



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

Worcestershire Local Authority

30 June 2018

Report Cleared by (Name & Title): Dr Catherine Driscoll, Director of Children, Families and Communities

Date submitted: 27th June 2018

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Please email your completed report to: osa.team@osa.gsi.gov.uk by 30 June 2018 and earlier if possible

Introduction

Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2018**.

The report to the Secretary of State for 2017 highlighted that at the normal points of admission the main admissions rounds for entry to schools work well. The Chief Adjudicator expressed less confidence that the needs of children who need a place outside the normal admissions rounds were so well met. In order to test this concern, local authorities are therefore asked to differentiate their answers in this year's report between the main admissions round and in year admissions¹. The order of this template for the annual report by local authorities reflects this.

Information requested

1. Normal point of admission

A. Determined arrangements

- i. Please specify the date your local authority determined its arrangements for admissions in 2019 for its voluntary controlled and community schools. Please state if this question is not applicable as there are no voluntary controlled or community schools in the local authority area.

13/02/2018

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website. Say if not applicable.

15/03/2018

- iii. What proportion of arrangements for own admission schools was provided to the local authority by 15 March?

Not applicable None Minority Majority All

¹ By in year we mean admission at the start of any school year which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) and admission during the course of any school year.

	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
iv. How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	3	19	
<p>v. If, when you considered arrangements for own admission authority schools for 2019, you had any concerns about Code compliance, please indicate which paragraphs of the Code you thought were mainly being breached.</p> <p><i>14. Admission arrangements must be clear, fair and objective (Lack of definitions and clarity)</i></p> <p><i>2.4 admission authorities will need to ask for supplementary information forms in order to process applications... they must only use supplementary forms that request additional information when it has a direct bearing on decisions and must not g) take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement, or that of any other children in the family; (the majority of secondary schools are requesting this information from previous schools in relation to behaviour and attendance even though advised this is unlawful, mainly in relation to in-year admissions)</i></p> <p><i>2.6 School sixth form admission arrangements for external applicants must be consulted upon, determined and published in accordance with the same timetable as for admission arrangements for other entry points. (Lack of Sixth Form arrangements for consultation and some not published at all)</i></p> <p><i>2.17 Parents may seek a place for their child outside of their normal age group (Lack of process in schools for doing so)</i></p>			
<p>vi. Further comment: please provide any comments on the determination of admission arrangements not covered above.</p> <p>Whilst the majority of schools are returning their determined arrangements by the 15 March to the Local Authority, there were still 43% of Own Admission Authority Schools that did not.</p>			

B. Co-ordination

- i. Provision of rankings: what proportion of own admission authority schools provided their rankings correctly undertaken by the agreed date?

Not applicable None Minority Majority All

How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
ii. Reception		X		
iii. Year 7		X		
iv. Other relevant years of entry		X		
<p>v. Please give examples to illustrate your answer:</p> <p>27% of Primary Schools returned their ranked lists after the deadline set in the co-ordinated schemes. 23% of middle schools returned their ranked lists after the deadline set in the co-ordinated schemes. 36% of secondary schools returned their ranked lists after the deadline set in the co-ordinated schemes.</p> <p>32% of Primary Schools returned their ranked lists incorrectly ranked, they had to be advised to re-rank the list. 8% of Middle Schools returned their ranked lists incorrectly ranked, they had to be advised to re-rank the list. 64% of Secondary Schools returned their ranked lists incorrectly ranked, they had to be advised to re-rank the list.</p> <p>Due to the lateness of schools returning ranked lists and the fact that a number had to be asked to re-rank lists this delayed the exchange of information with other Local Authorities in our region.</p> <p>Staff tasked within new academies with ranking the list of children do not seem to have been provided with adequate information in relation to their own admission arrangements, the duties placed upon them and how to accurately rank applications in line with their policies. More time this year has had to be provided than ever before in providing advice and assistance to these schools, without any additional resources within the Local Authority to do so.</p>				

C. Looked after and previously looked after children

i. How well do admission arrangements in your local authority area serve the interests of looked after children at normal points of admission?

