

Report

Leader of the Council

Part 1

Date: 8 April 2020

Subject School Admission Arrangements 2021/22

Purpose To consider the responses received during the recent consultation exercise and as a result to determine the Council's school admission arrangements for the academic year commencing September 2021

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Ward All

Summary In accordance with Welsh Government's statutory School Admissions Code, the Council is required to undertake an annual consultation on admission arrangements in the school year beginning two years before the school year in which the arrangements will apply.

Accordingly, a consultation was launched on 8th January 2020 and concluded on 28th February 2020 in relation to the proposed admission arrangements for September 2021 onwards. A consultation report has now been drafted which describes the consultation process and feedback received.

Whilst the consultation report is attached at Appendix 1 for reference, this decision report references the content and recommends that the admission arrangements be determined as outlined in the consultation document. In accordance with the statutory code, these arrangements must be determined by 15th April 2020.

Proposal To determine and set the Council's school admission arrangements for September 2021 as outlined in the recent consultation with stakeholders.

Action by Chief Education Officer

Timetable Immediate. In accordance with legislation, these arrangements must be determined by 15th April 2020.

This report was prepared after consultation with:

- Corporate Management Team
- Education Senior Management Team
- Senior HR Business Partner
- Senior Finance Business Partner

Signed

Background

Under the School Standards and Framework Act 1998, the Council has responsibility for the discharge of the school admissions function for all community and voluntary controlled schools in Newport. As an admission authority, the Council acts in accordance with the Welsh Government School Admissions Code and the School Admissions Appeals Code.

It is a statutory requirement of the School Admissions Code that the Council carries out an annual consultation on its school admission arrangements. The consultation must conclude by 1st March each year so that the resulting admission arrangements can be determined, either in their original form or with such modifications as the Council think fit, by 15th April in the determination year. The determination year is the school year beginning two years before the school year in which the arrangements will apply.

Consequently, a consultation was launched on 8th January 2020 and concluded on 28th February 2020 in relation to the proposed admission arrangements for September 2021 onwards. A consultation report has been drafted which describes the consultation process and feedback received. There is now a requirement to consider the feedback received to these proposals and as a result to determine the Council's school admission policy for September 2021.

A copy of the Consultation Report is attached at Appendix 1 but there now follows a synopsis of the feedback received.

Proposals for Change

1. To redefine the Caerleon Comprehensive School catchment area to align with the Newport City Council boundary, thereby removing all areas of Monmouthshire and Torfaen from the catchment area;
2. To move Somerton Primary School from the Lliswerry cluster and catchment area to the Llanwern cluster and catchment area;
3. To replace the guaranteed school place for children of UK service personnel in any school of their choice with the catchment school;
4. To remove the specific priority for children who are on the child protection register.

The rationale behind these proposals, along with details of the impact that implementing each of them might have, are described in more detail within the Consultation Report at Appendix 1 (pages 2-5 of the report).

Stakeholder Engagement

The School Admissions Code provides lists of bodies that admission authorities must and should consult with on changes to admission arrangements. A list of the statutory and non-statutory consultees who the Council engaged with in relation to this consultation is included within the Consultation Report at Appendix 1 (pages 5 and 6 of the report). The consultation was also publicised through the Council's 'Have your say' web page and via agreed social media channels.

Consultation Responses

In total, 52 responses were received during the consultation period, all of which related to the proposal to amend the catchment area for Caerleon Comprehensive School. Of these, 47 responses raised concerns regarding the proposal. The remaining five responses neither supported nor objected to the proposal but merely raised questions in relation to their particular circumstances. Respondents included pupils, parents and carers, members of the public, Community Councils, Governing Bodies, Members of Parliament, Elected Members, neighbouring Local Authorities and the Diocese of Monmouth.

