

WIRRAL COUNCIL

CABINET

14 MARCH 2013

SUBJECT:	ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY AND SECONDARY SCHOOLS AND COORDINATED SCHEME FOR 2014-2015
WARD/S AFFECTED:	ALL
REPORT OF:	ACTING DIRECTOR OF CHILDREN'S SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR TONY SMITH
KEY DECISION?	YES

1.0 EXECUTIVE SUMMARY

- 1.1 This report invites the Cabinet to determine the Authority's admission arrangements for community and voluntary controlled primary and secondary schools and the coordinated schemes for 2014-2015. This is a statutory requirement. The report also advises Cabinet of an option arising from a review of the selective testing arrangements in Wirral and invites Cabinet to agree in principle to this change taking place.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 The Authority is required to determine admission arrangements for community and voluntary controlled primary and secondary schools. The New School Admissions (England) Regulations (2003) also require the Authority to have in place a coordinated scheme for admissions to all primary and secondary schools including Academy schools, in 2014-15. The proposed schemes are attached (Appendices 1 and 2), along with proposed admission numbers for community and controlled schools (Appendix 3).
- 2.2 In total, 4 responses to the consultation were received. Three were in relation to the Council's sibling policy in primary school admissions, and one related to the Fair Access Protocol which has previously been published within the co-ordinated scheme.

Primary admissions – sibling policy

- 2.3 The current scheme for community and voluntary controlled primary schools gives priority to in-zone children ahead of children who live out of zone for the school. Within those living out of zone, children with siblings who will be attending at the time the applicant child is due to begin school are given a higher priority to those without siblings.
- 2.4 In any admission criterion, there must be a "tie-break". If there are more children with siblings than there are places available, the current scheme says that those with the youngest siblings are given a higher priority. This is strictly on date of birth of the sibling.

- 2.5 One respondent felt that out of zone children with siblings should be given a higher priority than in-zone applicants without siblings. This would, however, mean that some children may not be able to access a place at their catchment school and be forced to travel significantly further for their primary education. This suggestion is not recommended to form part of the primary scheme.
- 2.6 The other two respondents on this element of the scheme disagreed with the current tie-break used in the Wirral scheme for children with siblings, in the particular circumstances where there are multiple applicants with siblings in the same year group. They believe that a more reasonable solution in this scenario would be to use home to school shortest walking distance as a final tie break. A fictional example demonstrating the difference in the two methods is given below.

In this scenario there are five applicants and three places available.

Sibling Year Group	Sibling Birth date	Walking Distance (miles)	Current scheme rank (birth date)	Suggested scheme rank (Year group and distance)
F2	1 st Feb	1.25	1	1
Y1	9 th June	1.67	2	4
Y1	12 th Apr	1.25	3	3
Y1	10 th Sept	0.67	4	2
Y2	12 th Oct	0.50	5	5

Shaded cells indicate the applicants who would be allocated a place.

- 2.7 The purpose of including sibling age as a tie-break in the sibling criterion is to give priority to the younger siblings where they will spend the longest time together in the school. This aim stands, however the respondents point regarding siblings in the same year group is understandable, as for these children the duration of their time together in school is identical regardless of birth date.
- 2.8 On that basis, it is recommended that the sibling element of the Wirral admission policy for community and voluntary controlled primary schools for 2014-2015 (3.1.1 and 3.1.2) be amended to include the following additional statement:
 “Where there is more than one applicant with a sibling in the same year group, priority will be given to those children who live nearest to the school. We measure distances from home to the school gate nearest to the child’s home using the shortest road route, unless it is possible to use a footpath which we consider to be a safe walking route, using the Council’s computerised Ordnance Survey Address Point based routing system.”

Co-ordinated Scheme - Fair Access Protocol

- 2.9 The local authority must have a Fair Access Protocol (FAP). The aim of the FAP is to ensure that - outside the normal admissions round - unplaced children, especially the most vulnerable, are found and offered a place quickly, so that the amount of time any child is out of school is kept to the minimum. The FAP applies to all schools, including Academies.
- 2.10 Changes within the Admission Code 2012 and the change of status of the majority of Wirral secondary schools means that the FAP requires a review to ensure that schools understand and agree with the FAP and abide by its requirements.

- 2.11 The FAP sets out statutory vulnerable groups for consideration under the Protocol where the school requested by the parent/carer was full in the child's year group.
- 2.12 Under the previous Admissions Code, if a place was available in the child's year group, the child must be admitted, regardless of vulnerable group status.
- 2.13 However, the Admissions Code 2012 introduced an additional Fair Access provision exception to this rule whereby a governing body of a school with a place available in the year group, could refer a transfer application to be considered under the Fair Access Protocol, but only on the limited grounds where the child was deemed to exhibit "challenging behaviour".
- 2.14 The Wirral Managed Move service was developed in order to find alternative school places for children with challenging behaviour who are risk of permanent exclusion at their current school. If the Managed Move to an alternative school fails, they must return to their original school. This service is well-used and respected by Wirral schools, however there are children who are not suitable for a Managed Move who could still be considered as exhibiting "challenging behaviour".
- 2.15 A standard definition of "challenging behaviour" would be:
"Behaviour of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit or delay access to, and use of ordinary community facilities"
(Emerson et al.1987).
- Department for Education guidance leaves local authorities to establish a local definition of challenging behaviour in relation to pupils which has been agreed by schools within the FAP.
- 2.16 Subject to discussions with schools, the revised FAP is expected to contain the following Wirral interpretation and definition of "challenging behaviour", that is, where a school can refer the application to be considered under the FAP even if places are available in the year group:
- Children who have a history of serious attendance problems (below 85% attendance within a 12 month period).
 - Children subject to three or more Fixed Term exclusions in the last 12 months

