



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From
Somerset Local Authority

30 June 2018

Report Cleared by (Name & Title): Julian Wooster, Director of Children's Services

Date submitted: 22 June 2018

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www.gov.uk/government/organisations/office-of-the-schools-adjudicator

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.

13/02/2018

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?	5	2	0
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. Para 1.42 - All schools and academies had made significant changes to their determined admission arrangements without a consultation taking place. One Adacemy Trust re wrote admission arrangements for two of their schools without undertaking a statutory consultation.			
vi. Further comment: please provide any comments on the determination of admission arrangements not covered above. Although the majority of admission arrangements were received by the deadline there will still 48 sets not received until after the deadline.			

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>Reception - there were 9 academies that did not return their rankings by the deadline in the coordinated scheme and as a result Somerset Local Authority completed this work at their request at late notice. There were a further 3 schools/academies that returned the rankings by the deadline but incorrectly ranked. This has been resolved for next year as the Multi Academy Trusts these academies belong to will be using Local Authority services.</p> <p>Other relevant years of entry – 1 middle school did not return their rankings by the deadline in the coordinated scheme and as a result Somerset Local Authority completed this work at their request at late notice. This has been resolved for next year as the Multi Academy Trust this academy belongs to will be using Local Authority services.</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:

Looked after and previously looked after children are considered as the highest priority for a school place and we have not had any difficulties with this during the normal admissions round.

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.

All children with EHCPs are prioritised by all Somerset admission authorities in line with the School Admissions Code.

The Local Authority admission arrangements include a criterion in the oversubscription criteria to give priority to children without a statement/EHC plan with a sensory, physical or medical disability in certain circumstances. This is not the case for all Own Admission Authorities.

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	2292	899
Number of in year admissions between 1/9/16 and 31/8/17	2268	786
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?	1. Families moving into / within Somerset 2. Belief that current school is unable to meet child's needs / bullying.	1. Families moving into /within Somerset 2. Belief that current school is unable to meet child's needs/ bullying.

- 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.

In relation to the Published Admission Number for the relevant year group we have one VA school who refused 3 pupils within PAN last year and have refused another this year. The Local Authority challenged this and referred to the DfE. All the cases were suitably resolved however it should be noted that a couple of parents then no longer wanted a place at the school as a result of the school's response to them as a family.

In relation to admission limits (eg Year 1 – 6 primary and Year 8-11 secondary) we have a number of school capping (closing) certain year groups. One specific area of concern is Yeovil secondary school provision where there are 3 academies, all of which have closed Year 11 resulting in a loss of 160 places. Other year groups are also similarly affected in Yeovil, in particular Y10. This means that many in year admissions are delayed while parents appeal for a school place. This has been raised as a matter of concern with the schools involved and meetings taking place between school leaders and LA officers to seek to ensure that there is no repetition of this next year.

This is also repeated in pockets across the County including primary schools and in particular a number of very small primary schools.

The reason provided by admission authorities for this is lack of funding and resourcing for teaching and support staff despite their physical capacity. Admission Authorities allocate all their resources for the start of each academic year and are increasingly unable to accommodate additional children into some year groups during the year. A few decisions are due to the applicants specific needs however of more concern to Admission Authorities is protecting the provision of the education they are offering their current pupils.

The LA monitors, as far as possible, the reason for refusing in year applications as closely as possible and challenges any that are contrary to the School Admissions Code.

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)?

Somerset LA has not operated a co-ordination system for in year admissions since the statutory requirement to do so was removed from the School Admissions Code. This provided an opportunity to make a saving on staffing that was no longer required. Somerset Local Authority recognises that co-ordination of in year admissions is helpful for a minority of pupils that may have difficulties securing a school place. However, the Local Authority would need to be sufficiently funded to co-ordinate in year admissions to avoid a majority of children being out of school for longer periods than necessary whilst applications are processed.

The decision was taken not to coordinate admissions to VC and C schools in order to simplify the application process for parents. All parents living in Somerset apply direct to the school/s they would like a place at rather than to the LA for some and direct to the school for others. VC and C schools are able to offer places immediately when there is a space available in the Year group but the LA considers all applications where a refusal may be required and issues refusal letters.