Whilst some respondents raised more than one issue in their response, the comments can be summarised into seven categories as follows:

- Impact on local community cohesion and pupil wellbeing (46 comments);
- Distance to an alternative school and safety of home to school transport routes (40 comments);
- Impact on transition and siblings (23 comments);
- Environmental impact and wellbeing of future generations (21 comments);

- Consultation process and methodology (11 comments);
- Impact on educational standards (10 comments);
- Cost of alternative home to school transport (4 comments).

Further details, including the LAs responses to these comments, are included within the Consultation Report at Appendix 1 (pages 6-8 of the report).

No comments, either positive or negative, were received regarding any of the other three proposed changes out forward within this consultation.

Learner Voice

The Council is keen to gain the views of learners when proposing policy changes. As a result, whilst the School Admissions Code does not stipulate that consultation should include engagement with learners, attempts were made for this to be undertaken. This was the first year that this has been attempted in relation to the annual consultation on admission arrangements and was facilitated via an on-line SNAP survey that was circulated via the schools listed in the section above.

Some of these surveys were issued late in the consultation period, and the Education Service acknowledges therefore that this engagement was not as effective as it was intended. As a result, the Learner Voice is difficult to assess effectively in this case. Notwithstanding this, 66 responses were received by the deadline date. Further information about this feedback is included within the Consultation Report at Appendix 1 (page 9 of the report).

Financial Summary

There are no costs associated with this proposal.

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Failure to determine the admission arrangements for 2021 by the required date	M	L	This is an annual process, and consultation has already been undertaken in accordance with the requirements of the statutory code.	Chief Education Officer

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

Wellbeing of Future Generations (Wales) Act 2015
 Corporate Plan
 Council Improvement Plan (*Aspirational People* theme)
 Education Service Plan

Options Available

Option 1: To determine and set the Council's school admission arrangements for September 2021 as outlined in the recent consultation with stakeholders.

Option 2: To determine and set the Council's school admission arrangements for September 2021 as outlined in the recent consultation with stakeholders but with modifications to take account of feedback received.

Option 3: To determine and set the Council's school admission arrangements for September 2021 as per the agreed admission arrangements for September 2020.

Preferred Option and Why

The preferred option is Option 1. This will assist the Council as it seeks to maximise the number of school places available to Newport pupils across the city.

Comments of Chief Financial Officer

There are no financial implications to this report.

Comments of Monitoring Officer

The Council has a statutory duty, under section 20 of the School Standards and Framework Act 1998 and the Admissions Regulations, to undertake consultation on its proposed admission arrangements during the period from 1st September to 1st March in the school year which is two years before the commencement of the school year in which the arrangements are to take effect. Therefore, the Council has carried out consultation on proposed amendments to its admission policy for maintained schools, which will apply as from September 2021. The outcome of the consultation and the responses received are set out in the Report. The consultation process has been carried out in accordance with the Welsh Government's statutory School Admissions Code, which prescribes the various statutory consultees who had to be engaged in the process and the details that had to be included in the proposed admissions policy/arrangements. The statutory consultation process is fully compliant with the Council's general equalities and well-being duties and consistent with the Children and Families Measure. The purpose of the public consultation process is to maintain openness and transparency and to ensure that admission arrangements are fair and equitable. The proposed admission policy for 2021 include a number of specific changes, as identified in the Report. The proposed change to the catchment area for Caerleon Comprehensive School to exclude out-of-county areas of Monmouthshire and Torfaen is in accordance with the Council statutory powers, as it is only required to set catchment areas for pupils resident within the LEA area. Monmouthshire have already taken steps to amend their own admission arrangements to exclude areas of Newport. This will not exclude pupils from out of the area applying for a place at the school, but they would not have catchment area priority. The proposal to move Somerton Primary school to the Llanwern cluster and catchment area simply reflects the federation arrangement with Eveswell Primary school. The proposed changes to the priorities given to children of UK services personnel and children on the child protection register are in accordance the School Admissions Code and the current arrangements afford them additional priorities that are outside the strict requirements of the Code. The Cabinet Member is now required determine the final School Admission Arrangements for September 2021, in the light of the consultation responses, by 15th April 2020.

