

<b>Report title</b>	Determined Admission Arrangements for Community and Voluntary Controlled Schools 2024-2025	
<b>Decision designation</b>	AMBER	
<b>Cabinet member with lead responsibility</b>	Councillor Burden Cabinet Member for Education, Skills and Work	
<b>Key decision</b>	Yes	
<b>In forward plan</b>	Yes	
<b>Wards affected</b>	All	
<b>Accountable Director</b>	Emma Bennett	Executive Director of Families
<b>Originating service</b>	Children's Services	
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<b>Report to be/has been considered by</b>	Childrens & Education Leadership Team	12 January 2023
	Strategic Executive Board	24 January 2023
	Scrutiny Board	7 February 2023

**Recommendation(s) for decision:**

The Cabinet is recommended to:

1. Approve the Co-ordinated Admission Schemes for secondary and primary school admissions at the normal year of entry for 2024-2025 and that the Secretary of State be notified by 28 February 2023.
2. Approve the proposed admission arrangements including the oversubscription criterion relating to children of staff for community and voluntary controlled schools for 2024-2025.

**Recommendation for noting:**

The Cabinet is recommended to:

1. Note the outcome of the external consultation in relation to the Determined Admission Arrangements for Community and Voluntary Controlled Schools 2024-2025 included in section 4 of this paper.
2. Note a copy of the complete consultation results are included as Appendix 2.

## 1.0 Purpose

- 1.1 To approve the schemes for co-ordinated school admission arrangements for secondary and primary schools and the admission arrangements for community and voluntary controlled schools for 2024-2025 (please see Appendix 1).
- 1.2 To approve the inclusion of the oversubscription criterion relating to children of staff.

## 2.0 Background

- 2.1 In accordance with legislation and the Schools Admission Code 2021, each Local Authority (LA) is required to draw up a scheme (or schemes) for co-ordinating admission arrangements for all mainstream, maintained schools (community, voluntary controlled, voluntary aided, foundation and academies) within their area.
- 2.2 Each Admission Authority is required to determine admission arrangements every year. The City of Wolverhampton Council's (CWC) responsibility in this regard is for the Community and Voluntary Controlled Schools in Wolverhampton. For academies the academy trust(s) are the admitting authority not CWC, however some academies follow CWC admission arrangements.
- 2.3 Even if there are no changes to admission arrangements, they must be consulted on at least once every seven years in accordance with The School Admissions Code, which is also now due.
- 2.4 The School Admissions Arrangements (SAA) are required to adhere to the code ensuring the oversubscription criteria are simple, transparent, and objective. Having the ability to follow a set of admission arrangements and an application process where parents are fully supported is important.
- 2.5 Code compliant SAA's help contribute to the Council Plan as an overarching link to Strong families where children grow up well and achieve their full potential as the start of a child's educational journey begins with the school application process.
- 2.6 This item was considered as pre-decision scrutiny on 7 February 2023 by the Scrutiny Board and will therefore not be available to call in once a decision is made by Cabinet.

## 3.0 Current Admission Arrangements

- 3.1 All schools must have admission arrangements that clearly set out how children will be admitted, including the criteria that will be applied if there are more applications than places at the school.
- 3.2 The current SAA adhere to the code and the oversubscription criteria is simple, transparent, and objective. The criteria are as follows: -

**Children with an Education Health and Care Plan are given overall priority to the named school. Remaining places are then allocated in accordance with the criteria below.**

**Criterion 1:** Children and Young People in Care (as defined by Section 22 of the Children Act 1989). Children and Young People in Care and all previous Children and Young People in Care including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.

**Criterion 2:** Children attending the corresponding Infant School (Infant to Junior transfers only)

**Criterion 3:** Medical/Social. Whether there are specific medical or social circumstances that can be met only by the child's attendance at the preferred school.

**Criterion 4:** Siblings. Whether siblings attend the school when the application is made and will still be attending the school when the young person is admitted.

**Criterion 5:** Religious reasons for attending a voluntary controlled school (as assessed by a supplementary information form).

