



# Consultation response

A new capacity assessment methodology and regulations relating to school admission arrangements

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## Information

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# A new capacity assessment methodology and regulations relating to school admission arrangements

<b>Audience</b>	Local Education Authorities; Governing Bodies of Foundation and Voluntary Aided Schools; Church Diocesan Authorities; 10% sample of community schools in Wales; Estyn; Council on Tribunals; Secretaries of Professional Organisations in Wales.
<b>Overview</b>	This document outlines the responses to a consultation on changes to the way in which the capacities of primary and secondary schools are calculated and on draft regulations relating to the school admissions framework arising from provisions in the Education Act 2002.
<b>Action required</b>	A new primary and secondary capacity assessment methodology and regulations relating to school admission arrangements have been issued. The changes to admission arrangements generally impact on the school year 2008-9. Admission authorities must recalculate schools' capacities and admission numbers using the new method for the school year 2009-10.
<b>Further information</b>	Enquiries about this consultation response document should be directed to: Kathryn Massey / Charlotte Davies Schools Management Division, Department for Children, Education, Lifelong Learning and Skills, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ Tel: 029 2080 1013 / 029 2082 6064 Fax: 029 2082 6109 E-mail: SchoolsManagementDivision3@wales.gsi.gov.uk
<b>Additional copies</b>	This document is only available in electronic format from the Welsh Assembly Government website: <a href="http://www.wales.gov.uk">www.wales.gov.uk</a>
<b>Related documents</b>	Please see Annex A

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## Summary

This document presents the results of the consultation on 'A new capacity assessment methodology and regulations relating to school admission arrangements'. The consultation was issued in July 2005 with responses required by 20 October 2005. Twenty two responses were received in total. A full list of respondents is included at Annex B.

## Background to the consultation exercise

The document consulted on changes to the way in which the capacities of primary and secondary schools are calculated. It also sought views on draft regulations relating to the school admissions framework arising from provisions in the Education Act 2002 (the 2002 Act). Responses from this consultation have informed the Assembly Government's decision on the content both of the capacity formula and of the regulations.

## Consultation exercise

During July 2005, the Welsh Assembly Government's Schools Management Division published electronically a bilingual consultation document focusing upon the delivery of **a new capacity assessment methodology and regulations relating to the school admissions framework**, following the 2002 Act. The document was distributed to representatives of the following organisations:

- Local Education Authorities.
- Governing Bodies of Foundation and Voluntary Aided Schools.
- Church Diocesan Authorities.
- 10% sample of community schools in Wales.
- Estyn.
- Council on Tribunals.
- Secretaries of Professional Organisations in Wales.

The document and response proforma were also made available online via the Assembly's Learning Wales internet site at [www.learning.wales.gov.uk](http://www.learning.wales.gov.uk). The deadline for the submission of responses to the consultation was 20 October 2005.

## Consultation questions

The consultation document addressed the following:

### Proposed primary formula

Q1 Do you agree that the proposed primary school formula addresses the main weaknesses of the current MOE formula? If not, why not?

Q1a [For LEAs and other admission authorities who can apply the formula to some real examples.] On the basis of worked examples (please enclose details) do you have any specific comments on the way the proposed primary formula assesses capacity compared with the current formula?

- Q2 Are the draft guidance notes at Section 7(a) and (b) of this document sufficiently clear and comprehensive? Do you have any comments or suggestions for changes?
- Q3 Are you content with the way Early Years classes are covered by the guidance and the new formula?
- Q4 Do you have any comments on the way accommodation for SEN pupils is to be dealt with?
- Q5 Are the checks for sufficient support/resource space and for excess non-classroom space set at the right level?
- Q6 Do these checks provide the best approach? Would you prefer admission authorities to have discretion, by reference to Building Bulletin guidance and re-designation of rooms, rather than having to use a mathematical check in the formula?

### **Proposed secondary formula**

- Q7 Do you have any comments on the proposed secondary school capacity formula and whether it addresses the weaknesses found in the current MOE formula?
- Q7a [For LEAs and other admission authorities who can apply the formula to some real examples.] On the basis of worked examples (please enclose details) does the proposed secondary formula produce more realistic results than the current MOE formula? Have you identified any problem areas that require further definition?
- Q8 Are you content with the different usage categories and the space allowances?
- Q9 Are you content with the way accommodation for SEN pupils is handled?
- Q10 Is sixth form accommodation calculated appropriately?
- Q11 Do you agree that there is no need for a check in the secondary formula for too little or too much ancillary space, bearing in mind that specialist areas are accounted for differently than in the primary formula?
- Q12 Are the guidance notes sufficiently clear and comprehensive? Do you have any comments on the notes or suggestions for improvement?

### **Both formulae**

- Q13 At present, admission authorities can set an admission number higher than the standard number. We are now proposing that admission authorities may have the flexibility only to set an admission number up to 10% higher or lower than that indicated by the new capacity assessment methodology in a limited range of circumstances. Do you foresee this change causing any problems?

- Q14 Is the implementation timetable achievable? If no, what are the problems with it?
- Q15 Is a one-year transition period sufficient time to allow for conversion of all standard numbers to admission numbers based on the new formula?

## Regulations

- Q16 Do you have any comments on the draft Education (Determination of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (i))
- Q17 Do you have any comments on the draft Education (Objection to Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (ii))
- Q18 Do you have any comments on the draft Education (Variation of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iii))
- Q19 Do you have any comments on the draft New School (Admissions) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iv))
- Q20 Are there any other issues that you wish to raise in connection with this consultation paper?

## Breakdown of responses

A total of 22 replies were received in response to the consultation document. A detailed breakdown of respondents is provided below:

Respondent	Total
School Governor or Governing Body	1
Headteacher or Teacher	2
School Staff	0
Teaching union	3
LEA Member or Officer	13
Diocesan Body	1
Other	2
<b>Total</b>	<b>22</b>

## Summary response to consultation questions

### Proposed primary formula

- Q1 Do you agree that the proposed primary school formula addresses the main weaknesses of the current MOE formula? If not, why not?

Response	Total
Agree	10
Neither agree or disagree	8
Disagree	4
<b>Total</b>	<b>22</b>

## Individual comments

- The changes in the way SEN pupils/classes are accounted for is welcomed. The inclusion of resource areas appears to work quite well. It is good that the number of nursery places is shown on the form.
- The consultation does not consider sufficiently the effective and effective use of buildings beyond the provision of statutory education.
- Overall it would give a more accurate picture of capacity of schools but its introduction would mean an increase in the number of surplus places across Wales.
- The adjustment of capacity if there is insufficient or excessive resource allows too much of an imbalance before making too small an adjustment.
- It would have been preferable to strengthen the guidance needed to more consistently apply the MOE (More Open Enrolment) system, rather than introduce a new and somewhat more complex system.
- Any rooms of 27m<sup>2</sup> or less are re-designated as resource spaces and therefore the capacity of small schools with small classbases drops without reference to the actual need for teaching space.
- Does not address the need for additional space for some disabilities.

