance, there is also a potential for first born siblings to be split from younger siblings in this scenario.

The Forum also recognises that in any criteria which is applied to a high volume of applications over an extended time frame there will be a small number of cases where there is a negative outcome. Swansea Council processes up to 8,000 admission applications annually and the Forum consider that the criteria is fair and equitable. The council has an over 97% rate of first preferences being met in the admission rounds therefore oversubscription criteria is only applied to under 3% of all applications.

The Forum agree 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.

- 4.8 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. 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.

- 4.9 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.

- 4.10 In the meantime, this matter has been called in for scrutiny so it would seem inappropriate to make any proposals for changes while the matter is under scrutiny. Should the Scrutiny Committee wish to make any recommendations, these would be considered as part of that process.

5. Integrated Assessment Implications

- 5.1 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.

- 5.2 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'.

- 5.3 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.

6. Financial Implications

- 6.1 There are no financial implication associated with this report.

7. Legal Implications

- 7.1 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

- 7.2 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.
- 7.3 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.
- 7.4 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.

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/2006/1444)
[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/2003/1444)
[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

Since 2018 there have been 3 occasions where a pupil in catchment with a sibling refused (highlighted in table below):

Admission rounds (on-time applications)	Total number of applicants refused on offer (all criterion)	Number of 'catchment' only refusals	Number of 'catchment with a sibling' refusal	Number of Sibling only criteria refusals (not in catchment)
September 2018				
Cefn Hengoed	12	0	0	2
Oystermouth				2
Parkland	13	0	0	2
Penllergaer	1	0	0	0
September 2019				
Pontarddulais Comp	25	0	0	2
Sea View	3	1	0	2
September 2020				
Newton	3	0	0	2
Oystermouth	4	0	0	2
Pontlliw	8	0	0	1
Seaview	4	0	0	2
YGG Llwynderw	7	0	0	3
September 2021				
Sea View	3	0	1 (distance tie breaker applied to determine refusals)	
Mayals	5	0	0	4
Penllergaer	6	0	0	2
September 2022				
Sea View		1	0	
September 2023				
Newton	4	3	2 (distance tie breaker applied to determine refusals)	0
Total	98	5	3	26

SCENARIOS

Reception September 2023 – Newton Primary

Newton refusals (with existing criteria) were:

Catchment	Sibling	Distance
Yes	No	0.67
Yes	Yes	0.69
Yes	Yes	0.78
No	No	0.57

If oversubscription included 'catchment with sibling' criteria above catchment only criteria, refusals for Newton would have been:

Catchment	Sibling	Distance
Yes	No	0.46
Yes	No	0.61
Yes	No	0.67
No	No	0.57

Reception September 2021 – Sea View Primary

Refusals (with existing criteria) were:

Catchment	Sibling	Distance
Yes	Yes	0.53
No	No	0.72
No	No	0.78

If oversubscription included 'catchment with sibling' criteria above catchment only criteria, refusals for Sea View would have been:

Catchment	Sibling	Distance
Yes	No	0.38
No	No	0.72
No	No	0.78

In both scenarios, if we added an additional criteria of 'catchment with sibling' above catchment alone, catchment children would still have been refused, and they live closer in distance than some of the catchment with sibling applicants.