



CHILDREN, YOUNG PEOPLE & EDUCATION COMMITTEE

Thursday, 1 February 2024

REPORT TITLE:	ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY AND SECONDARY SCHOOLS AND THE CO-ORDINATED ADMISSION SCHEMES FOR 2025-26
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 2025-2026. The Wirral Fair Access Protocol has also been amended to reflect feedback from Wirral schools.

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 2025-2026 as set out in Appendices 1 and 2 to the report.
2. the revised 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 2025-26. 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 2022 and was in force from March 2023 accordingly.
- 1.3 The Protocol was circulated to primary and secondary school headteachers in November 2023 as part of the the annual review.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The arrangements could remain unchanged, however, it is recommended that the variations detailed in section 3 to the Fair Access Protocol are made for the reasons set out in the report, as agreed by Wirral schools.

3.0 BACKGROUND INFORMATION

- 3.1 The co-ordinated schemes for 2025-26 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.
- 3.2 The Pupil Place Planning Review involves consideration of options for all schools including both community and own admission authority schools such as Academy and Voluntary Aided schools. Phase 2 concluded in Summer 2023. Phase 3 began in Autumn 2023.
- 3.3 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 2021-22 academic year, 76 placements were made via Fair Access. Of these, 75% related to children who were new to Wirral without a school place, 18% to children returning from elective home education and 7% to transfers between Wirral schools for other Fair Access reasons.

- 3.4 The Protocol is reviewed annually. Comments or feedback were invited from Wirral primary and secondary schools in November 2023.
- 3.5 Included in comments from schools were requests for:
- a flow chart to show where the Protocol sits within the school admissions process; and
 - a link to the Department for Education guidance
 - Detailed minutes to be provided with the decision outcome to school(s)
 - Inclusion Team to gather information on complex students for Panel
 - Context to be given for number of permanent exclusions at individual schools
 - Amend point 5.4 to 5.2
- 3.6 In relation to minute provision to schools, schools are already provided with a copy of the decision outcome letter which is sent to the parent of the child. This gives the Panel's rationale for the decision. Schools who are interested in further context to a decision may contact the Chair of the Fair Access Panel.
- 3.7 Additional information on complex students. The Admissions Code allows for only information relevant to the decision making process to be collected and used by schools. Advice has recently been taken from the Council's ICT Governance and Compliance Team regarding the background information form which is currently sent by the Admissions Team to the current/previous school for pupils requesting a transfer in Year 7 and above, which is then provided to the requested school(s) for a decision. From the advice given, the background information request form has been amended to remove non-Code compliant information such as prior attendance, curriculum and attainment, also incorporate new items, such as Young Carer status, which could be relevant for Fair Access purposes if a referral is made. The revised background information form includes social care, special educational needs and disability (SEND), health, asylum/refugee status, young carer status; behaviour concerns; and homelessness. There is also an opportunity for the current/previous school to give any other information they believe is relevant.
- The completion of the background form is a local to Wirral arrangement and as such, out of area, overseas or private schools cannot be compelled to complete it. In this situation, Wirral secondary schools must not refuse to make a decision without background and are required to decide on the basis of the application information provided by the parent and the school's own situation in terms of places available and so on. It is open to requested schools to contact the current/previous school for a professional's discussion if they believe they require more information or for clarification prior to making a decision on an application, as long as this information required under the Admissions Code.
- As in 5.2 of the Protocol - The Fair Access Panel includes members from SEND, School Attendance; Managed Moves, Exclusions and Alternative Provision; the 14 to 19 Team, in addition to Social Care and can draw on information from all these sources and any others, as are required and applicable to each individual case. The views of the requested school are considered as per 5.2 (v); and 5.2 (vi) "other reasonable considerations" also allows the Panel to request further information from other sources and the Panel regularly does so where appropriate and relevant. An amendment to the Protocol is not required.
- 3.8 In relation to context, the Fair Access Grid provides a net view of the situation in each school and year group, both for the current academic year and cumulatively including transfers in previous academic years. A child currently in Year 11 may

have been a Managed Move in Year 9, for example. The intention is to provide an overview of Managed Moves (in/out), Permanent Exclusions (out); Key Stage 3 Progress School reintegrations (in) and Fair Access Panel decision (in/out) which can be considered alongside all of the other factors such as distance, parental preference and so on. The respondent school's concerns were that due to the locality and community of their school, there were potentially a relatively high number of permanent exclusions compared to other schools for which the school was being unfairly penalised on the Grid.

Whether or not this is the case, the Grid mitigates this in a number of ways - Permanently excluded pupils at Key Stage 3 are open to a reintegration into mainstream education where this is deemed appropriate, and schools taking these pupils onto roll are given an "in" point on the Grid. Schools taking pupils on a Managed Move are also given an "in" point on the Grid, which the school retains, even if the Managed Move subsequently fails. Other Fair Access placements including those simply for pupils moving into Wirral and requiring a school place, also count as a positive point on the Grid. The Grid is one factor within the wider decision making process of the Fair Access Panel, not the sole reason for a Fair Access placement decision being made. An amendment to the Protocol is not required.

- 3.9 In addition, a respondent was concerned that students leaving a school due to an Education Health and Care Plan (EHCP) placement were being unfairly counted as an "out" in the Fair Access Grid, and also that students transferring out due to personal circumstances were being unfairly counted as a negative in the Grid, such as asylum seekers moved on by the Home Office and other emergency rehousing decisions. For clarity, students transferring either in or out of Wirral schools with an EHCP are not included in the Grid at all as these pupils are outside the Fair Access Protocol. Students leaving to attend a school outside Wirral are not included on the Grid. Students transferring between Wirral schools for personal circumstance reasons such as in the examples raised, are also not counted as an "out" on the Grid, unless they were to qualify for a Fair Access decision into another Wirral school under one of the criteria.
- 3.10 The flow chart, link to DfE guidance, and paragraph numbering amendment have been actioned and a revised draft of the Protocol is attached to this report.

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 2025-26.
- 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 December 2022-January 2022, covering both primary and secondary schemes.

- 8.2 No significant amendments are proposed to either the Primary or Secondary Scheme, and a consultation is not formally required. However a consultation was held between November 2023 and 3rd January 2024.
- 8.4 Feedback and comments from Wirral schools on the Wirral Fair Access Protocol were invited on 21st November 2023, with a deadline for response of 3rd January 2024

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 2025-26
- Appendix 2 Draft Co-ordinated Scheme for Secondary Schools 2025-26
- Appendix 3 Draft Wirral Fair Access Protocol

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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	24th January 2023
Children, Young People and Education Committee	31st January 2022
Children, Young People and Education Committee	28th January 2021