



CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE

Wednesday 22nd January 2025

REPORT TITLE:	ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY AND SECONDARY SCHOOLS AND THE CO-ORDINATED ADMISSION SCHEMES FOR 2026-27
REPORT OF:	DIRECTOR OF CHILDREN, FAMILIES AND EDUCATION

REPORT SUMMARY

This report invites the Children, Young People and Education Committee to determine the Council's admission arrangements for community and voluntary controlled primary and secondary schools and the co-ordinated schemes for 2026-2027, and to approve the Wirral Fair Access Protocol.

This affects all Wards within the Borough. The Wirral Plan 2023-27 priority "Life chances" and theme "Early help for children and families" are supported by clear and objective admission arrangements in conjunction with a fit for purpose sufficiency strategy.

This is a key decision.

RECOMMENDATION/S

The Children, Young People and Education Committee is recommended to approve:

1. the admission arrangements for community and voluntary controlled schools and the Wirral co-ordinated schemes for 2026-2027 as set out in Appendices 1 and 2 to the report.
2. the Wirral Fair Access Protocol as set out in Appendix 3 of this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Council in its capacity as Local Education Authority is required to determine admission arrangements for community and voluntary controlled primary and secondary schools. The Council is also required to have in place a co-ordinated scheme for admissions to all primary and secondary schools including Academy schools, in 2026-27. The proposed schemes are attached along with proposed admission numbers for community and controlled schools (Appendices 1 and 2).
- 1.2 The Council is required to have in place a Fair Access Protocol agreed with the majority of schools which ensures that there is a fair and balanced approach to admitting unplaced children, particularly those who are most vulnerable, outside the normal admissions round. The Wirral Fair Access Protocol has been developed in partnership with local schools. All admission authority schools must participate in order to ensure that children are allocated a place quickly. The criteria list of children included is set out in the Fair Access Protocol Guidance. The Protocol is reviewed annually; in the current version was reviewed in Autumn 2023 and was in force from February 2024 accordingly.
- 1.3 The Protocol was circulated to primary and secondary school headteachers in November 2024 as part of the annual review.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The arrangements could remain unchanged.

3.0 BACKGROUND INFORMATION

- 3.1 The co-ordinated schemes for 2026-27 incorporate all prior published amendments. No significant changes have been made to the admission arrangements in the body of the schemes. The admission numbers for community and voluntary controlled schools are unchanged, with the exception of Mount Primary School where the admission number has been reduced from 48 to 45 by request of the governing body in order to better comply with the Infant Class Size limit across Years 1 and 2.
- 3.2 The Wirral Fair Access Protocol ensures that unplaced and vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible. This includes decisions on Managed Move destinations for pupils at risk of permanent exclusion and re-integration decisions on pupils with a single permanent exclusion. All schools are expected to work together collaboratively and abide by the decisions of the Fair Access Panel.

For context, in the 2022-23 academic year, 88 placements were made via Fair Access. Of these, 64% related to children who were new to Wirral without a school place, 28% to children returning from elective home education and 8% to transfers between Wirral schools for other Fair Access reasons.
- 3.3 The Protocol is reviewed annually. Comments or feedback were invited from Wirral primary and secondary schools in November 2024.
- 3.4 Included in comments from schools were requests for:

- The LA to not challenge school's rationale for referring cases to Fair Access
- The Fair Access decision letter to give the reason for the referral
- Scheme timeframes to be adhered to prevent delays in admission or referral to Fair Access
- Concern about placing pupils on roll immediately when notified of a Fair Access decision
- Secure digital sharing of Fair Access data for Wirral schools
- Clarifications to Fair Access paragraphs on relationship to Independent appeals; school responsibility to provide exclusion data; definition of fairness

- 3.5 In addition, one school requested clarification on the EHCP consultation process; this is outside of the mainstream admission processes covered in this report and has been passed to the Authority's SEND team.
- 3.6 There are limited **reasons** why a school place application can be referred to the Fair Access Protocol – these are set out in 4.1 of the Protocol. However, where a place is available, schools are ordinarily expected to admit the child – they may however refer the child's case to the Fair Access Panel on the basis of "challenging behaviour" even when there is space available in the child's year group. Referral to the Protocol when it is not warranted or evidenced wastes valuable educational time for the child in question. The Local Authority will continue to monitor and will challenge referrals where there is no clear evidence to do.
- 3.7 The **reason for the Fair Access referral** will be added into the decision outcome letter which goes to parent and the requested schools.
- 3.8 In relation to **timeframes**, these are set out clearly in both the Scheme and the Protocol, which all governing bodies should be aware of. Reminders are sent out at points in the year via email. A school admissions information and training session is also provided to New and Aspiring headteachers annually.
- 3.9 One school raised concerns that they were expected to put children allocated a place under Fair Access on roll almost immediately without time to get to know the child and their needs; the child might also not ultimately take up the place; they should stay in their current school until a date is agreed.