Comments of Head of People and Business Change

The annual consultation on schools admissions arrangements help to meet sustainable development duties under the Wellbeing of Future Generations Act 2015, in particular the duty to 'involve' stakeholders and work collaboratively. Effective consultation with a range of stakeholders can help assess the adequacy and acceptability of the arrangements and it is noted that in this case concerns have been expressed relating to the proposed changes to the Caerleon Comprehensive catchment area, these are listed in the report. The Council's responses to these concerns and relevant mitigation is also set out in the report.

There are no human resources implications in this report.

Comments of the Cabinet Member for Education & Skills

I have been fully briefed on the consultation and the feedback that was received, and am in support of the proposals being put forward in relation to the Council's admission arrangements for September 2021.

Comments from Non-Executive Members

Councillor M Evans:

I understand the rationale and need to maximise the number of school places available to Newport pupils across the city. I accept the decision to redefine the Caerleon Comprehensive School catchment area to align with the Newport City Council boundary. I do feel however we need to honour current arrangements so that those who already have siblings at the school are still prioritised if they have other children who wish to attend.

I fully support the decision to move Somerton Primary School from the Lliswerry cluster and catchment area to the Llanwern cluster and catchment area. I do not support the proposal to replace the guaranteed school place for UK service personnel in any school of their choice with the catchment school. I believe this would only be a small number of people and there are exceptional circumstances in their case as they are often required to move at short notice.

Response from Councillor Mudd:

The parents of pupils affected by this proposal will still be able to apply for a place at Caerleon Comprehensive School, albeit as out-of-catchment applicants. If the school is oversubscribed, all out-of-catchment applications will be assessed equally against the same criteria, and those with relevant siblings already attending the preferred school will have a higher priority in terms of securing a place. This is in line with previous changes that the Council has made to catchment areas for other schools, for example Welsh-medium primary schools.

Newport's current policy in relation to children of UK service personnel is far more generous than required by legislation. The proposed change aligns with legislation. Notwithstanding this however, it is anticipated that should the proposed changes be implemented, the revised policy will continue to support those specific personnel that are required to move at short notice and, as a result, cannot comply with the usual school admission procedures.

Councillor Kellaway:

I would accept A & B

C - The current situation with COVID 19 simply shines a light on the debt we owe those that protect and serve us including the Armed forces and should remain unchanged.

D - I would retain the status quo regarding the children that are on child protection register, we as councillors and governors have a duty of care to those children and any advantage they have that would offer extra protection should be retained.

Response from Councillor Mudd:

Newport's current policy in relation to children of UK service personnel is far more generous than required by legislation. The proposed change aligns with legislation. Notwithstanding this however, it is anticipated that should the proposed changes be implemented, the revised policy will continue to support those specific personnel that are required to move at short notice and, as a result, cannot comply with the usual school admission procedures.

The proposal to remove the specific priority for children who are on the child protection register was put forward on the advice of the Council's Law & Regulation Team who felt that the various arrangements already otherwise in place were satisfactory to meet the needs of these pupils.

Councillor J Watkins:

I understand Monmouth CC wishing all children residing in Monmouthshire must attend a school in their catchment area, however there may be children with siblings attending Caerleon schools, those in that category should be allowed to take up places in Caerleon providing MCC pay the appropriate costs. With regard to children living in Ponthir, it makes no sense to me that they should have to attend schools in the Torfaen area when they are virtually within walking distance of schools in Caerleon, providing Torfaen cover the necessary costs these children should have the option of attending schools closer to their homes ie schools in Caerleon particularly Caerleon comprehensive school for those needing to

access secondary education seems sensible to move Somerton into the same cluster as Liswerry and in terms of Armed Forces personnel I guess the numbers will be small . I do have concerns re children travelling from across the city to access places at Caerleon Comp given the serious air quality issues in the village and also we must bear in mind how the Campus site application pans out, if granted we will see an influx of children looking for school placement in Caerleon.