## Welsh Assembly Government Response

- It is not the purpose of the capacity formula to assess the effective use of buildings beyond the provision of statutory education. The new formula is an improvement on the MOE formula in that it requires community space to be recorded. This usage will be monitored as part of an authority's asset management process.
- It is likely that application of the formula circulated for consultation would have resulted in a small increase in capacity across Wales (in the region of 2%). However, changes to the space allowance per pupil following consultation should result in a slight overall decrease in capacity of schools in Wales. The change was made in recognition of the increasing demands on classroom space, for example the increased use of ICT including electronic whiteboards and the integration of pupils with SEN requiring assistance from a Learning and Support Assistant (LSA).
- The guidance for the tests for sufficient and insufficient resource space has been clarified to ensure that LEAs are aware that they can make manual adjustments to the resource areas if they feel this is appropriate. The checks have been retained as many respondents judged them to be a useful feature.
- The working group involved in developing the formula, which consisted of representatives from the Welsh Assembly Government, Local Education Authorities and District Audit largely favoured the replacement of the MOE formula by a method which required the listing of the "footprint" of a school. The majority of respondents to the consultation also favoured the new method.
- Only two respondents were concerned about the re-designation of small classbases as resource spaces. After consideration it was judged more appropriate to retain this feature but make a customised worksheet, in which such small rooms could be designated as classbases, available on request.
- Increased space for pupils with SEN is facilitated by the introduction of a higher space allowance per pupil and the flexibility to round the capacity of a school down by up to 10% where there is a large proportion of pupils whose special educational needs require a more roomy environment, for example wheelchair users, those with autism.

**Q1a [For LEAs and other admission authorities who can apply the formula to some real examples.] On the basis of worked examples (please enclose details) do you have any specific comments on the way the proposed primary formula assesses capacity compared with the current formula?**

<b>Respondent</b>	<b>Total</b>
Local education authority	10
Other	1
<b>Total</b>	<b>11</b>

### **Individual comments**

- The results mainly appear reasonable. There is now consistency in applying the calculation.
- In small schools where there is no hall the largest classroom space should be included in the capacity calculation.
- Capacities and admission numbers for schools which have small classbases differ quite considerably under this method.
- The new method, with checks for insufficient and excessive resource, represents a more accurate picture of the physical capacities of schools.
- The worksheet for consultation required large rooms which were big enough to hold 2 groups of 30 pupils to be entered on the form as 2 separate areas. I suggest that the formula be amended to generate 60 pupil places if the room is large enough.
- The new formula suggests that the authority has a significantly lower level of surplus than previous assessments.
- The test for insufficient resource may cause problems where the capacity is reduced in popular schools, as the authority does not have the resources to add accommodation.
- The initial set up is time-consuming but it provides good base information. It would be useful if the spreadsheets allowed calculation of the net internal area for those authorities wishing to use this for asset management planning.
- It seems ridiculous that we are unable to deduct the area of a classbase taken up by a computer or sink.

### **Welsh Assembly Government Response**

- The formula does not prescribe that in small schools where there is no hall a suitably sized classroom must be deemed to be a hall. However it does offer the option that the classroom may be deemed a hall if the LEA considers it appropriate.
- The guidance has been amended to offer the facility to apply to the Welsh Assembly Government for a customised worksheet if the re-designation of small rooms below 15 places as resource areas is problematic for small schools with small classrooms.
- The formula has been adjusted so that large rooms of 112m<sup>2</sup> or more will automatically give 60 pupil places.
- The formula for consultation should not have resulted in radically different capacities than those calculated under MOE. Any significant variations would probably have resulted from data being entered inconsistently in one of the methods, the school



having a significant number of pupils with SEN or from the operation of the checks for insufficient or excessive resource.

- The checks have been introduced to give a consistency of approach across authorities and to act as a trigger for review of the ratio of resource to classbase provision if LEAs consider it appropriate.
- Only one respondent asked that the spreadsheet calculate the net internal area for asset management purposes, so it is not intended to make this adjustment. However, we suggest that authorities who would like this facility could customise the worksheet to total classbase and ancillary areas.
- Cupboards or other facilities which are more than 1 metre in height count as storage areas and may be included as ancillary areas on the capacity form. The increased space allowance for each pupil recognises the variety of activities which can be accommodated in a classbase, with BB99 guidelines indicating that a 56m<sup>2</sup> classroom is sufficient to accommodate 2 computers.

**Q2 Are the draft guidance notes at Section 7(a) and (b) of this document sufficiently clear and comprehensive? Do you have any comments or suggestions for changes?**

<b>Response</b>	<b>Total</b>
Agree	10
Neither agree or disagree	11
Disagree	1
<b>Total</b>	<b>22</b>

**Individual comments**

- They are clear and comprehensive.
- There needs to be some guidance with regard to split resource areas where schools have 2 intakes (e.g. at Reception and Year 1) or 2 streams (Welsh and English medium).
- There is no reference to the need to accommodate teachers to undertake Planning, Preparation and Assessment (PPA) duties.
- The pupil places formulae for different room types differ in handling rounding. Consistency is needed and I feel that rounding to the nearest whole number is fairer than rounding down.
- It may be helpful to include clarification as to which pupil numbers should be used for mixed nursery/ reception classes.
- Rather than infer that the new formula makes adequate adjustments between resource and classroom areas, the guidance should stress that an assessment of suitability be undertaken. Thus the key to any formula is the application of judgement.
- Temporary accommodation, even that intended for removal within 3 years should be included in a school's capacity in the interests of more open enrolment. Conversely, another respondent felt that only temporary accommodation in place for 7 years or more should be counted when calculating capacity.

## Welsh Assembly Government Response

- The guidance has been revised to clarify that for a school with two language streams or two entry points shared resource areas can either be apportioned according to actual use by each group or divided in proportion to the ratio of pupils in each group, whichever is more appropriate.
- We would expect sufficient resource areas to be available at the school to accommodate teachers' planning and preparation work.
- Following analysis of consultation responses and discussions with practitioners the formula for classbases has been adjusted to round down.
- The guidance has been adjusted to clarify that if the number of nursery pupils in mixed nursery and early years provision fluctuates, the maximum number of nursery pupils expected at any point during the year should be entered.
- The checks and adjustments have been retained as a number of respondents considered them to be a useful feature. However LEAs can exercise judgement when allocating rooms as classbases and ancillary areas. In addition, when the resource checks are activated they can also consider whether some reconfiguration or re-designation of rooms is required.
- The requirement that an enlargement intended to be temporary should be on site for at least 3 years before it counted towards the capacity of a school is consistent with the definition of "temporary enlargement" in the Education (School Organisation Proposals) (Wales) Regulations 1999.

