



Llywodraeth Cymru
Welsh Government

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Co-ordinated school admission arrangements: integrated impact assessment

A summary of how the new regulations will impact on a number of areas.

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Section 1: What action is the Welsh Government considering and why?

Current position regarding the law

Section 86 (1) of the School Standards and Framework Act 1998 (“the 1998 Act”) provides that local authorities must make arrangements for parents to express a preference for a school. Local authorities fulfil this duty by issuing parental information which includes details of all schools in the local authority area and how to apply.

For community and voluntary controlled (VC) schools, the local authority is generally the admission authority, and the local authority therefore makes application forms available. For voluntary aided (VA) and foundation schools, the governing body is the admission authority. The local authority includes in its information for parents, the oversubscription criteria related to the VA and foundation schools which provides an indication of the priority that would be given to applications for those schools. The local authority advises that parents should apply to those schools direct using a form to be provided by the school, which will normally request the submission of additional information relevant to the specific oversubscription criteria.

Section 86 (2) of the 1998 Act provides that the admission authority must normally offer a place at the school of preference if there is a place available. The duty to offer the place therefore rests with the admission authority.

Issue with the current arrangements

Parents have a right to apply for a place at any school they would like their child to attend. As the law stands in Wales, all admission authorities must make an

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offer to the parent if a place would be available. Parents may then, if they have requested places from different admission authorities, hold multiple offers of places, and potentially other parents could have no offers for any of the preferences expressed.

Such parents will often appeal against a refusal of a place at preferred schools, rather than accept an offer of a place at a school for which they have not expressed a preference. This is costly and time consuming for admission authorities and tends to prolong uncertainty, as the majority of appeals are unsuccessful, particularly at reception age as class size legislation restricts the circumstances when appeals may be upheld.

Although parents who have been offered places are normally asked to decide whether to accept the place within a set deadline, there is no onus or legal duty on them to confirm which offer they are taking up. Admission authorities invest a great deal of time chasing responses, sometimes unsuccessfully. This blocks a number of school places until each September when it becomes known which school the child will be attending. The “holding” of places prevents the allocation of places to those without a place.

In addition, parents of children who may not have been offered a place at their preferred school may subsequently be notified that there is a place at their preferred school. This not only causes turbulence of not being offered a place at their preferred school, but also the inconvenience of then having to decide whether to change schools in September.

There is a power within the 1998 Act as amended (Section 89B) for the Welsh Ministers to make Regulations which require a local authority (or potentially all local authorities) to formulate schemes to co-ordinate arrangements. The relevant Section (48) of the Education Act 2002 which amended the 1998 Act to provide for co-ordinated arrangements has been commenced for Wales by the Education Act 2002 (Commencement No 8) (Wales) Order 2006.

The question of whether regulations should be made to introduce co-ordinated arrangements has been subject to consultation previously during refreshes of School Admissions Codes. The suggestion was not welcomed when the legislation first became available. The first few years after the 2002 Act were marked by generally declining primary school pupil numbers, and there was therefore reduced competition for places. As there appeared to be no urgency to press ahead with co-ordinated arrangements but we wished to promote cooperation, admissions legislation has moved in the general direction of co-ordination through the introduction of common offer dates for secondary school places, which was implemented in 2015, and for primary school places, which was implemented fully in 2018.

As the supply of places in some areas has become increasingly tight recently, several local authorities, in particular Cardiff, have found it challenging to allocate places and deal with the ensuing appeals and have pressed strongly for co-ordinated schemes. The ADEW School Admissions Group which includes representation from all admission authorities in Wales, along with diocesan authorities, has expressed support for such a change.

It would be possible to introduce coordination on a selective basis, so that only the local authorities with a significant number of different admission authorities within their area would have to draw up schemes. Some local authorities only contain 3 admission authorities and are potentially able to closely monitor admissions whilst others have nearly 30 and find it much more challenging. It would be useful to explore with stakeholders whether the provision should apply to certain local authorities or to all local authorities.

Proposal

It is proposed to establish mechanisms that ensure that, as far as is practical, every child living in a local authority area who has applied in the normal admissions round receives an offer of one, and only one, school place on the

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National Offer Day.