Response from Councillor Mudd:

The parents of pupils affected by this proposal will still be able to apply for a place at Caerleon Comprehensive School, albeit as out-of-catchment applicants. If the school is oversubscribed, all out-of-catchment applications will be assessed equally against the same criteria, and those with relevant siblings already attending the preferred school will have a higher priority in terms of securing a place. This is in line with previous changes that the Council has made to catchment areas for other schools, for example Welsh-medium primary schools. In relation to costs, there is currently no agreement between Council's to recoup fees from the home LA for mainstream education places.

Caerleon has been designated an air quality management area due the elevated levels of pollution caused by road traffic. Any reduction in the number of vehicles that travel through Caerleon will help alleviate some of the pressure causing the high pollution levels. Furthermore, in the recent Centre for Cities report (<https://www.centreforcities.org/city/newport>), Newport has been identified as the third highest emitter of the greenhouse gas Carbon Dioxide per head of population. A reduction in the distance of the school commute will likely result in a reduction in the generation of greenhouse gases. Whilst both reductions (air pollution and carbon dioxide) are relatively minor in the grand scheme of things, every little action that can be taken to reduce commuting distances can contribute to an overall improvement. Given that there is no intention to increase the overall capacity of the secondary school, the number of pupils travelling to the school from outside Caerleon will not significantly change.

Councillor White:

Regards the above in most circumstances I do not think it is right for Newport to accept pupils from out of the City if our schools are already full. In some circumstances where schools are under subscribed and are likely to be in the future then it could be acceptable to maintain their income levels. In the case of Caerleon that school will see an increase in pupil numbers if the Caerleon Campus development goes ahead so places there should be planned for.

Regarding the armed forces I believe the agreement in place should be adhered to. The only exception could be where the parents have retired from the services and set up permanent roots in a community.

Response from Councillor Mudd:

The proposal will not restrict pupils from outside Newport from applying for a place at Caerleon Comprehensive School, but it does mean that these children will no longer receive priority for admission over Newport residents.

Newport's current policy in relation to children of UK service personnel is far more generous than required by legislation. The proposed change aligns with legislation. Notwithstanding this however, it is anticipated that should the proposed changes be implemented, the revised policy will continue to support those specific personnel that are required to move at short notice and, as a result, cannot comply with the usual school admission procedures.

Local issues

Whilst the proposed catchment area changes will specifically affect certain wards (Alway, Caerleon and Liswerry), the proposed changes in relation to Armed Forces families and children on the child protection register are Citywide.

Scrutiny Committees

None

Equalities Impact Assessment

The Equality Act 2010 contains a Public Sector Equality Duty which came into force on 06 April 2011. The Act identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The new single duty aims to integrate consideration of equality and good relations into the regular business of public authorities. Compliance with the duty is a legal obligation and is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. The Act is not overly prescriptive about the approach a public authority should take to ensure due regard, although it does set out that due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the need of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. A Fairness & Equality Impact Assessment (FEIA) has been developed and updated, and is attached at Appendix 2.

Children and Families (Wales) Measure

As outlined, the Council is keen to gain the views of learners when proposing policy changes. As a result, whilst the School Admissions Code does not stipulate that consultation should include engagement with learners, attempts were made for this to be undertaken. This was the first year that this has been attempted in relation to the annual consultation on admission arrangements and was facilitated via an on-line SNAP survey that was circulated via the schools listed in the section above.

Some of these surveys were issued late in the consultation period, and the Education Service acknowledges therefore that this engagement was not as effective as it was intended. As a result, the Learner Voice is difficult to assess effectively in this case. Notwithstanding this, 66 responses were received by the deadline date. Further information about this feedback is included within the Consultation Report at Appendix 1 (page 9 of the report).