Not at all Not well Well Very well Not applicable

ii. How well do the admission arrangements in other local authority areas serve the interests of your looked after children at normal points of admission?

Not at all Not well Well Very well Not applicable

iii. How well do admission arrangements in your local authority area serve the interests of previously looked after children at normal points of admission?

Not at all Not well Well Very well Not applicable

iv. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

All current policies comply with the School Admissions Code. Whilst the needs of LAC and Previous LAC are very well met at the normal point of entry. They are not well met at all, in-year. Whilst 100% of LAC in year applications for CO & VC Schools are successful, with Own Admission Authority Schools only 50% are successful. OAA Secondary Schools refuse to admit LAC and Previous LAC, even where vacancies exist. Appeal panels are upholding these decisions. The Code on School Admissions and the Appeals Code needs to be strengthened to ensure these children are admitted in year.

D. Special educational needs and disabilities

i. How well served are children with disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school at normal points of admission?

Not at all Not well Well Very well Not applicable

ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs at normal points of admission?

Not at all Not well Well Very well Not applicable

iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement.

Statemented pupils and those with an EHCP naturally have to be admitted and are processed through the Special Educational Needs Services Section in the County Council. The School Admissions Team is informed during the admission round, which enables Statemented Pupils to be included in the intake cohort, thus avoiding the need for schools to admit above PAN. Where Late Applications are received for Statemented Pupils, Schools admit over PAN.

Non-Statemented Pupils or those without an EHCP are considered alongside all other pupils in line with the published Admissions Criteria. There have been instances however, in areas of oversubscription, where children without an EHCP, that have physical disabilities, have been unable to access schools that are deemed Accessible, as they are not sufficiently high enough on the Admissions Criteria.

2. In year admissions

A. The number of in year admissions. We are asking for two years' data for comparative purposes. If you do not have the data for the year 1/9/16 to 31/8/17 available, please still provide the data for 1/9/17 to 31/3/18.

i.	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/3/18	1334	651
Number of in year admissions between 1/9/16 and 31/8/17	1723	911
The reasons for children seeking in year admission will vary across the country. What do you consider to be the main reasons in your area?	<p>NB the figures above show successful admissions and not the number of applications. With no in-year co-ordination in Worcestershire we rely heavily on schools advising of the outcome of applications, notification of outcomes is not always reported to the LA therefore the number of actual applications is unclear.</p> <p>Social Mobility within the county.</p> <p>New housing attracting out of county applicants.</p> <p>Parents not satisfied with current school.</p> <p>Small number of schools encouraging children that a fresh start at another school may be of benefit rather than exclusion.</p> <p>Lack of funding leading to schools encouraging children that require additional support that</p>	<p>NB the figures above show successful admissions and not the number of applications. With no in-year co-ordination in Worcestershire we rely heavily on schools advising of the outcome of applications, notification of outcomes is not always reported to the LA therefore the number of actual applications is unclear.</p> <p>Social Mobility within the county.</p> <p>New housing attracting out of county applicants.</p> <p>Parents not satisfied with current school.</p> <p>Small number of schools encouraging children that a fresh start at another school may be of benefit rather than exclusion.</p> <p>Lack of funding leading to schools encouraging children that require additional support that</p>

	another school may be more suitable.	another school may be more suitable.
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- ii. The Code requires the setting of a published admission number (PAN) for each normal year of entry. In the annual reports for 2017 several local authorities referred to problems in relation to in year admissions when schools which are their own admission authority refuse to admit applicants even if the year group concerned contains fewer children than the relevant PAN suggested could be accommodated. This was referred to sometimes as 'capping' in-year admissions and local authorities observed that it reduced the number of places available below that anticipated by the local authority. Please comment on your experience as a local authority.

This has consistently been the case in Worcestershire and is of great concern, in particular with almost all secondary schools being their own admission authority. Rather than considering a point at which prejudice occurs in-year and treating all applications equally in line with the oversubscription criteria, schools are deciding if an individual child would cause prejudice in terms of the resources and support that would be required by that child.