### Q3 Are you content with the way Early Years classes are covered by the guidance and the new formula?

Response	Total
Agree	10
Neither agree or disagree	7
Disagree	5
<b>Total</b>	<b>22</b>

### Individual comments

- Guidance appears concise and reasonable.
- Needs to be clarification of the split of resource areas to nursery classes or mixed classes which include nursery.
- The requirements of the new Foundation Phase in terms of additional space have not been taken into account.
- The guidance acknowledges the complexities of meeting the needs of the Foundation Phase. Considerable funding would be needed to provide adequate facilities and remove possible disparity between pupil numbers at Foundation Phase and Key Stage 2. The potential for 2 admission numbers at these entry points would be difficult to manage.
- Some respondents recommended the adoption of a 2.3m<sup>2</sup> space allowance per pupil whilst others wished to retain the MOE space allowance of 1.8m<sup>2</sup>.
- Capacity in schools with mixed early years/ nursery will fluctuate throughout the year as nursery pupils are admitted following their third birthday.

## Welsh Assembly Government Response

- The guidance has been revised to state that resource areas shared by nursery and other early years groups can either be apportioned according to actual use by particular age groups, or divided in proportion to the ratio of pupils in each age group, whichever is more appropriate.
- The guidance has been clarified so that the number of nursery pupils entered where there is a mixed early years/nursery class will be the maximum number that the LEA expects to be in attendance at any one point during the year.
- We considered a change to 2.3m<sup>2</sup> for Key Stage 1 to comply with the recommendations for the whole Foundation Phase, with 1.8m<sup>2</sup> retained for Key Stage 2. However we judged that this would be unworkable for a large number of popular primary schools, which are constrained by existing accommodation. Further, if the capacity were calculated on this basis, the higher space allowance for Key Stage 1 might make the admission number artificially low in terms of the space available in the Key Stage 2 accommodation. For this approach to work effectively all schools would have to be constructed with larger Key Stage 1 classrooms; with the current school building stock this is not achievable.

### Q4 Do you have any comments on the way accommodation for SEN pupils is to be dealt with?

Respondent	Total
Local education authority	10
Headteacher or teacher	1
Union	3
Diocesan Body	1
Other	2
<b>Total</b>	<b>17</b>

### Individual comments

- Removing the extra space allowance for SEN pupils clearly simplifies capacity assessment. However it remains the case that many SEN pupils do need extra space - to accommodate wheelchairs, dedicated LSAs etc and in the case of ADHD and Autistic Spectrum pupils, to reduce the stress caused by the proximity of others. The formula should therefore be amended to allow flexibility for the different types of SEN.
- The new formula more accurately accounts for SEN pupils.
- It would be useful to clarify how storage space for large equipment for pupils with disabilities is dealt with for the purpose of capacity calculations.
- There is no information about the method of capacity assessment to be applied in special schools or Pupil Referral Units (PRUs).
- The proposal to remove the extra space allowance for SEN is odd given the Welsh Assembly Government's commitment to inclusion of children with SEN in mainstream schools.

- The current MOE method can create an incentive for some LEAs to keep high numbers of statements in order to offset some surplus places. Removal of this blanket rule is therefore helpful to the promotion of inclusion and the sensible management of school place planning.
- We welcome the removal of the extra space allowance for SEN pupils which could cause significant annual variations in capacity.
- Changing the rules could give the appearance of a greater number of surplus places.
- A definition of a SEN Unit and resource base would be helpful.

### Welsh Assembly Government Response

- Following analysis of feedback to consultation and consideration of the revised BB99, the space allowance per pupil has been increased to 1.86m<sup>2</sup>. This means that a standard classroom for 30 pupils is now 56m<sup>2</sup>, the space which BB99 quotes as sufficient to allow for one wheelchair user plus assistants. In addition, primary classbases of more than 56m<sup>2</sup> are capped at 30 pupils and if available can be assigned to classes where there is more than one pupil requiring additional space.
- There is also the facility to round down the school's capacity by up to 10% if there is a significant proportion of children with special needs at the school who require additional space, for example wheelchair users or those with Asperger's syndrome.
- Storage space for large equipment of those pupils with SEN taught in mainstream classes should be treated as an ancillary area and listed at part 3c of the form.
- It was never intended that this school capacity formula would apply to special schools or PRUs.
- Changes to the way SEN pupils are accounted for were included in the formula following feedback from the working group which comprised LEA practitioners and representatives from the Wales Audit Office. They felt that the blanket application of the "3 for 1" rule was not helpful and could lead to significant fluctuations in a school's capacity from year to year. Additionally as the adjustment applied to all children with statements of SEN, regardless of their particular requirements, it could give inconsistent results. It is intended that the removal of the "3 for one" rule should minimise fluctuations in capacity year on year while the new increased space allowance per pupil, together with discretion to round down the capacity by up to 10%, should give more flexibility to authorities to account appropriately for pupils with SEN.
- The version of the formula which was issued for consultation might well have increased the number of pupil places across Wales. However changes to the formula following consultation mean that the overall number of pupil places will probably decrease slightly. The difference is not however anticipated to be more than 2%.
- The guidance on SEN Units and resource areas has been clarified.

### Q5 Are the checks for sufficient support/resource space and for excess non-classroom space set at the right level?

Response	Total
Agree	10
Neither agree or disagree	11
Disagree	1
<b>Total</b>	<b>22</b>

## Individual comments

- 30% resource space may be difficult to achieve in older buildings. This may result in some schools being nominally over capacity.
- I am not sure why the 70% figure has been used. It would be useful to have an explanation.
- The checks appear to be set at the right level.
- On testing, the capacities of 12 schools have been adjusted down because of insufficient resource space, whereas only 2 have had their capacities increased because of excessive resource space. I therefore suggest amendment of the insufficient resource test.
- The level of adjustment allows too much of an imbalance before making what turns out to be too small an adjustment.