**Criterion 6:** Distance. How close the child lives to the school with those living closest to the school getting the highest priority. The measurement between home and school will be determined by the straight-line measurement from the home address to the preferred school carried out by the CWC's software.

- 3.3 A number of academies have consulted on their admission arrangements and included children of staff at the school as criterion 6 (i.e. above distance) as it can assist with staff recruitment for vacant posts for which there is a demonstrable skill shortage and aid retention of staff.
- 3.4 Since 2019 a small number of children have been allocated to academies under the children of staff criteria with the breakdown as follows.

Table 1

Year	Primary cohorts	Secondary cohorts
2019	1	2
2020	2	1
2021	0	4
2022	2	3

\*Numbers allocated under the criteria out of a total of over 27,500 allocations

It is evident that the numbers allocated under the criteria are low and do not displace children from being able to attend a local school.

- 3.5 CWC has consulted stakeholders regarding the inclusion of the oversubscription criteria related to children of staff, please see section 4 for the outcome of consultation.
- 3.6 The LA's within the West Midlands and beyond operate an inter-Local Authority scheme for primary and secondary admissions. There are no proposals to change the schemes in this regard.

## **4.0 Consultation**

### **4.1 Pre-consultation**

- 4.2 In order to gauge initial stakeholder opinion, drop-in sessions were held during September 2022, with Community and Voluntary Controlled Schools to gain views on including children of staff as an oversubscription criterion.
- 4.3 Schools that attended were supportive of the change to include children of staff criteria. They could see the value it would have in assisting with staff recruitment for vacant posts for which there is a demonstrable skill shortage and aid retention of staff. Schools were also content that it would not displace children from a local school.
- 4.4 Strategic Executive Board approved the commencement of a seven-week external consultation.

### **4.5 Consultation**

- 4.6 External consultation commenced on 31 October 2022 and ended on 16 December 2022.
- 4.7 The School Admissions Code has been adhered to by consulting with statutory consultees and other interested parties, which included:
- Over 200 Headteachers, Principals, Governors and education stakeholders of Infant, Junior, Primary, Secondary, Pupil Referral Units, Special Schools and maintained nurseries in Wolverhampton
  - Diocesan Authorities
  - Multi Academy Trusts and Academy Trust CEO's
  - All Councillors
  - School Appeal Panel Members
  - West Midlands School Organisation Group (this group includes School Organisation Officers from the Councils of Staffordshire, Sandwell, Walsall, Birmingham, Dudley, Telford and Wrekin and Worcestershire)
  - Internal dissemination via colleagues working with hard-to-reach communities.
- 4.8 The wider public has also been informed via a publicity campaign through CWC and School's social media channels, press releases, education bulletins including School newsletters (to reach parents and carers) and Governor newsletters.
- 4.9 Stakeholders could respond directly to the consultation via Council's Consultation Hub by completing a survey or by sending their views in by email or by post.

### **4.10 Outcome of External Consultation**

69 responses were received via the Council's Consultation Hub from the stakeholders listed below. The feedback survey contained two questions: one relating to the inclusion of the oversubscription criterion relating to children of staff and the other as a general feedback question for comments on the Admission Arrangements. Full responses are in Appendix 2.

Stakeholder Type	Total	Percentage
Academy Trust	1	1%
Governor	10	14%
Governor / Local Authority	1	1%
Headteacher/Principal	7	10%
Local Authority	1	1%
Non-teaching Staff	2	3%
Other Appeal Panel Member	1	1%
Other Former Governor	1	1%
Other Interested in how admissions work now	1	1%
Other SFW	1	1%
Parent / Guardian / Carer	26	38%
Parent / Guardian / Carer / Governor	5	7%
Parent / Guardian / Carer / Non-teaching Staff / Governor	1	1%
Parent / Guardian / Carer / Other School Volunteer	1	1%
Parent / Guardian / Carer / Teaching Staff	1	1%
Parent / Guardian / Carer / Teaching Staff / Academy Trust	1	1%
Teaching Staff	4	6%
Teaching Staff / Governor / Other SACRE	1	1%
Teaching Staff / Non-teaching staff	1	1%
Governor / Other Parent	1	1%
Parent / Guardian / Carer / Governor / Local Authority	1	1%
<b>Grand Total</b>	<b>69</b>	<b>100%</b>

4.11 Question 1 - Do you agree with the inclusion of children of staff at the school as an oversubscription criterion? There was an option for “Yes” or “No” to be selected.