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)?

A letter from the Director of Children's Services was sent on 28 February 2018 to all Own Admission Authority schools following repeated breaches of the School Admissions Code in relation to in year admissions, in particular illegal reasons for refusal. There is little confidence that all breaches of the code become known to the LA and are therefore not addressed.

Some admission authorities are not notifying the LA of all applications and outcomes therefore this presents difficulties for the LA in fulfilling the statutory requirement to be able to inform parents where there are places available. In addition, it means that some vulnerable families are being refused school places unbeknown to the LA for some time. Some families moving into county remain unknown to the LA for longer than is desirable thereby giving concern around safeguarding. In some cases families are not being offered their right to make an application and are just being sent away because the school is full. It is taking some families, often the most vulnerable, longer than is desirable to secure a school place.

However, for the majority of parents, going directly to the school to apply for a school place results in quicker access to a school place than the previous centralised process of applying to the LA.

Somerset LA believes the co-ordination of all in year admissions would result in greater monitoring and tracking of pupils gaining or attempting to gain places at schools. It is regularly noted that admission authorities are completely unaware of the content of their own admission arrangements or the statutory guidance.

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:

All Somerset admission authorities prioritise CLA in their oversubscription criteria in line with the School Admissions Code. There are on occasion difficulties with other authorities where we have CLA who have been out of school for some time, have been EHE, have previously been permanently excluded or are in Year 11.

The Somerset Virtual School has often had to seek advice from other Virtual Schools and Somerset admissions team about whether to start the direction process or go through the appeal process. We have had to go to appeal for one CLA in BANES which could have been avoided, both schools which were part of the same academy trust then offered a place to the CLA as a result of the appeals, however this delay could have been avoided if the place had been offered originally. We also had a similar experience with a Gloucestershire school, which again could have been avoided.

The advice and guidance from the admission team is always clear and supportive, on occasion when there have been delays from academies in regards to the admission of a CLA, the admissions team have intervened and supported the Virtual School to start the direction process – this has then enabled a swifter entrance to school for that child and avoided the appeal and direction process.

The Virtual School continues to have concerns around delays of entry to school for CLA with EHCP's.

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:

iv.

The Local Authority admission arrangements include a criterion in the oversubscription criteria to give priority to children without a statement/EHC plan

with a sensory, physical or medical disability in certain circumstances. This is not the case for all Own Admission Authorities.

All children with EHCPs are prioritised by all Somerset admission authorities in line with the School Admissions Code. The consultation process required under the statutory SEND code of practice can however elongate the admission process and delay admission.

The Local Authority are aware anecdotally of schools telling parents that they cannot meet their child's needs and encouraging them to apply for alternative schools. The Local Authority are also aware of schools/academies refusing in year applications on the grounds that they cannot meet the child's needs.

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:

Somerset LA closely monitor the reasons for refusal given by own admission authority schools. We advise schools that unless they can demonstrate they have a disproportionate number of pupils with challenging behaviour already on roll that to refuse on the grounds of 3.12 is inadvisable. Very few cases of schools giving this as a reason to refuse occur in Somerset.

For question i we have marked the box as 'well'. We would like to take the opportunity to state that in the majority of cases other children are served 'very well'. However, there are a small number that are 'not well' served. This can be for varying reasons including a lack of school places / closed year groups / schools not following the in year process. As previously mentioned a letter was sent to all own admission authorities from the Director of Children Services reminding them of their responsibilities under the code, focusing in particular on the number of illegal refusals being picked up by the LA; also reminding them of the Somerset in year process which requires OAAs to send application forms to our Core Data Team so the LA knows about children in the area and notify the Admissions and Entitlements Team about outcomes so the LA has information about the places available.

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	9	2	4	2
Own admission authority schools	5	40	1	4
Total	14	42	5	6

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.

In the case of the primary aged children, the 5 refusals logged related to 3 individual children. 1 was refused by two schools and that child is now in a specialist resource base while an EHC assessment takes place. 1 child was refused by two schools but accepted by the third school approached. 1 child was refused by one school but accepted by the second school approached.