## Welsh Assembly Government Response

- The MOE formula allowed popular schools to respond to high levels of demand for places by converting its specialist rooms into general teaching areas. Similarly the capacity of schools in older buildings with a high proportion of classbases and few ancillary areas would appear to have a higher capacity under MOE than under the new methodology. In reality such schools can be overcrowded and short of facilities, yet appear under the MOE formula not to be full. The introduction of the insufficient resource test is intended to identify those schools that are operating in such circumstances and reduce their capacity, either arithmetically, or by the exercise of judgement, to enable rooms to be re-designated as resource areas where appropriate. If moving to a new admission based on the reduced capacity immediately would cause difficulties, the admission authority may choose to reduce the admission number gradually. It should, however, seek to ensure that the admission number is brought into line with capacity within 5 years of the introduction of this method.
- The insufficient resource test has been amended with halls and large specialist areas over 75m<sup>2</sup> now included. This has the effect of making the test less likely to reduce the capacity of a school. However, this loosening of the test is offset by the increase in the space allowance per pupil from 1.8m<sup>2</sup> to 1.86m<sup>2</sup> in classbases and resource areas.
- The Department for Education and Skills selected this ratio for the Net Capacity assessment methodology in England. The ratio was therefore taken as a starting point when developing the Welsh methodology. Following comparison of this ratio with a range of other ratios (from 60% to 75%) during testing, the checks set at this level appear to give the most appropriate results.

**Q6 Do these checks provide the best approach? Would you prefer admission authorities to have discretion, by reference to Building Bulletin guidance and re-designation of rooms, rather than having to use a mathematical check in the formula?**

<b>Response</b>	<b>Total</b>
Agree	7
Neither agree or disagree	10
Disagree with approach	5
<b>Total</b>	<b>22</b>

### **Individual comments**

- Agree that the mathematical check provides the best approach.
- LEAs should have discretion by reference to Building Bulletin guidance.
- Because of the varying age and type of school buildings it is preferable that an authority's discretion rather than a mathematical check be applied.
- A formula is helpful in flagging up problem areas. The more discretion there is the greater the possibility for distortions to arise.
- The LEA discretion alternative would be likely to introduce inconsistency of standard among the various authorities/practitioners.
- The presence of these checks lends a false sense of moderation and consistency to a formula that is capable of being misused either deliberately or accidentally.

### **Welsh Assembly Government Response**

- After considering feedback to consultation and analysing results of testing it was considered more appropriate to retain the checks while giving authorities the option to make manual adjustments to the data (for example, re-designating rooms as resource areas) if they wish. The spreadsheet has therefore been amended to display a message when one of the resource checks is activated which will notify the admission authority that an arithmetic adjustment has been made but that it may be appropriate to review the rooms and re-designate.

### **Proposed secondary formula**

**Q7 Do you have any comments on the proposed secondary school capacity formula and whether it addresses the weaknesses found in the current MOE formula?**

<b>Response</b>	<b>Total</b>
Agree	6
Neither agree or disagree	3
Disagree	4
<b>Total</b>	<b>13</b>

## Individual comments

- There is a missed opportunity to look at the space needed for effective learning, both for school aged pupils and the community during and outside school hours.
- Would query why all resource spaces are required to be listed when they don't seem to have any bearing on the capacity.
- On the basis of the same level of testing that we have applied to the primary formula, the proposed [secondary] formula is too generous and will decrease capacities.
- [There will be an] increase in the published capacities in secondary schools compared with the MOE method, due to the 6<sup>th</sup> form utilisation and SEN adjustments included in the MOE method.
- The methodology does not address the basic weakness of the current MOE formula in that it still does not match the capacity to the individual curriculum diagram for schools in any given year.
- The basis of the secondary capacity methodology is the same or similar to the previous MOE method. It does not appear to take into account the balance of resource, ancillary and teaching areas. The spreadsheet should have a similar check [for too much or too little resource space] built in to that in primary and in the DFES Model.
- The new method could [lead to lower admission numbers] and quite arbitrarily reduce the school population without any thought about the repercussions for the schools/ its pupils, parents and staff.
- The calculation is a lot easier to understand. Results seem to be broadly similar to the current formula.
- The present calculation sees the standard number change if pupil numbers vary which is illogical. This will in future not apply.
- Agree that the new formula seems to simplify the calculation.

## Welsh Assembly Government Response

- The fundamental purpose of the capacity formula is to measure school places rather than to assess the effective community use of school buildings. Nevertheless the new formula is an improvement on the MOE formula in that it requires community space to be recorded. This will facilitate monitoring of community usage as part of an authority's asset management process.
- The working group involved in developing the formula, which consisted of representatives from the Welsh Assembly Government, Local Education Authorities and District Audit largely favoured the replacement of the MOE formula by a method which required the listing of the "footprint" of a school. The majority of respondents to the consultation also favoured the new method. The listing of resource spaces will enable a LEA to consider whether the proportion of support space available to a school is appropriate.
- Testing indicates that the capacities of secondary schools will not uniformly increase or decrease using the new method. Although we would expect a small overall reduction in secondary school capacity, the effect will vary from school to school depending on the configuration of the accommodation, the size of the school and the number of SEN pupils on roll.

- The space allowances for pupils in all types of area used for learning and study are now more closely aligned to Building Bulletin guidance which sets realistic non-statutory minimum area standards.
- There was not strong support for a resource space check in the secondary formula.

**Q7a [For LEAs and other admission authorities who can apply the formula to some real examples.] On the basis of worked examples (please enclose details) does the proposed secondary formula produce more realistic results than the current MOE formula? Have you identified any problem areas that require further definition?**

<b>Response</b>	<b>Total</b>
Agree	2
Neither agree or disagree	8
Disagree	0
<b>Total</b>	<b>10</b>

### **Individual comments**

- Based on 12 examples, results are broadly similar with most showing a modest increase.
- Worked example shows a decrease in capacity (of 49), but it is difficult to say whether the new figure is more realistic.
- From testing only 2 schools, the proposed formula does produce realistic results.
- The inclusion of areas such as Libraries, school halls and prep rooms gives a false impression of capacity of a school, as these areas are either not timetabled for a full class (as in the case of a library) or are not used for teaching, as in prep areas and school halls. Therefore these areas should not be included in the calculation of pupil places.
- The new WAG formula suggests that this LEA has a significantly lower level of surplus places than previously assessed. Yet the assessments have all been checked and agreed by heads who accept that in reality we have a significant surplus place problem. [On investigation it was agreed that this comment was based on calculations which contained some errors.]
- An improvement on previous assessment process but on first application appears to provide additional places in certain schools.
- Schools are reasonably comfortable admitting pupils up to their existing admission limits, is capacity lost justifiably with the new formula?

### **Welsh Assembly Government Response**

- Whilst overall we expect that the overall capacity of secondary schools in Wales will decrease by about 1 per cent, the use of the new method will not have a uniform effect across all schools. The capacities of some schools will decrease, whilst others will increase; results will depend on the configuration of the accommodation, the size of the school, the number of pupils with statements of SEN.
- The revised formula should provide a realistic assessment of the capacity of schools as it is more closely aligned to Building Bulletin guidance.



- The guidance notes have been revised to clarify that pupil places in areas which are used for teaching and study for only part of the school day will be pro-rated according to actual usage. Libraries have a larger pupil space allowance than classrooms to reflect the fact that fewer pupils can be accommodated due to the way the room is equipped. Preparation rooms which are not used by pupils are now listed as resource areas which do not count towards the capacity of the school.