2.17 Key elements of the FAP will include:

- All schools will take part
- All in year admissions will be co-ordinated by the Local Authority – schools will not take applications direct from parents
- Decisions will be made by a panel of headteachers
- The Fair Access Panel may require schools to admit children above their Published Admission Number
- No school will be asked to take a disproportionate number of children under the FAP
- Schools must respond immediately to admission requests so that admission is not unduly delayed
- Parents retain their legal right to an appeal to an independent appeal panel
- Schools cannot refuse to admit a child allocated a place by the Fair Access Panel, even if an independent appeal panel has refused an appeal

The detailed arrangements for the new Fair Access Protocol remain under discussion with schools at time of writing and will be published once agreed by schools as a separate document on the Wirral School Admissions website. Accordingly, the co-ordinated schemes for primary and secondary schools have been amended to reflect this arrangement.

- 2.18 The new FAP will come into force immediately on publication and will be monitored and reviewed annually with involvement of school representatives.

Review of selective testing arrangements in Wirral

- 2.19 Not part of the statutory consultation, following recent issues with the selective testing arrangements for non-Catholic grammar schools, a review of the selective testing arrangements has been carried out. This review identified a number of potential amendments which could reduce the reputational risk both to the Academy grammar schools and the Local Authority, and also enhance value for money.
- 2.20 The options have been discussed with a working group of primary headteachers and with all six grammar schools (Catholic and non-Catholic) following a recent meeting of Wirral Association Secondary Headteachers (WASH).
- 2.21 At this stage, an agreement has been reached to investigate joining a Consortium of schools for selective tests. The same test papers are utilised by every school in the Consortium, changing annually, which should reduce the risk of errors in the papers or marking software due to the larger number of schools involved. This would also reduce the cost of administering the selective tests for non-Catholic grammar schools by an estimated £30,000 (2012 costs, actual cost reduction dependent on the Consortium joined).
- 2.22 The number, duration, format and style of the tests would not change as a result of this action. The option to join a Consortium is a step intended to reduce potential reputational risks similar to those arising from the existing test arrangements in the short-term, without impact on children or schools. The test provider has been asked to provide further information on the Consortium testing arrangements by mid-March 2013 in order that a final decision can be made by May 2013, for tests to take place in September 2013.
- 2.23 The test provider has also been asked to consider revising and modernising the Familiarisation Pack provided to parents/carers for future years. This should improve the familiarisation experience for children. This is unlikely to result in a significant reduction in cost to the Dedicated Schools Grant.

3.0 RELEVANT RISKS

- 3.1 It should be noted that the relevant co-ordinated schemes and the FAP apply to all Wirral primary and secondary schools, including Academy school. The recent notification of the intention of a community primary school in Wallasey to become Wirral's first converting primary academy school puts additional emphasis on the importance of school governing bodies to understand and apply the Admissions Code, Wirral co-ordinated scheme and FAP correctly and fairly, otherwise schools will be open to challenge both at parental appeal and by the School's Adjudicator and/or Secretary of State.

- 3.2 Wirral currently purchases the test provider's Premium product. This is a unique test to Wirral which changes every year, with very minimal possibility of the test papers/answers being leaked. The used test papers are collected centrally by the Authority and confidentially shredded.

All schools within a Consortium use the same test papers each year. This increases slightly the risk that the test paper could be leaked however, the test provider advises that there are several possible consortia, and they would not place Wirral into a Consortium containing any geographically closely located selective schools where a conflict could arise. Also, as with the Premium product, the test papers change every year. In addition, as under the Admissions Code parents must receive their test results by the end of October, all selective schools/authorities will be carrying out their tests during the same few weeks, further reducing the possibility of test leakage.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 Other options for change to the selective testing arrangements that could be considered include: reducing the number of practice and/or real tests and investigating the possibility of purchasing selective tests from an alternative provider. These options would require further consultation and would be subject to a further report to Cabinet. If agreed, these changes would not take effect until the entry cohort for September 2015 at the earliest.