Schools are refusing to admit applicants even if the year group concerned contains fewer children than the relevant PAN suggested could be accommodated. This has meant that for place planning purposes the Local Authority is unable to know the number of vacancies that are available within its area. Advice cannot be provided to parents as to where vacancies exist as there is no measure of this. Transport costs are increasing as children have to be placed in schools beyond statutory walking distance, with local schools refusing places even though there appear to be vacancies.

Prior to reaching decisions on whether or not to refuse a place, some own admission authority secondary schools, are requesting information on behaviour, attendance, achievement and attitude to learning before deciding whether or not to admit any child in-year. They are challenged on this locally, but this practice continues, the current Code does not include any mandatory requirements in relation to in-year admissions and there is no scope to escalate challenge of these schools on in-year admission practices to the OSA. A number of schools appear to have created their own supplementary application forms specifically for in-year admissions to gather this information. These forms have not been consulted upon or published but have been put into every day working practice in some schools. Whilst schools have been advised to cease using forms that gather this information, many of them believe that they require this information to decide whether or not a particular child would cause prejudice to their resources if admitted. They are not considering whether they have a vacancy, but whether admitting a particular child would cause prejudice, rather than deciding at what point/number does prejudice occur.

B. Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools does the local authority delegate responsibility for in year admissions?

- a) Primary: Not applicable None Minority Majority All
b) Secondary: Not applicable None Minority Majority All
c) All-through: Not applicable None Minority Majority All

d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?

Advantages: Provides a comprehensive service that is clear and fair to all parents and schools. Provides consistency and timely processing of applications for the benefit of parents. All decisions and rights communicated from central point at the same time. Ensures admissions criteria correctly applied, places not allocated on first come first served basis. Ensures children are not out of school for unnecessarily long periods of time, the more vulnerable and hard to place children are safeguarded by a robust admissions process, which is timely and ensures their application is handled correctly. Parents are clear how to apply, one point of contact, specific set time frame for decisions to be made and communicated to all parties, ensures legal rights of appeal are communicated and waiting list procedures too. Ensures that LA has full knowledge of vacancies available, that not more than one offer is made to some parents, whilst other parents have no offer.

ii. For what proportion of own admission authority schools does the local authority co-ordinate in year admissions?

- a) Primary: Not applicable None Minority Majority All
b) Secondary: Not applicable None Minority Majority All
c) All-through: Not applicable None minority Majority All

d) What do you consider are the advantages and disadvantages of the local authority co-ordinating in year admissions (where applicable)?

Advantages: Provides a comprehensive service that is clear and fair to all parents and schools. Provides consistency and timely processing of applications for the benefit of parents. All decisions and rights communicated from central point at the same time.

Ensures admissions criteria correctly applied, places not allocated on first come first served basis. Ensures children are not out of school for unnecessarily long periods of time, the more vulnerable and hard to place children are safeguarded by a robust admissions process, which is timely and ensures their application is handled correctly.

Parents are clear how to apply, one point of contact, specific set time frame for decisions to be made and communicated to all parties, ensures legal rights of appeal are communicated and waiting list procedures too. Ensures that LA has full knowledge of vacancies available and sufficiency planning is accurate, that not more than one offer is made to some parents, whilst other parents have no offer.

Relieves the administrative burden placed on schools. Ensures Fair Access Process can begin promptly. Ensures Looked After and Previously Looked After admissions decisions are reached promptly, that the direction process can be used more swiftly rather than carers going down the appeal process directly with schools. This builds in delay and the LA case for direction is weakened as the LA cannot override an appeal panel decision other than by judicial review.

Transport assistance can be arranged promptly alongside the offer of a school place. Ensures that in-year admissions decision are applied consistently and fairly and not based on the circumstances of each individual child. Co-ordination builds in the ability to question how a schools decision has been reached prior to the parent being notified of an outcome. Whilst parents can challenge at appeal, the most vulnerable and those in need of most support are those that feel unable to challenge a schools decision. The LA would be aware of all refusals and allocations.