For the secondary aged children, they have either remained in a PRU while an EHCP is completed, or are completing KS4 education at a PRU or have been admitted to an alternative mainstream school and are included in the 'number of children admitted' figure. One school is to be pursued for admission and the child will remain in interim provision at the PRU while this takes place.

All of the children placed, with the exception of 3 secondary age children, had been permanently excluded from school and FAP was then used to identify a school place. The 3 secondary aged children were children who had been unable to secure a school place using normal in year admission procedures.

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 majority of in year admissions of hard to place children (excluding those permanently excluded from school) are resolved by school admission appeals which parents are encouraged and supported by the Choice Advisor to pursue as necessary; in particular where they have a preferred school or schools.

The process of considering a pupil as hard to place is often unnecessarily extended by the DfE expectation that parents have to apply for every school within the local area (we use statutory walking distance), despite the LA being aware that particular schools are full and/or have waiting lists. The lack of co-ordination of in year admissions exacerbates the problem. This extends the amount of time a child can be out of school without taking into account the lack of pro-activeness that some families demonstrate.

As mentioned, the majority of the children in the data above are those who have been permanently excluded and require a new school place. The FAP escalation procedure has been initiated three times and places were secured. The two primary children and one secondary child are included in the 'number of children admitted' figures. Not all the children placed in a new mainstream school have remained there.

It is more difficult to secure places under FAP for primary age children than secondary; the decision making about which school to approach is more challenging. Currently schools generally are resisting for a variety of reasons including insufficient funds to meet SEN needs, insufficient support staff, high numbers of children with additional needs already in school; in primary lack of available space to support small groups/1:1, difficulty recruiting additional support staff. Good practice and success is dependent on the openness of the school to offering the child a fresh start and what resources schools choose to make available to support placements.

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.

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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.

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	N/A	0
For primary aged looked after children	0	N/A	0
For secondary aged children (not looked after)	0	N/A	0
For secondary aged looked after children	0	N/A	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.

Somerset LA work extremely hard to secure a place for in year applicants as quickly as possible., However, we have a number of hurdles to overcome including own admission authorities not following the in year process / their own

admission arrangements, lack of availability of school places in some areas / schools closing year groups and the schools' perception that they are poorly funded and unable to meet pupils' educational needs.

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	N/A
Service premium	0	0	N/A
Early years pupil premium	0	N/A	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 over subscription criteria for 2019
Primary including middle deemed primary	Early years	4	12
	Pupil	10	
	Service	9	
Secondary including middle deemed secondary	Pupil	4	4
	Service	1	
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?

901

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

Anecdotely there are reports of schools suggesting parents consider EHE for example for children at risk of exclusion or those with poor attendance however this is impossible to corroborate. EHE numbers rise steadily through the secondary year groups to peak in Y11 and September can be identified as a peak month for children starting on EHE, closely followed by January. For some reason November 2017 was also a significant month for children starting EHE this academic year. For admissions, the issue then arises when the parents try to return the child to a school during KS4 and admission authorities are then reluctant to admit. Fair Access is not automatically triggered in these cases and there can be a delay for parents in securing a school place.

EHE provides an opt out of state education for parents without even the requirement to register with the LA. Schools are asked to let the LA know if they have concerns about parent's ability to EHE however the LA cannot guarantee this is consistently done. In a previous year, the LA is aware of an Academy writing an off roll, EHE letter for a parent to sign despite that parent being unable to read or write. Children on EHE who move into county with their parents could potentially never be known to the LA and this has the potential be a safeguarding risk.

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.

This form was simpler to complete than in previous years but there is still plenty of opportunity to feedback on any issues/difficulties the LA might have experienced over the year. Collecting data across two academic years (March to March) on the admission/refusal of children considered under FAP is more difficult and time consuming than being asked for academic year data. It would be easier to complete the data required across the form on an academic year basis and suggest altering the deadline for completion to 1 August.

Thank you for completing this template.

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