**Q8 Are you content with the different usage categories and the space allowances?**

<b>Response</b>	<b>Total</b>
Agree	8
Neither agree or disagree	3
Disagree	2
<b>Total</b>	<b>13</b>

**Individual comments**

- Yes, they seem to work quite well.
- It is disappointing that there is no proposed change to the current 1.6 square meters for general teaching areas. The current formula was devised to accommodate pupils sitting in rows in general teaching areas and needs to be updated to take into account the significant changes in teaching, provision of resources and classroom organisation since 1991.
- The different usage categories now reflect the different styles of teaching at secondary levels. All areas can be checked for their exact use and if appropriate included in the calculation.
- The space allowances are too generous.
- The area allowances for pupil places in specialist classrooms should be set according to the appropriate Building Bulletin guidelines current **at the time of assessment**.
- Yes, generally content but purpose fixed storage is excluded.

**Welsh Assembly Government Response**

- The pupil space allowance in general teaching areas has been increased to 2m<sup>2</sup> per pupil and should now take into account changes to methods of teaching and classroom organisation.
- Space allowances in different usage categories now relate to BB98 guidance.

**Q9 Are you content with the way accommodation for SEN pupils is handled?**

<b>Response</b>	<b>Total</b>
Agree	9
Neither agree or disagree	3
Disagree	4
<b>Total</b>	<b>16</b>

## Individual comments

- In the current formula, pupils with SEN statements are allowed three times the space for pupils without SEN and this can create an incentive for some LEAs to keep high numbers of statements in order to offset some surplus places. Removal of this blanket rule is therefore helpful to the promotion of inclusion and the sensible management of school place planning.
- The exclusion of SEN units and resource bases from the capacity calculation gives welcome flexibility for planning the accommodation for these pupils.
- Some pupils with SEN who do not have a statement do actually need more space in mainstream classrooms than other pupils for example, those who use wheelchairs, standing frames or specialist ICT equipment. Some pupils with EBD are particularly intolerant to being in close proximity to others and learn better in less crowded rooms. Therefore, the new formula should be amended to allow flexibility for the different types of SEN.
- There is no information about the method of capacity assessment to be applied in special schools, or in PRUs.
- Pupils with SEN or behavioural needs often have LSAs that take up additional space. This should be taken into account in the formula.
- There is no reference to the sections of the SEN Code of Practice that deal with school admissions and inclusion. It would be helpful to cross-reference these to sections in the new Code of Practice on Admissions. In particular, the proposal to remove the extra space allowance for pupils with SEN is odd, given the WAG's current commitment to inclusion of children with SEN into mainstream schools, where possible.
- We have noted that the capacity figures are reducing where there are designated SEN classrooms.
- Secondary head teachers have reported that the standard size classroom for a 30 pupil class results in quite cramped conditions and is difficult to manage where members of the class are wheelchair users.
- We welcome the removal of the additional general capacity allocation for statemented pupils, which could cause significant annual variations in capacity, particularly at secondary level. There may, however, need to be some additional provision for wheelchair users.
- The MOE method recognised that pupils with SEN statements are taught in small group and withdrawn from the main teaching group (hence the need to multiply by 3). By not undertaking this adjustment the overall capacity figure is not realistic. Would an alternative be to do the calculation once, based on average SEN over last three years and not recalculate annually thereafter.
- In the short-term this will have an impact on potentially increasing capacity by a small amount. However this may be balanced by the ratio of workplaces and resource areas. In the long term there will be no variation in the capacity when accounting for SEN pupils which has caused fluctuations in the past. A definition of an SEN Unit and an SEN resource base would be useful.
- The proposals to change the assessment formulae in order that one permanent measure of a school's capacity will be used year on year, will mean a school will not have to flexibility to account for the needs of individual children coming into the school with additional needs.

- Currently a small number of SEN pupils could have a noticeable effect upon the availability of accommodation. The annual variation in these numbers could continue to alter the accommodation analysis, particularly important where schools are operating at their capacity levels.

### Welsh Assembly Government Response

- Varying patterns in statementing policies across Wales, the time delay in implementing changes to admission numbers (which means that extra space is not available to the year-groups which need it) and the vulnerability of the capacity method to large fluctuations due the adjustment to account for pupils with statements make the continued inclusion of such an adjustment undesirable.
- Changes to the way SEN pupils are accounted for were included in the formula following feedback from the working group which comprised LEA practitioners and representatives from the Wales Audit Office. They felt that the blanket application of the “3 for 1” rule was not helpful and could lead to significant fluctuations in a school’s capacity from year to year. Additionally as the adjustment applied to all children with statements of SEN, regardless of their particular requirements, it could give inconsistent results. It is intended that the removal of the “3 for 1” rule should minimise fluctuations in capacity year on year while the new increased space allowance per pupil, together with discretion to round down the capacity by up to 10%, should give more flexibility to authorities to account appropriately for pupils with SEN.
- Following analysis of feedback to consultation and consideration of BB98, the space allowance per pupil has been increased to 2m<sup>2</sup>. This means that a standard general teaching area for 30 pupils is now 60m<sup>2</sup>, the space which BB98 quotes as sufficient to allow for wheelchair users and assistants. In addition, secondary classrooms of more than 60m<sup>2</sup> are capped at 30 pupils and if available can be assigned to classes where there are several pupils requiring additional space.
- LEAs have the facility to round down the school’s capacity by up to 10% if there is a significant proportion of children with special needs at the school who require additional space, for example wheelchair users or those with Asperger’s syndrome.
- It was never intended that this school capacity formula would apply to special schools or PRUs.
- The guidance on SEN Units and resource areas has been clarified.
- Storage space for large equipment of those pupils with SEN taught in mainstream classes should be treated as an ancillary area and listed at Part 7 of the form.