We wish to do this by placing a duty on local authorities to formulate for each school year a scheme for co-ordinating admission arrangements for all maintained schools, (except special schools and nursery schools, but including boarding schools), within their area

An amendment to the School Standards and Framework Act 1998, Section 86 (2A) provides that parents may express a preference for more than one school, but if a legally constituted co-ordinated admissions scheme (provided for in another amendment to the Act in Section 89B) is in place, there is no need for every admission authority to offer a place to that parent so long as he/she is having the offer of one place for which a preference has been expressed. In the absence of such a scheme, an admission authority is under a duty to offer a place to every applicant if there is one available regardless of whether other admission authorities are also offering a place. This legislation has not been utilised in Wales.

The aim is to speed up the school admissions process, ensuring all pupils are offered a place promptly, increasing efficiencies for local authorities, reducing and in the longer term, hopefully preventing uncertainty for parents.

We will be holding a public consultation on the proposal for which children and young people can be give their views and respond. Given the technical nature of the regulations and the fact they primarily impact on admission authorities, we do not intend to undertake a separate consultation with children and young people.

Section 8: Conclusion

How have people most likely to be affected by the

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proposal been involved in developing it?

As the supply of places in some areas has become increasingly tight recently, several local authorities, in particular Cardiff, have found it challenging to allocate places and deal with the ensuing appeals and have pressed strongly for co-ordinated schemes. The ADEW School Admissions Group which includes representation from all admission authorities in Wales, along with diocesan authorities, has been fully informed of our proposal and expressed support for such a change.

The public consultation will be of particular interest to local authorities and governing bodies who are admission authorities for their schools, and will inform us of their views. An updated Integrated Impact Assessment will be provided post-consultation.

What are the most significant impacts, positive and negative?

Positive:

- Ensure that parents receive the offer of only one school place, addressing the issue of school place blocking and ensuring that all children are able to take up a school place at the start of the academic year or as soon as possible after that.
- Cost savings and reduced local authorities workload with a streamlined approach.
- Lessen uncertainty for parents and pupils.
- Will minimise the turbulence of not being offered a place at their preferred school, but also the inconvenience of then having to decide whether to change schools in September.

Negative:

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- There may be a misconception that some admission authorities will lose their autonomy in making admission decisions. However this is not accurate so proper communication and reassurance is required. Through the consultation, we will explore whether it is necessary for the regulations to apply to all local authorities.

In light of the impacts identified, how will the proposal

- maximise contribution to our well-being objectives and the seven well-being goals and/or
- avoid, reduce or mitigate any negative impacts?

The proposal aims to ensure that school admission applications are undertaken in the most efficient way. We wish to establish mechanisms that ensure that, as far as is practical, every child living in a local authority area who has applied in the normal admissions round receives an offer of one, and only one, school place on the National Offer Day.

The proposal places a duty on local authorities to formulate for each school year a scheme for co-ordinating admission arrangements for all maintained schools, (except special schools and nursery schools, but including boarding schools), within their area.

An amendment to the School Standards and Framework Act 1998, Section 86 (2A) provides that parents may express a preference for more than one school, but if a legally constituted co-ordinated admissions scheme (provided for in another amendment to the Act in Section 89B) is in place, there is no need for every admission authority to offer a place to that parent so long as he/she is having the offer of one place for which a preference has been expressed. In the absence of such a scheme, an admission authority is under a duty to offer a place to every applicant if there is one available regardless of whether other admission authorities are also offering a place. This legislation has not been

utilised in Wales.

Our aim is to speed up the school admissions process, ensuring all pupils are offered a place promptly, increasing efficiencies for local authorities and reducing uncertainty for parents.

How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

We will continue to liaise with local authorities and admission authorities regarding implementation of the regulations, should they come into force, and monitor any feedback received.

Section A: Children’s rights impact assessment

Policy objectives

What decision are you impact assessing?

These Co-ordination of Admissions and Miscellaneous Amendment (Wales) Regulations 2024 (“the 2024 Regulations”) place a duty on local authorities to formulate a qualifying scheme for the co-ordination of admission arrangements for schools they maintain and to take prescribed action with a view to securing the adoption of the scheme by themselves and each governing body who are the admission authority for a maintained school in their area.

The purpose of the 2024 Regulations is to make provision for co-ordinating the admission of pupils to schools. The intended effect of the legislation is to ensure that parents receive an offer of one, and only one, school place.

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Gathering evidence and engaging with children and young people

The proposal aims to mitigate the uncertainty faced by parents and their children when waiting for a response on their school application.