Do you agree with the inclusion of children of staff at the school as an oversubscription criterion? - Y/N	Total	Percentage
No	26	38%
Yes	43	62%
<b>Grand Total</b>	<b>69</b>	<b>100%</b>

- A. Consultees were given to opportunity to make comments in association with their answer to Q1. There were 20 comments received.
- B. Several supportive comments regarding the inclusion of the proposed criterion were received during the consultation including:
- “Excellent idea!” (Response 29 - Governor / Other Parent)
  - “It helps with recruitment” (Response 41 - Appeal Panel Member)

- “This is a perfectly sensible alteration to the existing policy and well overdue. It will assist schools in the recruitment and retention of staff with little appreciable impact on the wider public.” (Response 62 – Governor)
- “I think it’s a good idea, however, there would still need to be consideration to the number of pupils etc, in case there isn’t enough space to go over PAN for staff children, in addition to other non-staff children, as there is only so many children you can fit into a classroom.” (Response 24 - Headteacher / Principal)

C. A number of concerns and considerations regarding the proposal were also identified during the consultation including:

- “I don’t think staffs’ own pupils at school is necessarily a good idea for both the child, other children and the staff attending that school. I think it can cause conflicts of interest and difficulties for all involved. Therefore I don’t think this should be given priority when allocating a school place.” (Respondent 27 – Parent / Guardian / Carer)
- “I can appreciate why thoughts may lean towards offering children of teacher's places at a school they work in. However, this is unfair and same measure should be applied to all parents regardless of profession status.
- If the teacher resides in a different postcode area to that in which he or she works within, the child/ren should apply to the nearest school to them accordingly to their postcode. This is something many working professionals have to juggle on a daily basis, it should not be any different for teachers especially as this concerns over-subscribed schools.” (Respondent 31 – Parent / Guardian / Carer)
- Two respondents (39 and 63) felt that the question “needs clarity”.

4.12 Question 2 - Do you have any other comments on the Proposed Admission Arrangements 2024-25? There was an option for “Yes” or “No” to be selected.

Do you have any other comments on the Proposed Admission Arrangements 2024-25? - Y/N	Total	Percentage
<b>No</b>	<b>61</b>	<b>88%</b>
<b>Yes</b>	<b>8</b>	<b>12%</b>
Grand Total	69	100%

A. Consultees were given to opportunity to make comments in association with their answer to Q2.

Seven comments were received from the stakeholders shown in the table below.

Stakeholder type responding "yes" to Q2	Total	Total with comments
Governor	1	1
Other Former Governor	1	1
Parent / Guardian / Carer	4	3
Parent / Guardian / Carer / Governor / Local Authority	1	1
Parent / Guardian / Carer / Teaching Staff / Academy Trust	1	1
<b>Grand Total</b>	<b>8</b>	<b>7</b>

There were several comments and concerns on the overall school admissions arrangement including:

- How places are allocated.

“Priority for reception admission should be given to those who have completed nursery at the same school. It is unfair to expect a 4 yr old to understand why they cannot attend their school and places unnecessary stress on both the child and the parents and I believe school staff also agree that it is better for a child to have continuity.” (Response 5 - Parent / Guardian / Carer)

- Perceived complexity

“My son is going into Year 7 in Sept 2023 and I have found the process stressful and rushed; 1. We have to wait a number of months to receive our school choice which I understand however I feel that parents should be given longer to make that choice, therefore schools should start earlier with open days.” (Response 51 - Parent / Guardian / Carer)

- Survey circulation breadth

“Also there is a concern that only teachers reply to this survey and that will affect the outcome - if this happens CWC need to contact other parents for their views. This survey is not really advertised so it will not have a good reach.” (Response 40 - Parent / Guardian / Carer)

- Travel funding when local school is not allocated

“The current system is flawed. The way how allocations is managed does not work, as when you put a school down the LA allocate your child a school which is further away and oversubscribed. You then have to send your child to the oversubscribed school and pay more cost in bus passes. Then when you try and apply for support for a bus pass you get told no due to the fact you could have picked a closer school when it was the LA who placed your child at the further school.” (Response 63 - Parent / Guardian / Carer / Governor / Local Authority)

## 5.0 Responses to consultation

5.1 In responses to the concerns raised regarding the proposed oversubscription criterion, CWC Officers would like to make the following comments:

5.2 Staff length of service:

The following extract is taken from the Proposed School Admission Arrangements 2024-25 document which addresses respondents' concerns.