### Q10 Is sixth form accommodation calculated appropriately?

Response	Total
Agree	3
Neither agree or disagree	6
Disagree	2
<b>Total</b>	<b>11</b>

## Individual comments

- Using the staying on rates seems to be a sensible way for calculation.
- Part 9 of the calculation should state year 12 FTE pupils staying on post-16 instead of FTE pupils staying on post-16.
- There does not appear to be a separate calculation for sixth form accommodation.
- The only issue would be if any students (generally a very small number) decide to stay on for a 3<sup>rd</sup> year sixth form.
- The proposed method calculates the 6<sup>th</sup> form from the stay-on rate from year 11 to year 12 and assumes that the sizes of years 12 and 13 are the same. For the 3 Wrexham CBC secondary schools which have a 6<sup>th</sup> form, the reality is that year 13 is smaller than year 12. The worst variance is year 13 being 82% of year 12 in 03/04 and 33% in 04/05, both at the same school.
- Does the drop in utilisation factor from .75 to .71 effectively recognise the small groups in the 6<sup>th</sup> form compared with normal classes? On examples worked through this does not appear to be the case.
- The formula is sound but could distort results where staying on rates have changed or are likely to change in the future.
- It is desirable that admission numbers should apply to sixth forms so that education at post 16 can be delivered within a more rational and planned framework for the benefit of all pupils/students.
- The calculation is based on historic evidence and not on space available. It is therefore likely to lead to requests for recalculation because of the effect on the admissions number further down the school. Equally, rising numbers in sixth form will impact on the year 7 admission number.
- If schools are to successfully meet the challenges of the 'Learning Country' - 'Learning Pathways' then these facilities must be made available. These proposals could limit these developments by imposing arbitrary capacity for the schools - pupils and schools are being encouraged to extend their education and the range of opportunities available. The proposals therefore seem, with respect, to be a simplistic solution to a more complex problem.

## Welsh Assembly Government Response

- The formula has been amended to take account of all pupils staying on post 16, rather than just those in year 12.
- There is not a separate calculation for accommodation for sixth form pupils as in practice many pupils in years 12 and 13 are taught in accommodation which is also available to the rest of the school.
- The capacity can be recalculated quite easily where trends of post-16 pupils remaining at school change.
- The Department for Education and Skills selected these utilisation factors for the Net Capacity assessment methodology in England. The factors also gave similar results to those used by the MOE capacity and were therefore taken as a starting point when developing the Welsh methodology. They appeared to give the most appropriate results when compared with others during testing.
- The formula allows a separate post-16 admission number where desired.

- The formula needs to take account of the relevant proportion of pre and post 16 pupils. It is acknowledged that increasing numbers of post-16 pupils will inevitably impact on space available to pupils in lower year groups. Numbers could be limited by the use of a separate post-16 admission number if necessary.
- If the nature of post-16 provision at a school changes the accommodation might well need to be re-organised and new facilities provided. The capacity method will not resolve such issues; it merely indicates the number of pupils which can be accommodated in the space currently available.

**Q11 Do you agree that there is no need for a check in the secondary formula for too little or too much ancillary space, bearing in mind that specialist areas are accounted for differently than in the primary formula?**

<b>Response</b>	<b>Total</b>
Agree	9
Neither agree or disagree	1
Disagree	2
<b>Total</b>	<b>12</b>

**Individual comments**

- This is an acceptable approach. There is no need for a check because specialist areas are analysed and accounted for in a different way to those in the primary sector.
- It seems correct not to check for support/resource space although to show the total of resource places raises the expectation for it to be used as for primary schools. As the data is not used, why include it? Indeed, why not include it in the Part listing excluded areas?
- No, there is a need for a check which could follow the methodology of the DfES Assessing the Net Capacity of Schools formula. For example there may be a school with excessive specialist areas but with insufficient ancillary areas. For Primary Schools in Section 7(a).1.4 the document says: - “For primary schools, the capacity is calculated on the size of rooms designated as ‘classbases’. This is checked against the total usable space available, which must be measured, to ensure that there is neither too much nor too little space available to support the core teaching activities”. A consistent approach for secondary schools would be preferred.
- Ancillary space is important for general ease of movement, wet weather provision, storage, increasingly for space for support staff, working/preparation areas for teaching staff. While these may not be suitable as classroom bases they are, nevertheless, essential to the efficient effective and comfortable provision for the school community.

**Welsh Assembly Government Response**

- Only two respondents considered that a check for excess or insufficient resource space was necessary. After consideration it was decided that not to include such a check; specialist areas are already accounted for in the capacity calculation, so resource spaces would only include general areas like staff rooms and offices rather than areas which could be used for teaching or study.

- It was decided to retain the calculation of resource places at a school. If there is more or less ancillary space than the usual range for a secondary school this is highlighted for further investigation by the LEA so that appropriate action may be taken.

**Q12 Are the guidance notes sufficiently clear and comprehensive? Do you have any comments on the notes or suggestions for improvement?**

<b>Response</b>	<b>Total</b>
Agree	6
Neither agree or disagree	3
Disagree	0
<b>Total</b>	<b>9</b>

**Individual comments**

- Generally, guidance notes are clear, but further clarification is needed regarding practical preparation areas/science laboratory preparation areas as they appear to be included in part 3 and part 6.
- A number of our schools have small music practice rooms, for one to one tuition for example, we have assumed that these should be included in part 3, but are not sure that this interpretation is correct.
- The draft guidance notes are sufficiently clear and comprehensive. The ready reckoner is particularly helpful for consistency.
- These are clear but as with primary schools there should be an expressed requirement for LEAs to make reference to Building Bulletin Guidance as part of capacity assessment. For example, a secondary school might have converted a surplus teaching space to a staff room and in doing so created excessive space for staff. The formula check on resource spaces is not, and probably couldn't be, refined enough to pick this up. Thus surplus teaching capacity is disguised in the form of potentially undiscovered excess space for staff.

**Welsh Assembly Government Response**

- The guidance and reference table have been revised to clarify the treatment of preparation areas and music practice rooms.
- A number of other technical comments made by consultees have also been actioned.
- The guidance refers to Building Bulletin recommendations and highlights which rooms are designated resource areas for investigation by the LEA if necessary.

## Both formulae

**Q13 At present, admission authorities can set an admission number higher than the standard number. We are now proposing that admission authorities may have the flexibility only to set an admission number up to 10% higher or lower than that indicated by the new capacity assessment methodology in a limited range of circumstances. Do you foresee this change causing any problems?**

Response	Total
Agree with approach	9
Neither agree or disagree	9
Disagree with approach	2
<b>Total</b>	<b>20</b>

## Individual comments

- To allow variation of the admission number only in “exceptional circumstances” gives potentially little scope for variation.
- Further guidance on circumstances where it would be appropriate to use rounding by up to 10% would be welcomed.
- We welcome the flexibility to round the admission by up to 10% but feel that an admission authority should not have the flexibility to set a number up to 10% higher.
- For primary schools in particular this is a most desirable feature enabling the admission number to be adjusted to suit class size limits.
- Surplus capacity should be measured against physical space not admission numbers, otherwise there is the potential for surplus capacity to be disguised by setting low admission numbers.
- The proposed discretion seems right - 10% allows just a little leeway but not very much.
- Admission number limits of 10% may cause difficulties with parents seeking admission for their children to popular schools.
- It is not appropriate to limit numbers simply based on existing capacity without responding to persistent demand for places.