Disadvantages: Requires additional resources, which would need to be passed on to schools.

C. Looked after children and previously looked after children

i. How well do in year admission arrangements in your local authority area serve the interests of looked after children?

Not at all Not well Well Very well Not applicable

ii. How well do the in year admission arrangements in other local authority areas serve the interests of your looked after children?

Not at all Not well Well Very well Not applicable

iii. How well do in year admission arrangements in your local authority area serve the interests of previously looked after children?

Not at all Not well Well Very well Not applicable

vii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

Whilst 100% of LAC in year applications for CO & VC Schools are successful, with Own Admission Authority Schools only 50% are successful. OAA Secondary Schools refuse to admit LAC and Previous LAC, even where vacancies exist. Appeal panels are upholding these decisions. The Code on School Admissions and the Appeals Code needs to be strengthened to ensure these children are admitted in year. With children currently LAC, own admission authority schools are requesting evidence that shows how their school best meets the needs of the child prior to determining whether to offer a place. In the case of Previous LAC moving schools, there is often a lack of Social Care/Virtual School involvement, so schools very much see this as the personal preference of the parent and refuse based on the fact that there has been no evidence provided to them that would show how their school best meets the needs of the child.

D. Children with disabilities and children with special educational needs

i. How well served are children with disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school when they need to be admitted in year?

Not at all Not well Well Very well Not applicable

ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs when they need to be admitted in year?

Not at all Not well Well Very well Not applicable

iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

Non-Statemented Pupils or those without an EHCP are considered alongside all other pupils in line with the published Admissions Criteria.

There have been instances however, with own admission authority schools, where children with SEN, but without an EHCP, are being refused places because schools are deciding if an individual child would cause prejudice in terms of the resources and support that would be required by that child. Reaching decisions on admission based on how much of a drain on resources admitting a particular child would be, rather than deciding at what point prejudice in school is caused and admitting up to that point in line with the published admissions criteria.

E. Other children

i. How well served are other children when they need to be admitted in year?

Not at all Not well Well Very well Not applicable

ii. Paragraph 3.12 of the Code - several local authorities referred to paragraph 3.12 in their annual report for 2017 stating that this was being used "*inappropriately*" by some admission authorities. Please could you comment on your experience as a local authority:

This is particularly an issue with Secondary Schools, although it is also becoming more commonly used in Primary Schools too. "Challenging behaviour" is not defined by the Code so schools are placing their own interpretations as to what they consider to be "Challenging" this gives a lack of clarity and consistency across schools. The Code needs to provide clarification on this. Whilst a number of schools are refusing to admit "Challenging" children, they are not meeting the second requirement of 3.12 in showing that this is "normally only appropriate where a school has a particularly high proportion of children with challenging behaviour or previously excluded children" Schools are also requesting prohibited information to determine whether or not a child is "challenging" before reaching a decision on admission. As schools in Worcestershire, determine which children should be referred to Fair Access they are not necessarily referring children to FAP, or where they do make the referral on the basis of "challenging behaviour", the FAP panels are also deciding that particular individuals are "Challenging" and FAP are also refusing to place the child. The LA is then under pressure to provide Alternative Provision. Children are out of school for unreasonable lengths of time whilst these decisions are being reached. The LA only makes FAP referrals once all of the normal in-year admissions processes have been exhausted. Unfortunately because there is no co-ordination in-year, this is often a very lengthy process.

3. Fair Access Protocol

A. Has your Fair Access Protocol been agreed with the majority of state-funded mainstream schools in your area?

- Yes for primary
 Yes for secondary

B. If you have not been able to tick both boxes above, please explain why:

C. How many children have been admitted or refused admission under the Fair Access Protocol to schools in your area between 31 March 2017 and 31 March 2018?

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community and voluntary controlled				
Own admission authority schools		1		3
Total		1		3

D. If a number of children have not secured school places following the use of the protocol, please indicate what provision is made for these children.
Where a child has been out of education for 2 months or more because a school place has not been identified, including through the FAP (s19 Education Act) the Local Authority has allocated Alternative Provision/PRU places to minimise the days lost to education. For the period above 3 children have been placed under these circumstances.