Wellbeing of Future Generations (Wales) Act 2015

Report writers need to indicate how they have considered the five things public bodies need to think about to show they have applied the sustainable development principle put into place by the Act. You will need to demonstrate you have considered the following:

- Long term: the importance of balancing short- term needs with the need to safeguard the ability to also meet long – term needs.
Newport's population is continuing to increase and with it the number of school age children. Primary and secondary cohorts for the September 2019 annual admissions round were the largest to date with an unprecedented demand for Year 7 English-medium places across the city as a whole. Welsh Government recommends 10% as the optimum level of surplus school places. In terms of English-medium places, Newport schools have only a 7.6% surplus at primary level and a 9.6% surplus across secondary schools. This is also a concern in the context of the significant number of in-year school applications traditionally received in previous years. The Council is therefore seeking to maximise the number of school places available to Newport pupils across the city, through a variety of methods.
- Prevention: How acting to prevent problems occurring or getting worse may help us meet our objectives.
There has been a rise of 1,949 children in Newport schools between 2011 and 2019. Pupil population forecasts indicate that by 2024 there will be 14,097 primary school and 12,260 secondary school children in Newport, which represents an additional 2,038 children compared with 2019. Welsh Government recommends 10% as the optimum level of surplus school places.

In terms of English-medium places, Newport schools have only a 7.6% surplus at primary level and a 9.6% surplus across secondary schools. Whilst it would appear that this surplus at secondary level is broadly in line with Welsh Government's recommendation, a significant element of this is located in just two schools, both of which are located in the East of the City. In addition, the actual number of surplus places are much lower in Years 7 and 8 than they are in Years 9, 10 and 11.

- Integration: Consider how the proposals will impact on our wellbeing objectives, our wellbeing goals, other objectives or those of other public bodies.

This proposal supports the well-being objective to improve skills, educational outcomes and employment opportunities and the following well-being goals:

- ***a resilient Wales;***
- ***a more equal Wales;***
- ***a Wales of more cohesive communities;***
- ***a globally responsible Wales.***

These will be achieved by improving access to education across the city through the adoption of an improved, fair and consistent admissions policy, by aligning primary catchments and secondary clusters to support effective partnership working and effective transition, and through ensuring sufficiency of school places for Newport pupils.

- Collaboration: have you considered how acting in collaboration with any other person or any other part of our organisation could help meet our wellbeing objectives.

Welsh Government has confirmed that the responsibility for designating alternative catchment schools lies with the Local Authority (LA) in which a pupil is resident. As a result, both Monmouthshire and Torfaen LAs were notified in September 2019 that Newport was likely to take forward consultation on this basis. Advance engagement took place with the governing bodies of Caerleon Comprehensive, Llanwern High, Lliswerry High and Somerton Primary but no formal responses were received during the consultation. The proposal was the subject of full public consultation between 8th January 2020 and 28th February 2020, in accordance with the requirements of the Welsh Government statutory school admissions code.

- Involvement: The importance of involving people with an interest in achieving the wellbeing goals, and ensuring that those people reflect the diversity of the City we serve.

It is a statutory requirement of the School Admissions Code that the Council carries out an annual consultation on its school admission arrangements. Subsequently, in accordance with the Code, formal consultation was carried out between 8th January 2020 and 28th February 2020 with statutory and non-statutory consultees. The consultation document was also publicised through the Council's 'Have your say' web page and via their social media channels.

The Council is keen to gain the views of learners when proposing policy changes. As a result, whilst the School Admissions Code does not stipulate that consultation should include engagement with learners, attempts were made for this to be undertaken via an on-line SNAP survey that was circulated via the schools identified as potentially being affected. Following conclusion of the consultation, a consultation report has been drafted which describes the consultation process and feedback received.

Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Consultation

Stakeholder consultation has been carried out and is outlined in some detail in the attached consultation report.

Background Papers

Consultation Report (attached at Appendix 1)

FEIA (attached at Appendix 2)

Dated: March 2020