Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

Shropshire Local Authority

30 June 2018

Report Cleared by (Name & Title): Chris Mathews, Commissioner for Education Improvement and Efficiency (on behalf of Director of Children's Services).

Date submitted: 29 June 2018

By (Name & Title): Carol Sneddon, School Admissions Manager

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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 admissions[1]. 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.

> 14/02/2018

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.

> 14/03/2018

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[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.

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

☐Not applicable ☐None ☒Minority ☐Majority ☐All

	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?	No record is kept of the queries or the many conversations that take place between the admission authority schools and the local authority before a proposal to make changes to admission arrangements begins the formal process.		

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.

1.42 Attempting to introduce changes to admission arrangements without consultation.

1.46 Admission authorities omitting to formally determine their admission arrangements every year, especially when no changes have been made.

vi. Further comment: please provide any comments on the determination of admission arrangements not covered above.

It may be helpful if own admission authority schools were required to provide an extracted minute of the meeting where their admission arrangements were determined along with a copy of their arrangements to remove any doubt about the determination being complete.

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			✓	
iii. Year 7			✓	
iv. Other relevant years of entry			✓	
v. Please give examples to illustrate your answer: West Midland LAs met to agree a timetable of deadlines for exchange of data. Although not all LAs were able to keep exactly to the dates agreed, there were noticeably fewer late files in the co-ordination process this year.				

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

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

Admission policies for Shropshire schools give the highest priority to looked-after and former looked-after children in accordance with the School Admissions Code. As the Admissions Team co-ordinates these applications, there is sufficient scrutiny to ensure these applicants are prioritised appropriately. For admissions of previously looked-after children, the Admissions Team and SEN Team liaise to ensure that information is correct and priority is given as appropriate.

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.

Children without educational needs but with disabilities are supported by occupational health professionals who liaise with our property services team to manage adaptations to buildings where appropriate.

Educational needs of pupils who do not have an education health and care plan or a statement of special educational needs are met with support from the Special Educational Needs and Disabilities Coordinator in each school with support from the local authority teams where appropriate (e.g. sensory impairment service). There is good practice in operation at each phase to ensure that transition runs smoothly at all our schools.

Difficulties can be experienced where applicants from other local authorities apply for Shropshire schools but no contact is made by the relevant professional in the other local authority area. This can mean that appropriate support is not in place before the pupil starts school if there has not been mention of their needs in application or sufficient pre-advisement of the pupil's needs.

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	1102	427
Number of in year admissions between 1/9/16 and 31/8/17	1509	521

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?	Although the local authority does not record the reason for in-year admission applications, anecdotally we believe this to be due to a change of address.	Although the local authority does not record the reason for in-year admission applications, anecdotally we believe this to be due to a change of address.

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.

We would agree that the published admission number (PAN) refers to the year of entry and that there is an expectation rather than a requirement that the PAN will apply to every year group. If an application were to be received for year group 1 or 2 and the PAN had not been reached but the school had reached their infant class size limit, we would support the refusal of an applicant.

In other year groups, we would expect the school to admit a pupil if a PAN had not been reached. In our experience, an appeal would be allowed in these circumstances. If there were exceptional prejudice reasons, e.g., a pupil switching schools in the last weeks of year 11, we would usually support a prejudice argument in the best interests of the pupil, the school and the existing pupils. We have no other experience of admission authorities 'capping' their PAN.

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)?

The local authority believe it to be important for in-year admissions to be processed in the same way for all schools. If some admission authority schools wish to process their own in-year applications, which some do in Shropshire, then it appears logical for all schools to process their in-year applications. Most parents contact schools directly to look around a school (and did so when applications were co-ordinated by the local authority). Looking at this from a parental perspective, the local authority consider it to be potentially confusing for parents to be told that Shropshire Council would process applications for some schools but parents must apply directly to others. This 'all or no' coordination approach makes the process as clear and simple as possible for parents and is potentially a much quicker route to secure a place. Schools are required to inform the local authority of the application and the outcome.

Although parents may need to approach a number of different schools before securing a place, the Admissions Team can signpost parents to where there are places available.

If in-year admission were to be co-ordinated by the local authority, this could potentially reduce the time that children without a school place are missing education. However, a bigger team of staff would be required to manage what amounts to two-thirds of a cohort of additional applications.

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)?