## Welsh Assembly Government Response

- The definition of “exceptional circumstances” has been extended to include instances where the particular circumstances of the school, for example split sites, irregularities in the size of rooms or mixed early years classes skew the capacity. It may also be appropriate if there are SEN pupils on roll who require additional space. Rounding should not be necessary to ensure compliance with class size limits since the formula already includes a limit of 30 pupils per classroom.
- Following consultation it was decided to allow only rounding down of the capacity by up to 10%. As the capacity should reflect the available accommodation to allow rounding up by 10% might encourage overcrowding at popular schools.
- Capacity under this methodology is measured against physical space rather than admission numbers. We have removed the facility to round the admission number; it was considered more appropriate to round the capacity since this is the figure with which the number on roll is compared when calculating surplus places.

- The school places information will inform decisions about how capital resources are best deployed and whether it is appropriate to extend a school to provide additional accommodation.

**Q14 Is the implementation timetable achievable? If no, what are the problems with it?**

<b>Response</b>	<b>Total</b>
Agree with approach	9
Neither agree or disagree	3
Disagree with approach	10
<b>Total</b>	<b>22</b>

**Individual comments**

- Yes, given the transitional arrangements to 2008. However, this will depend on how quickly the consultation responses are able to be collated and confirmation of the new methodology is confirmed.
- Given that all LEAs have to re-assess all their schools, and given the consultation requirements for all resulting admission numbers, it seems overly optimistic - 2008 is more realistic, with 2009 as the absolute deadline.
- The timetable is tight. With consultation of governing bodies, neighbouring local authorities and the publication of the parents information/admission booklet by September 2006 for the 2007 round of admission there are some concerns in meeting the timetable. It will only be achievable if we get clarity of timing for changes from the Welsh Assembly Government.

**Welsh Assembly Government Response**

- Following consultation the timetable has been changed so that the changes to admission arrangements generally impact on the school year 2008-9. Admission authorities must recalculate schools' capacities and admission numbers using the new method for the school year 2009-10.

**Q15 Is a one-year transition period sufficient time to allow for conversion of all standard numbers to admission numbers based on the new formula?**

<b>Response</b>	<b>Total</b>
Agree with approach	11
Neither agree or disagree	3
Disagree with approach	8
<b>Total</b>	<b>22</b>

**Individual comments**

- A one-year transition is sufficient but concerns about the overall timetable remain.
- The move to a new methodology and the change of all standard numbers to admission numbers can be implemented by the 2008 admission round.



## Welsh Assembly Government Response

- The proposed changes to the timetable should address any outstanding concerns.

## Regulations

**Q16 Do you have any comments on the draft Education (Determination of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (i))**

<b>Response</b>	<b>Total</b>
Agree	3
Neither agree or disagree	7
Disagree	0
<b>Total</b>	<b>10</b>

## Individual comments

- The fact that admission arrangements have to be determined so far in advance restricts changes which may be made in the interval between determination and application of the arrangements.
- The concession allowing governing bodies which are admission authorities to suspend annual consultation on admission arrangements could in certain circumstances be extended to local education authorities (LEAs).
- It is expensive to publish a notice in the local paper if the admission authority wishes to lower any admission number.
- The consultation document does not address who will monitor and audit the concession to governing bodies to suspend annual consultation.

## Welsh Assembly Government Response

It is not proposed to amend the Regulations in the light of this feedback for the following reasons:

- Following receipt of the feedback, admission officers at all the LEAs were contacted about the feasibility of moving the date by which arrangements should be determined. Changes to the timetable are constrained, as sufficient time must be allowed for notification of consultees, for any objections to be made and for consideration of any objections by the Assembly prior to publication of the composite prospectus, usually early in the autumn term. Admission officers were therefore asked whether the determination date might be put back from 15 April to 1 June. There was not, however, a consensus of support for this change. The position will be reviewed in 2 years time.
- We consider that fresh consultation would be required before we could suspend the requirements on LEAs to consult annually. This option will be considered when the new admissions framework is reviewed in 2 years time.
- The proposed procedure for setting and varying admission numbers is considerably less expensive than the current system which requires publication of a statutory notice for every change to the admission number. The publication requirement in the Regulations is intended to safeguard the interests of parents where an admission

number is set lower than the capacity of the school indicates. It is anticipated that this will occur only infrequently.

- The Regulations state that the LEA should notify the Assembly that appropriate consultation has taken place prior to the suspension of the consultation requirement. Further guidance on how this concession will be monitored will be included in a revised Code of Practice on school admissions which should be issued in 2006.

**Q17 Do you have any comments on the draft Education (Objection to Admission Arrangements) (Wales) Regulations and Regulatory Appraisal?  
(See Annex A part (ii))**

<b>Response</b>	<b>Total</b>
Agree	3
Neither agree or disagree	2
Disagree	1
<b>Total</b>	<b>6</b>

**Individual comments**

- It is unclear as to when parents will be able to object to an admission number. Will this be at the time the change is proposed? There could be problems if objections can be lodged at any time.
- The logistics of giving parents the right to object will increase the administrative burden on schools and authorities - to set up a system for informing parents and the means to express objections and the collation of responses will undoubtedly increase the administrative burden.

**Welsh Assembly Government Response**

- Most respondents to the consultation did not raise issues in relation to the Regulations. A few judged the changes to be acceptable, with only one respondent stating that the logistics of giving parents the right to object would increase the administrative burden on admission authorities. This view is, however, misguided as the right to object only applies where an admission number is set lower than the capacity of a school suggests. This is likely to occur only infrequently. The number of cases where parents could lodge an objection is consequently limited. Moreover, parents currently have the right to object to all changes to a school's standard number, so the legislative change should the number of instances of objection. It was therefore not considered necessary to make amendments to the Regulations following consultation.

**Q18 Do you have any comments on the draft Education (Variation of Admission Arrangements) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iii))**

<b>Response</b>	<b>Total</b>
Agree	5
Neither agree or disagree	0
Disagree	0
<b>Total</b>	<b>5</b>

**Individual comments**

- The LEA agrees that the new system is far simpler and better.
- The Regulations will ensure that the administrative burden on admission authorities is kept to a minimum following the introduction of admission numbers and changes to the process for determining admission arrangements.

**Welsh Assembly Government Response**

- The majority of respondents did not comment about these Regulations. Those who expressed an opinion supported the making of the Regulations, as they judged their introduction would result in a simpler, more flexible process. It was therefore not necessary to make amendments to the Regulations as a result of the consultation.

**Q19 Do you have any comments on the draft New School (Admissions) (Wales) Regulations and Regulatory Appraisal? (See Annex A part (iv))**

<b>Response</b>	<b>Total</b>
Agree	2
Neither agree or disagree	2
Disagree	1
<b>Total</b>	<b>5</b>

**Individual comments**

- These Regulations are fine.
- The value of the additional duty to consult is questioned. For any new community schools the admission arrangements would reflect those of the other community schools from the same sector (primary/ secondary). Only the admission number is likely to be peculiar to the new school.
- These Regulations largely reflect current procedures. However, the extended duty to consult will provide interested parties with a valuable opportunity to provide input on the initial admission arrangements for a school before they are determined.