*“Children whose parent/carer is a member of staff employed at the school  
This applies where the parent/carer has been employed by the school for two or more years at the time at which the application of admission to the school is made, and/or where the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skills shortage. This criteria applies to all permanent staff members, and excludes staff employed on a casual/temporary contract.” CWC (2022:11)*

This wording has been chosen to allow individual school's the opportunity to determine which posts can be considered applicable through a “*demonstrable skills shortage*”.

5.3 Potential to exceed the Published Admission Numbers (PAN):

The oversubscription criteria for allocating school places are only applied if the school receives more applicants than it's PAN at which point on time applications are evaluated by the oversubscription criteria in the order prescribed by the SAA up until the school's PAN is met. PANs could only be exceeded by a permitted exception such as an upheld appeal through the appeals process.

5.4 Potential displacement of local children:

As several Academy Trusts have already implemented this criterion, the research of the impact was already completed before initial consultation and has been presented in paragraph 3.4 of this report. This shows that numbers of pupils being allocated under this criterion within other admission authorities have been analysed and are shown as being very low and therefore creating little to no impact on local children's access to places in schools.

5.5 Potential conflict of school staff interest:

Headteachers in August 2022 did not raise this matter as a concern for their individual schools. All schools should have local processes in place to ensure equality for all pupils, which are managed and governed by the individual school Governing Body and School Leadership Team.

5.6 Professional Status priority:

Children of staff is listed as a specific oversubscription criterion (i.e. it is not just a local policy) in paragraph 1.39 of The School Admissions Code 2021 and does not solely relate to teachers.

5.7 Clarity of the survey question:

The survey has been published with the Proposed School Admission Arrangements for 2024-2025 document which should be read in conjunction with responding to the survey.

Full wording of the SAA oversubscription criteria is within this document and allows the reader to make a more informed response to the survey question.

## **5.8 Responses to the comments on the overall school admission arrangements 2024-25**

### 5.9 How places are allocated:

The CWC SAA are written with the specific objective to meet the requirements of the Department for Education School Admissions Code 2021, which is a statutory requirement for Admission Authorities. The School Admissions Code 2021 determines which criteria which should be prioritised and the criteria which cannot be included as oversubscription criteria. Place allocation by nursery attendance is not permitted in accordance with the School Admissions Code. In oversubscription cases children having Educational Health Care Plan's (EHCP) shall have first priority.

When places are allocated parent /guardians/ carers are fully informed of the circumstances and correspondence also includes the mechanism on how to appeal to an independent panel.

### 5.10 Perceived complexity:

It is noted that the SAA is a lengthy document however this is required to maintain statutory compliance with the School Admissions Code 2021. To assist parents/guardians/carers in completing application there is step by step guidance on the School Admissions section of the CWC website, alongside a dedicated customer service team providing support. Comments in Response 40 on the survey about including a video guide to the process are being taken into consideration.

### 5.11 Survey circulation breadth:

Response numbers are considered to be healthy following previous consultations on education matters. There has also been a variety of stakeholders responding. 38% of the responses have come from those identifying themselves primarily as parents/guardians/carers compared to 6% identifying as Teaching Staff and 10% identifying as Headteacher/Principal.

Due to the wide reach of the social media campaign from CWC and from Schools, the consultation has been accessible and regularly promoted by press releases, education bulletins and by email.

A full breakdown of stakeholders who responded to the survey via the Consultation Portal is shown 4.10 of this report.