Parents can express a preference for any school they wish their child to attend. Local authorities must make arrangements enabling the parents of children in their area, to express a preference for a school. Local authorities fulfil this duty by issuing information to parents that includes details of all schools and how to apply. Where a parent expresses a preference according to those arrangements, admission authorities will usually comply unless the school is full, in which case oversubscription criteria will apply.

As the admission authority for community and voluntary controlled schools, the local authority makes application forms available for these schools. The local authority also includes in its information for parents, the oversubscription criteria relating to the Voluntary aided/Foundation schools, which provides an indication of the priority that would be given to applications for those schools. The local authority indicates that parents should apply to those schools direct using a form to be provided by the school, which will normally request the submission of additional information relevant to the specific oversubscription criteria.

At present, each individual admission authority has its own admission arrangements. Although, the Welsh Government's statutory School Admissions Code and School Admission Appeals Code outline common approaches that all admission authorities must adhere to. There is scope for variances, but in reality, these tend to be restricted to each admission authority's oversubscription criteria.

Each admission authority has an application form for its schools. Therefore, if for example, a parent wishes to apply for a place at a community school and a faith

school, they will need to complete two application forms. Once applications are received, all admission authorities will assess their applications against their own specific oversubscription criteria and prioritise all applicants.

Once applicants are prioritised, all admission authorities will send out placement offers to children on the common offer date. This means that some parents can receive multiple offer letters from different admission authorities. Not all local authorities limit offers to the highest preferred place they can offer, instead offering a place for each of the preferences they can offer a place for. This means that under the current system it is not uncommon for some parents to be offered multiple places whilst other parents could potentially have no offer of a place for any of the preferences expressed.

As there is no onus or legal duty on parents to confirm which offer they are taking up, this blocks a number of school places until each September when it becomes known which school the child will be attending.

Parents will often appeal for places at preferred schools, rather than accept an offer of a place at a school for which they have not expressed a preference. This is costly and time consuming for admission authorities and tends to prolong uncertainty. Although parents who have been offered places are normally asked to decide whether to accept the place within a set deadline, admission authorities invest a great deal of time chasing these responses, sometimes unsuccessfully. The “holding” of places prevents the allocation of places to those without a place.

Parents of children who may not have been offered a place at their preferred school may then be notified that there is a place at their preferred school. This not only causes turbulence of not being offered a place at their preferred school but also the inconvenience of then having to change schools in September.

An amendment to the 1998 Act, Section 86 (2A), provides that parents may express a preference for more than one school, but if a legally constituted co-

ordinated admissions scheme (provided for in another amendment to the Act in Section 89B) is in place, there is no need for every admission authority to offer a place to that parent so long as he/she is having the offer of one place for which a preference has been expressed. In the absence of a scheme, an admission authority is under a duty to offer a place to every applicant if there is one available regardless of whether other admission authorities are also offering a place.

We will be holding a public consultation on the proposal for which children and young people can respond. Given the technical nature of the regulations and the fact they primarily impact on admission authorities, we do not intend to undertake a separate consultation with children and young people.

Analysing the evidence and assessing the impact

Using the evidence you have gathered, what impact is your policy likely to have on children and young people? What steps will you take to mitigate and/or reduce any negative effects?

How does your proposal enhance or challenge children's rights, as stipulated by the UNCRC articles and its Optional Protocols?

Please [refer to the articles](#) to see which ones apply to your own policy.

How does your proposal enhance or challenge children's rights?

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
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All organisations concerned with children should work towards what is best for each child.

X

Under the current system it is not uncommon for some parents to be offered multiple places whilst other parents could potentially have no offer of a place for any of the preferences expressed.

The regulations aim to mitigate the uncertainty of school placements and streamline the process to ensure parent and child do not suffer avoidable stress and worry.

Ministerial advice and decision

How will your analysis of these impacts inform your ministerial advice?

We are confident that the impact assessment has identified positive impacts for children and young people, therefore we will advise the Minister to proceed with consultation.

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Communicating with children and young people

If you have sought children and young people's views on your proposal, how will you inform them of the outcome?

The proposal places a requirement on local authorities and admission authorities to adopt a scheme for the co-ordination of admission arrangements. The process for which parents or young people (in the case of sixth form) apply is unchanged.

We will be holding a public consultation on the proposal for which children and young people can respond. Given the technical nature of the regulations and the fact they primarily impact on admission authorities, we do not intend to undertake a separate consultation with children and young people.

Monitoring and review

We will work closely with admission authorities to monitor the impact of the regulations, and review accordingly.

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