**Welsh Assembly Government Response**

- Two respondents expressed concern about the extension of the consultation requirements, while another welcomed the opportunity for interested parties to provide input. In view of the limited response it was not judged appropriate to amend the Regulations, since it is not anticipated that the requirements will prove

burdensome, particularly since the consultation may be conducted electronically. The additional requirement is for the admission authority for a new voluntary aided or foundation school to consult all the community and voluntary controlled schools in the 'relevant area' before determining the initial admission arrangements. To facilitate this process the Assembly has contacted all LEAs and requested that they review their relevant area(s) before the consultation requirements change, to ensure that the consultation areas for the voluntary aided and foundation schools are appropriate. The review should ensure that the extended consultation is more appropriate, while the administrative burden is kept to a minimum.

## **Q20 Are there any other issues that you wish to raise in connection with this consultation paper?**

### **Individual comments and Welsh Assembly Government Response**

- Many of the comments in response to this question have already been addressed earlier in this document. The remaining comments were either taken into account when the capacity guidance was amended following consultation or will be addressed when the Codes on School Admissions and Admission Appeals are revised later this year.

### **Action following consultation**

#### **Proposed primary formula**

The following key adjustments have been made to the primary formula and guidance notes following consultation:

- The 'standard' classroom for 30 pupils is increased from 54m<sup>2</sup> to 56m<sup>2</sup> to allow for 2 computers as well as most class-based activities. This reflects the minimum recommended size for a self-contained classbase in Building Bulletin 99 (BB99) which sets out area guidelines for primary schools. The Bulletin also states that this size classroom generally allows for one wheelchair user plus assistants.
- The test for insufficient resource space has been adjusted to take account of space in halls and specialist ancillary spaces of 75m<sup>2</sup> or more. This relaxation of the insufficient resource space test is offset by the increased space available per pupil in both resource areas and classbases.
- The formula now rounds down when calculating pupil places in classbases.
- Guidance notes have been expanded and clarified in response to issues raised by consultees. Changes include clarification on:
  - Including in the capacity of classrooms any quiet rooms or practical areas which are adjacent to classrooms
  - Mixed nursery/ reception classes
  - On storage areas (if over 1 metre in height they can be deducted from the capacity).
- The formula can be adjusted to allow small rooms to count as classbases in special circumstances (where a school runs small classes). An adapted form will be available from the Assembly on request.
- The capacity may be adjusted downwards by up to 10% but not upwards as proposed.

- The guidance notes and form have been amended to clarify that the ‘too little’ and ‘too much’ resource space tests make an arithmetic adjustment but that it may be more appropriate to review the rooms and re-designate.
- The space allowance in general resource areas has been brought into line with the space allowance in classrooms.

### **Proposed secondary formula**

The following key adjustments have been made to the secondary formula and guidance notes following consultation:

- The space allowance per pupil in a general teaching area will be set at 2m<sup>2</sup> rather than the 1.6m<sup>2</sup> suggested in consultation. This is a slightly more generous space allowance than under MOE which used a range of 1.33 m<sup>2</sup> to 1.95 m<sup>2</sup> in general teaching areas. It corresponds with Building Bulletin 98 (BB98) guidance, which sets realistic non-statutory minimum area standards. A ‘standard’ general classroom for 30 pupils will thus measure 60m<sup>2</sup>. BB98 states that standard classrooms of this size should ensure sufficient room for wheelchair users and assistants as well as accommodating computers for up to 60% of the maximum group.
- The formula now rounds down when calculating pupil places.
- Guidance notes have been expanded and clarified in response to issues raised by consultees. Changes include:
  - Space allowances for all types of accommodation are more closely linked to those set out in BB98 guidance.
  - Adjustments have been made to the calculation of the proportion of sixth form pupils at a school to reflect all post-16 pupils.
  - Areas used for teaching or study for part of the school day are included in a school’s capacity on a pro-rated basis.
  - A simpler method has been built in for apportioning these spaces which are used by the school for only part of the day or are used for more than one type of teaching (e.g. a hall used sometimes for PE and sometimes for general teaching).
  - Storage areas over 1 metre in height can be deducted from the capacity.
  - Rooms used by pupils with SEN who are largely educated in the mainstream should not be excluded from the capacity calculation.
  - Ancillary areas should be listed at part 7 of the form so that the LEA may decide whether the proportion of support areas is appropriate.
- The capacity may be adjusted downwards by up to 10% but not upwards as proposed. As the capacity should reflect the available accommodation to allow rounding up by 10% might encourage overcrowding at popular schools.
- The space allowance in ancillary areas has been brought into line with the space allowance in classrooms.

### **Regulations**

As most respondents to the consultation did not raise issues in relation to the Regulations it was not considered necessary to make any amendments following consultation.

## **Annex A - Related documents**

- The Welsh Office Code of Practice on School Admissions 1999
- Education Act 1996
- School Standards and Framework Act 1998
- Education Act 2002
- The Education (Relevant areas for Consultation on Admission Arrangements) Regulations 1999, No 124
- The Education (Objections to Admission Arrangements) Regulations 1999, No 125
- The Education (Determination of Admission Arrangements) Regulations 1999, No. 126
- The Education (School Information) (Wales) Regulations 1999, No 1812
- The New Schools (Admissions) (Wales) Regulations 1999, No 2800 (W.14)
- National Assembly for Wales Circular No: 09/2006 - Measuring the Capacity of Schools in Wales
- The Education (Objections to Admission Arrangements) Regulations 2006, No. 176 (W.27)
- The Education (Determination of Admission Arrangements) Regulations 2006, No. 174 (W.25)
- The Education (Variation of Admission Arrangements) (Wales) Regulations 2006, No. 177 (W.28)
- The New School (Admissions) (Wales) Regulations 2006, No 175 (W.26)

## **Annex B - Respondents**

- Bridgend County Borough Council
- Caerphilly County Council
- Cardiff Council
- Ceredigion County Council
- Conwy County Council
- Denbighshire County Council
- Diocesan Director of Education, Monmouth Diocese
- Estyn
- NUT Cymru
- NAHT
- NAS Cymru
- Pembrokeshire County Council
- Powys County Council
- Rhondda Cynon Taf County Borough Council
- The City and County of Swansea
- Torfaen County Borough Council
- Vale of Glamorgan County Borough Council
- Welsh Language Board
- Wrexham County Borough Council
- A total of 3 other responses were received in confidence