5.0 CONSULTATION

- 5.1 Consultation on the co-ordinated scheme has taken place with all Wirral schools, other relevant admission authorities and all statutory consultees.
- 5.2 Consultation on potential changes to the selective tests for non-Catholic grammar schools has taken place with a working group of representative primary school headteachers (feeding back to all primary schools via Primary Heads Consultation Group) and with a working group of secondary headteachers comprising the Catholic and non-Catholic grammar school headteachers and two headteachers representing the non-selective secondary schools (feeding back to all secondary schools via Wirral Association of Secondary Headteachers).

6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 6.1 None.

7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 7.1 The proposed new arrangements for the Fair Access Protocol (under discussion) will likely require a Local Authority Clerk to organise Fair Access Panels, prepare paperwork and disseminate Panel decisions to parents and schools. It is expected that the cost of this will be met from the Admissions budget which is part of the overall Schools budget.
- 7.2 In relation to non-Catholic grammar selective testing, joining a test provider Consortium of schools will reduce the cost to the Dedicated Schools Grant by approximately £30,000 per annum (2012 costs, exact reduction dependent on the Consortium joined). There is no cost saving to the Council.

8.0 LEGAL IMPLICATIONS

8.1 The arrangements comply with all statutory guidance.

9.0 EQUALITIES IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review will be published on the web site, hyperlink below.

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/children-young-people>

10.0 CARBON REDUCTION IMPLICATIONS

10.1 None.

11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

11.1 None.

12.0 RECOMMENDATION/S

12.1 That Cabinet agree the proposed admission arrangements for community and voluntary controlled schools and the Wirral co-ordinated schemes for 2014-2015.

12.1 That Cabinet agree the principle of joining a test provider's Consortium of schools for non-Catholic grammar selective testing.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 There is a statutory requirement to determine admission arrangements.

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APPENDICES

Appendix 1 – Scheme for the coordination of admission arrangements for primary schools 2014-2015

Appendix 2 – Scheme for the coordination of admission arrangements for secondary schools 2014-2015

REFERENCE MATERIAL

School Admissions Code 2012

School Appeals Code 2012

Emerson, E., Barrett, S., Bell, C., Cummings, R., Hughes, H., McCool, C., Toogood, A., and Mansell, J. (1987) The Special Development Team: Developing Services for People with Severe Learning Difficulties and Challenging Behaviours : University of Kent at Canterbury.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Delegated Authority	7th November 2012
Cabinet	12th April 2012
Cabinet	8th December 2011
Cabinet	14th April 2011
Cabinet	9th December 2010
Cabinet	18th March 2010



Equality Impact Assessment Toolkit (from May 2012)

Section 1: Your details

EIA lead Officer: Sally Gibbs

Email address: sallygibbs@wirral.gov.uk

Head of Section: Andrew Roberts

Chief Officer: Julia Hassall

Department: Children and Young People's Department

Date: 13th February 2013

Section 2: What Council proposal is being assessed?

Admission arrangements for community and voluntary controlled Primary and secondary schools and coordinated scheme for 2014-2015

Section 2b: Will this EIA be submitted to a Cabinet or Overview & Scrutiny Committee?

Yes If 'yes' please state which meeting and what date
14th March 2013.....

Please add hyperlink to where your EIA is/will be published on the Council's website

<http://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-2010/children-young-people>

Section 3: **Does the proposal have the potential to affect..... (please tick relevant boxes)**

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 4: Does the proposal have the potential to maintain or enhance the way the Council (please tick relevant boxes)

- Eliminates unlawful discrimination, harassment and victimisation
- Advances equality of opportunity
- Fosters good relations between groups of people

If you have ticked one or more of above, please go to section 5.

- No** (please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 5:

Could the proposal have a positive or negative impact on any of the protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

Which group(s) of people could be affected	Potential positive or negative impact	Action required to mitigate any potential negative impact	Lead person	Timescale	Resource implications
All	Potential change in priority ranking for admission to primary schools for some children with siblings.	Policy will be published in advance on Council website according to statutory timescales to ensure parents are aware of the policy when applying for primary school places.	Sally Gibbs	Publication before September 2013	None
All	Policy and co-ordinated scheme are designed to ensure equal opportunity				

Section 5a: **Where and how will the above actions be monitored?**

Policy is consulted upon annually between January and March. Referral is to the Schools Adjudicator.

Section 5b: **If you think there is no negative impact, what is your reasoning behind this?****Section 6:** **What research / data / information have you used in support of this process?**

Policy complies with statutory requirements set out by Department for Education.

Section 7: **Are you intending to carry out any consultation with regard to this Council proposal?**

Yes – (please delete as appropriate)

If ‘yes’ please continue to section 8.

(please stop here and email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for publishing)

Section 8: **How will consultation take place and by when?**

Statutory consultation is carried out between January and March each year. This includes all statutory consultees as set out by Department for Education guidance. An advert is also placed in a local newspaper and the co-ordinated schemes are published on the Council’s website. The consultation is also advertised on the Council’s consultation website.

Before you complete your consultation, please email your preliminary EIA to equalitywatch@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting its legal requirements. The EIA will be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 5. Then email this form to your Chief Officer who needs to email it to equalitywatch@wirral.gov.uk for re-publishing.