E. How well do you consider hard to place children are served by the Fair Access Protocol in your area?

- Not at all Not well Well Very well Not applicable

F. Please explain your answer giving examples of good and poor practice, successes and difficulties as appropriate.

The numbers of children presented under the Fair Access Protocol is significantly low in comparison to the number of children eligible for placement, within Worcestershire it is the schools themselves who determine which children to present under FAP. This has resulted in a significant proportion of children being allocated Alternative Provision and who stay there for much longer than is necessary.

Schools are resistant to admitting children where they perceive they are not able to meet the child's needs and those who they consider may have a detrimental impact on the schools attainment and progress data.

Schools are not processing applications in a timely manner and/or notifying the local authority of the outcome.

The Local Authority does not have confident systems in place to track and monitor applications made.

The Local Authority has not been efficient or effective in directing schools to admit.

Alternative Providers and PRUs need to be better focused on reintegrating children.

The Local Authority needs to ensure appropriate information advice and guidance is made available to parents at every stage of the Fair Access Process and prior to.

The Fair Access Protocol is being reviewed and the expectations on both schools and the local authority will be made clearer; however, it is important that all parties are able to be held to account at every stage of the process.

4. Directions

A. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for children in the local authority area?

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
Voluntary aided or foundation	0	0	0	0

B. Please add any comments on the authority's experiences of making directions.

The direction process through the EFSA is very lengthy and decisions historically have taken a long time to be processed.

C. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for a maintained school in another local authority area to admit a looked after child?

For primary aged children	For secondary aged children
0	0

D. Please add any comments on the authority's experiences of making directions.

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E.	How many requests to the ESFA to direct an academy to admit a child did the local authority make between 31 March 2017 and 31 March 2018?	How many children were admitted to school as a result of the request for a direction by the local authority to the ESFA between 31 March 2017 and 31 March 2018?	How many requests were outstanding as at 31 March 2018?
For primary aged children (not looked after)	0	0	0
For primary aged looked after children	0	0	0
For secondary aged children (not looked after)	0	0	0
For secondary aged looked after children	0	0	0
F. Please add any comments on the authority's experiences of requesting directions.			

G. Any other comments on the admission of children in year.
The most vulnerable children and parents suffer significantly due to the lack of legislation, guidance and ability to challenge decisions on in-year applications. More needs to be done to strengthen the rights of parents. At the moment the system allows schools to determine how each individual is dealt with, in a very subjective way. There are insufficient rights for parents, the LA or the OSA to challenge behaviours in relation to in-year admissions.

5. Pupil, service and early years pupil premiums (the premiums)

A. How many community or voluntary controlled schools in the local authority area will use	Primary including middle deemed	Secondary including middle deemed secondary	All through
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a premium as an oversubscription criterion for admissions in 2019?	primary		
Pupil premium	0	0	N/A
Service premium	0	0	N/A
Early years pupil premium	0	0	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	0	N/A

B.		How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2019?	Total number of own admission authority schools using at least one of the premiums in their oversubscription criteria for 2019
Primary including middle deemed primary	Early years	1	2
	Pupil	0	
	Service	1	
Secondary including middle deemed secondary	Pupil	0	0
	Service	0	
All through	Early years	0	0
	Pupil	0	
	Service	0	
C. Do you have any further comments on the use of premiums?			

6. Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2018?

694

B. Any comments to make relating to admissions and children electively home educated?

In general the majority of cases which are EHE have elected to do so to suit their own individual life style choice. Only a small number of cases are EHE due to a preferred school place not being readily available.

7. Other matters

Are there any other matters that the local authority would like to raise that have not been covered by the questions above?

8. Feedback on the Local Authority Report template

In previous years we have asked for feedback on the process of completing the template in the following November to inform what is asked in the following year. We are aware that it may be easier to provide feedback on providing information for the annual report at the time rather than later. We would therefore be grateful if you could provide any feedback on completing this report to inform our practice for 2019.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2018