In relation to admittance of pupils transferring in-year (already school age), under the Admissions Code, admission authorities should aim to provide the outcome of an in-year transfer application within 10 school days, with 15 school days as the maximum for a decision outcome in writing. Applications for Wirral secondary schools may take longer to reach an outcome, for example if it requires a selective assessment to take place, in these cases the selective school is expected to contact the parent within 15 school days to arrange an assessment date. Referral to the Fair Access Protocol also introduces a longer timescale and the Admissions Code reflects this.

The Admissions Code p3.21 states that children referred to the Fair Access Protocol **must** be allocated a place within 20 school days; additionally it says that once they have been allocated a place via the Fair Access Protocol, arrangements should be made for the child to start at the school "as soon as possible".

In order to meet these timeframes, schools who are intending to refer an application under the Protocol are asked to notify their decision to refuse to the Local Authority within 5 school days of receipt of the application, rather than 10 days – this is not

always adhered to, however. Schools are provided with the application, for secondary schools there may be additional background information from a previous/current school – for both primary and secondary schools, the requested school can also contact the previous school informally if further information is needed prior to reaching a decision as to whether a referral is warranted; they may also meet with the parent during the 5 day period if they wish.

The Protocol in 5.5 says that the decision outcome letter will be sent within 7 days (1 week) of the Panel meeting. It then says in 5.8 and 5.9 **that the child is a pupil at the school from the beginning of the first day on which the school has agreed or has been notified that the pupil will attend the school**; if they are subject to a School Attendance Order they only become registered if the parents agree the first day the child should attend – if the child does not attend, they are then in breach of the Order.

In relation to potentially remaining at their current school until a start date is agreed, this would be impossible for 9 out of 10 Fair Access placement decisions as these pupils are new to Wirral or are out of education for other reasons, such as returning from elective home education (see 3.2).

The purpose of the Fair Access Protocol is to give hard to place and vulnerable children a school place as quickly as possible and reduce the amount of time they are out of school. Schools will have received the application, any relevant background information and had an opportunity to speak to previous schools and potentially the parent, prior to the Fair Access decision outcome, and should be aware of the child's needs and circumstances in general terms.

Children who subsequently do not take up the allocated place are subject to the same Attendance procedures as every other child on a school's register.

The timeframe for admission to school set out in the Protocol is vitally important for safeguarding, to reduce the amount of time children are out of school, to avoid children going missing in education and the wording will be retained.

3.10 The Fair Access "grid" is currently shared with secondary schools via WASH. A request was made for this to be on SharePoint or similar for secondary schools to access at any time – this will be investigated further.

3.11 Clarification amendments have been made to the Fair Access Protocol as follows:

- 3.1(m) - relationship with Independent Appeal Panel decisions
- 4.3 – affirm responsibility of schools to provide reasons for exclusions
- 5.1 – difference between Managed Move/reintegration decision rationale and others made by Fair Access
- 5.2 - importance of considering the child's needs; link to paragraph 5.4

4.0 FINANCIAL IMPLICATIONS

4.1 There are no financial implications arising directly as a result of this report.

5.0 LEGAL IMPLICATIONS

5.1 The New School Admissions (England) Regulations (2003) require the Council to have in place a co-ordinated scheme for admissions to all primary and secondary schools including Academy schools, in 2026-27.