Many schools, particularly own admission authority schools, want to be able to offer a place without delay when parents approach their school with an application. Most parents contact schools directly to look around a school even when applications were co-ordinated by the local authority. If places are available, the school can offer a place without involving the local authority. This is potentially a much quicker route to secure a place

It seems much clearer for parents if responsibility for in-year admissions rests with all schools and for them to process the applications and inform the local authority of the outcome.

Parents may need to approach a number of different schools before securing a place. It may be possible that some parents approach a school only to be told that there are no places available. Without making a formal application, parents will not learn of their right to appeal. Although this could happen even if the local authority did co-ordinate in-year applications, it could happen less frequently if applications were made through the local authority.

It is of concern if schools have neglected to inform the local authority of an application, as they are required to do by the Code. The local authority has monitored the performance of schools in this duty and challenged schools where they have omitted to comply with this requirement of the School Admissions Code. Significant improvements in this area have been noted.

Some headteachers have expressed concern that parents are being discouraged from making application by a few neighbouring schools. The Admissions Team challenges this practice whenever it is apparent.

If responsibility for the co-ordination of in-year admissions was to revert to the local authority, the Admissions Team would have an increased workload and would need additional staffing to manage this.

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

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

All schools have admission policies that give the highest priority to looked-after and previously looked-after children. On some occasions it is necessary for the local authority to remind schools of the need to observe this protocol and that these children are legitimate exceptions to the infant class size legislation. With in-year admissions and the wish for schools to fully understand the needs of a looked-after pupil, it can take longer for the pupil to be admitted than the local authority would wish.

The Virtual School is very supportive in ensuring a (non SEN) pupil is admitted without delay when placed outside of Shropshire.

The Virtual School and SEN Team regularly communicate in order that suitable and appropriate school placements can be identified in other LA's if the pupil has an EHCP.

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

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

This works best where moves between schools are planned in advance. This is not always possible and there are then difficulties in putting in place appropriate support or recruiting qualified staff to support individual pupils moving at short notice.

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

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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:

In the Shropshire Council Fair Access Protocol, a clear definition has been made of pupils with challenging behaviour and of schools considered to have a high proportion of children with challenging behaviour. It is rare for a school to refuse a pupil's application on that basis.

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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	8	11	0	0
Own admission authority schools	16	19	0	0
Total	24	30	0	0

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.

They are enrolled with the Tuition, Medical and Behaviour Support Service (Pupil Referral Unit) until an appropriate placement is found.

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 GRT applications in rural south Shropshire has placed pressure on local schools that are small in size compared nationally. Given the sparsity of population in this locality, there are few alternative schools. Schools' response to placements under Fair Access has sometimes been prolonged meaning that pupils are out of school for a period of time. Efforts by the local authority to speed up the process have resulted in more timely responses from some schools and we continue this strategy.

With a rise in the number of permanently excluded pupils (reflecting the national trend) there has been an increase in the number of children being placed through the Fair Access Protocol, the panel has met more frequently and more headteachers have played their part in deciding where a pupil should be placed. Some pupils who have more complex behavioural needs are considered by specialist placement panel to ensure a mainstream place is appropriate before going to the Fair Access Panel. This, along with other procedural tweaks, has streamlined the process and added to the effectiveness of the Fair Access Protocol.

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	1	0	1	0
B. Please add any comments on the authority's experiences of making directions.				

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.

The local authority attempts to seek a resolution through dialogue with schools and social workers rather than through direction.

We understand that neighbouring local authorities have experienced long delays in securing a school place for pupils through direction, especially when schools have gone on to challenge the direction. It is of concern if a vulnerable young person would be missing education whilst the case is resolved.

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.

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 a premium as an oversubscription criterion for admissions in 2019?	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
Pupil premium	0	0	0
Service premium	0	0	0
Early years pupil premium	0	N/A	0
Total number of schools using at least one premium in their oversubscription criteria	0	0	0

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 over subscription criteria for 2019
Primary including middle deemed primary	Early years	1	1
	Pupil	1	
	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?

Primary age children
125
Secondary age children
209

Total: 334

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

There has been an increase of 13% in the number of elective home education referrals in 2016/17 compared to 2015/16, however this is a national trend. Since elective home education referrals came under the Education Access Service in May 2011, there has been an overall increase of 61% (primary 53% and secondary 63%).

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