### 5.12 Travel funding when local school is not allocated:

On the limited occasions where a school is allocated in excess of a reasonable distance under government guidelines then support with a home to school bus pass can be

considered. However each case is considered on its own merits and specific circumstances in accordance with CWC All Age Travel Assistance Policy.

## **6.0 Evaluation of alternative options**

6.1 To consult on the admissions arrangements without any changes in accordance with the School Admissions Code 2021. As the last consultation occurred in 2015, consultation was due.

## **7.0 Reasons for decision(s)**

7.1 Due to the outcome of consultation, it is recommended that the oversubscription criterion of children of staff be included above criterion 6 (for distance) in the CWC SAA for maintained & voluntary controlled schools for 2024-25.

A. 62% of consultees agreed that the oversubscription criterion of children of staff should be included in the 2024-25 CWC School Admission Arrangements.

7.2 Approval of the admission arrangements without the proposed change may create a misalignment in staff recruitment and retention between maintained and voluntary controlled schools and some academies (who are the admission authority) in the local area.

7.3 In addition, having the option to assist with staff recruitment and retention can contribute to outcomes for children and young people. This will align to the Council Plan as an overarching link to Strong families where children grow up well and achieve their full potential.

7.4 It is also recommended that the proposed CWC School Admission Arrangements for 2024-25 be approved as proposed as all comments have been considered and addressed.

## **8.0 Financial implications**

8.1 There are no direct financial implications from the recommendations of this report. The activities detailed within the report will be met from existing budgets within Education.

[JB/19012023/O]

## **9.0 Legal implications**

9.1 The CWC School Admission Arrangements are consulted on every seven years in line with current statutory requirements. The next consultation (should there be no proposed changes by CWC or in statutory requirements in the meantime) will be due in 2031-32, which would be conducted in 2029.

9.2 School admission arrangements are heavily regulated by the School Standards and Framework Act 1998 as amended by the Education and Skills Act 2008. Regulations also apply and the CWC is required to comply with the School Admissions Code in relation to admission arrangements.

- 9.3 The Schemes for co-ordinated admissions and the admission arrangements for Wolverhampton community schools, voluntary controlled schools, free schools and academies comply with the current relevant legislation.

[SZ/10012023/P]

## **10.0 Equalities implications**

- 10.1 Any changes to oversubscription criteria must be compliant with the School Admissions Code (2021) that adheres to and references the Equality Act 2010. The current SAA and the proposed SAA to include children of staff are compliant with the code.
- 10.2 Education officers met with the Equality, Diversity and Inclusion (EDI) Team prior to the consultation commencing regarding the rationale for including the children of staff as an oversubscription criterion and no concerns were raised from an EDI perspective. This was agreed to be reviewed following completion of consultation.
- 10.3 The outcome of the consultation was fully shared with the EDI team in January 2023 and there were no concerns raised. It was understood how the children of staff criteria is specifically listed in the School Admissions Code 2021. It was acknowledged that without the proposed change there could be a misalignment in staff recruitment and retention between maintained and voluntary controlled schools and some academies (who are the admission authority) in the local area. A copy of the Equality Analysis can be found at Appendix 3.
- 10.4 It was also recognised that having the option to assist with staff recruitment and retention can contribute to outcomes for children and young people. Specifically, how this can align to the Council Plan as an overarching link to Strong families where children grow up well and achieve their full potential.
- 10.5 An equality analysis template was completed and shared with EDI to incorporate the rationale for the inclusion of the criteria and capture the consultation and relevant legislative matters.

## **11.0 All other Implications**

- 11.1 The City of Wolverhampton school admission arrangements allow for a child with an Education Health and Care Plan which names the school to be admitted.
- 11.2 The oversubscription criterion includes children and young people in care and in former children and young people in care as the highest criterion. This includes children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted.
- 11.3 The criterion allows for medical and social claims for a preferred school to be considered.

## **12.0 Schedule of background papers**

[School Admissions Code 2021](#)

[School Admissions Regulations 2012](#)

### **13.0 Appendices**

13.1 Appendix 1: School Admission Arrangements 2024-2025

13.2 Appendix 2: Full consultation responses

13.3 Appendix 3: Equality Analysis