- 5.2 It should be noted that the relevant co-ordinated schemes and the Fair Access Protocol apply to all Wirral primary and secondary schools, including Academy schools. There is additional emphasis on the importance of school governing bodies to understand and apply the Admissions Code, Wirral co-ordinated scheme and Fair Access Protocol correctly and fairly, otherwise schools will be open to challenge both at parental appeal and by the Schools Adjudicator and/or Secretary of State.
- 5.3 The date by which the arrangements must be determined is 28th February. These admission arrangements must then be published on Wirral Borough Council (“the Council”)’s website by 15th March. The deadline for objections against the admission arrangements to the Schools Adjudicator is 15th May.
- 5.4 Section 88P of the School Standards and Framework Act 1998 requires local authorities to make an annual report to the Schools Adjudicator on admissions to all schools in their area. The report covers how admission arrangements serve the interests of looked after and previously looked after children, children with disabilities and children with special educational needs, including any details where problems have arisen. It includes an assessment of the effectiveness of Fair Access Protocols and co-ordination in the local area, including how many children were admitted to each type of school under the protocol, information on admission appeals and any other issues the local authority may wish to include. Additional information may also be requested by the Schools Adjudicator as required by the Secretary of State.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 The Fair Access Protocol requires a Council Clerk to organise Fair Access Panels, prepare paperwork and disseminate Panel decisions to parents and schools. Fair Access Panels include Council officers from various disciplines. The cost of this is met from the Council’s budget.

7.0 RELEVANT RISKS

- 7.1 Failure to determine the admission arrangements by 28th February of the preceding year would contravene the 2021 Admissions Code and associated guidance. Objections to the admission arrangements can be made to the Schools Adjudicator. Any decision of the Adjudicator must be acted on by the admission authority and admissions arrangements amended accordingly within 2 months of any decision by the Adjudicator. This would be a reputational risk to the Council.
- 7.2 It should be noted that the relevant co-ordinated schemes and the Fair Access Protocol apply to all Wirral primary and secondary schools, including Academy schools. There is additional emphasis on the importance of school governing bodies to understand and apply the Admissions Code, Wirral co-ordinated scheme and Fair Access Protocol correctly and fairly, otherwise schools will be open to challenge both at parental appeal and by the Schools Adjudicator and/or Secretary of State. Admission arrangements are monitored via the annual report to the Schools Adjudicator (see 5.4) across all Wirral schools. In addition, the annual School Admissions Appeals data collection is completed by the Council on behalf of community and voluntary controlled schools, and by its

own admission authority schools through the Spring Schools Census data collection.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Where the admission arrangements have not changed from the previous year, there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period. The previous consultation was held in November and December 2023, covering both primary and secondary schemes.
- 8.2 No significant amendments are proposed to either the Primary or Secondary Scheme. A reduction in admission number requires a consultation, which was held between November 2024 and 1st January 2025.
- 8.4 Feedback and comments from Wirral schools on the Wirral Fair Access Protocol were invited on 20th November 2024, with a deadline for response of 1st January 2025
- 8.5 No further amendments have been made to either the Primary or Secondary Scheme following consultation. Minor amendments and clarification points have been made to the Wirral Fair Access Protocol.

9.0 EQUALITY IMPLICATIONS

- 9.1 Wirral Council has a legal requirement to make sure its policies, and the way it carries out its work, do not discriminate against anyone. An Equality Impact Assessment is a tool to help council services identify steps they can take to ensure equality for anyone who might be affected by a particular policy, decision, or activity.
- 9.2 An Equality Impact Assessment has been carried out and can be found here: <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments>

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 The content and/or recommendations contained within this report are expected to have no impact on emissions of Greenhouse Gases.

11.0 COMMUNITY WEALTH IMPLICATIONS

- 11.1 Investing in children's futures supports the community through quality efficient education provision, enhancing life chances for children, families, and the wider community.
- 11.2 Clear and fair co-ordinated schemes for admission to school's support ease of access for all residents to local school places. The Fair Access Protocol is intended to ensure that vulnerable children and those who are having difficulty securing a school place in-year who meet the criteria, are allocated a school place as quickly as possible. The Protocol also ensures that all schools admit their fair share of vulnerable and hard to place children and that no one school is overburdened.

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APPENDICES

Appendix 1 Draft Co-ordinated Scheme for Primary Schools 2026-27
Appendix 2 Draft Co-ordinated Scheme for Secondary Schools 2026-27
Appendix 3 Draft Wirral Fair Access Protocol

The PDF file may not be suitable to view for people with disabilities, users of assistive technology or mobile devices. Please contact schooladmissions@wirral.gov.uk if you would like this document in an accessible format.

BACKGROUND PAPERS

[School Admissions Code](#) (2021)

TERMS OF REFERENCE

This report is being considered by the Children, Young People and Education Committee in accordance with Section B of its Terms of Reference, the functions and powers conferred on or exercisable by the Council as Local Authority in relation to the provision of education.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Children, Young People and Education Committee	23rd January 2024
Children, Young People and Education Committee	24th January 2023
Children, Young People and Education Committee	31st January 2022