



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From
East Sussex Local Authority

30 June 2018

**Report Cleared by (Name & Title): Louise Carter- Assistant Director,
Communications, Planning and Performance**

Date submitted: 22 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.

19/2/18

- 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.

1/3/18

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?	N/A	N/A	N/A
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. We did not query any final arrangements on this basis.			
vi. Further comment: please provide any comments on the determination of admission arrangements not covered above. We have been finding that many own admission authority schools are unclear as to their responsibilities in this area and fail to comply with the requirements as they do not realise that they need to re-determine their arrangements every year even though they have not changed.			

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				Y
iii. Year 7				Y
iv. Other relevant years of entry				N/A

v. Please give examples to illustrate your answer:
The co-ordination went very well, there were a few schools that needed coaching through the process but this was largely due to technical issues with upgraded software.

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:
We have not come across any examples of breaches of the Code in respect of these children at the normal point of admission.

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.

Any difficulties chiefly arise in respect of the cohort of children who do not yet have a finalised EHCP at the time of application for reception. Where a nursery has identified that a pre-school child requires a plan at a point in the year where the 20 weeks process means the plan will not be finalised in advance of the allocation process, this leads to schools being required to admit over numbers later on in the process, which can be challenging for the smaller schools which have limited physical space. Our Early Years' Service supports pre-school settings to identify additional needs early in order to minimise the number of children affected by late application for an EHC Needs Assessment. Despite this mitigation, there will always be circumstances where this challenge presents, including movers into County and children who do not start attending a nursery until a few months before starting school.

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	2329	1034
Number of in year admissions between 1/9/16 and 31/8/17	2721	999
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?	The vast majority of these relate to house moves, although a number of children moved during these two academic years as a result of the closure of two small primary schools in the county. Others have moved as a result of closures of independent schools locally.	Again the majority of these relate to house moves but a small number also relate to concerns in respect of the individual's performance at the current school or peer group issues.

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 have experienced this in some areas where the number of places available exceeds demand and schools therefore have to reduce the number of teaching groups in the year group in question. In these cases we have asked schools to let us know their 'working admission number' so that we can ensure that there is still sufficient capacity in the local area to be able to offer places to those moving to the area.

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)? In East Sussex we do not co-ordinate in year admissions but we do encourage parents to apply online via our parent portal so that we can monitor in year admissions and ensure that children are placed when they move to the area.

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 legal requirement to co-ordinate in-year admissions would enable the local authority to standardise procedures across the county and ensure that parents receive an offer of one school place in a timely manner when moving into/within the area.

Without the legislative back-up provided by this requirement it is very difficult to co-ordinate admissions, as some admission authorities will choose not to participate. We do our best, but without this requirement there can be lengthy delays in situations where all the local schools are full in a given year group, or where personnel changes in schools have led to lack of expertise/capacity to manage these admissions, and some children receive multiple school place offers if the year group has capacity in all the schools in the local area, which makes life more difficult for the 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:

In East Sussex the admissions team works closely with the Virtual School to ensure that looked after children are placed as quickly as possible in the school of first preference. Should that school raise concerns about the admission of a particular LAC, these are passed on quickly to the social worker to ensure that this is the best placement for the child in question. The school is then advised of the support available and arrangements are made to admit the child.

There have been occasional cases which have not been resolved as quickly as we would wish and where we have had to ask the Secretary of State to intervene. However these have been very tricky cases and, once escalated, have been resolved very swiftly.

Our experience with schools in other local authority areas has been patchy, however, as practice varies from area to area, and it is not always clear whom to approach to ensure a swift transition for young people placed outside the area.

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:

There are robust consultation arrangements in place for children with EHCPs which schools understand and engage with. The Local Authority will direct a school where this is required.

For children with SEND but no EHCP the processes are the same as for any other in year admission. The exception would be where there is evidence of challenging behaviour and the child would be placed under the Fair Access Protocol. Where significant additional need is identified for an in-year admission who does not have an EHCP, schools are able to refer for support from ISEND Support Services who will provide the receiving school with additional support, advice and guidance to plan for and meet the child/young person'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:

Schools in East Sussex do make use of this provision, but with very few exceptions they do so sparingly, as they are aware that if one school refuses admission to a student then another school will have to take them instead. The provision is used more often at secondary level than primary.

East Sussex County Council has advised all schools in the area that schools should admit applicants if they have a space available unless they are aware of a particular issue with that student, in which case this information should be conveyed to the Head of Admissions and Transport and the student placed via the Fair Access Protocol.

However we have become aware of several schools in other areas that require previous schools to complete a pro-forma requesting information concerning attendance and behaviour before committing to offering a place. We have advised all of our schools not to request these, or to complete them when asked by other schools (in advance of a place being offered), as this would contravene the School Admissions Code 2014 and possibly the GDPR as well. Nevertheless schools report that they continue to receive these requests.

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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:
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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?
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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	92	37	0	0
Own admission authority schools	79	133	0	0
Total	171	170	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. There have been occasions where students have not been admitted to school following the use of the protocol but these have not been as a result of refusal by the school. In some cases students have been offered alternative provision instead of mainstream because this is more appropriate to their needs. Wherever a student is unplaced and needs to be in mainstream, we will ensure that a mainstream place is offered.

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.

Broadly speaking, students are well served but there are still schools within the area who are reluctant to admit challenging pupils. In the major conurbations we have now set up primary placement panels which seek to address this by placing challenging children according to agreed criteria, and also by serving as a forum for sharing best practice and supporting schools who are struggling with children who are at risk of permanent exclusion. This has led to the number of permanent exclusions falling in those areas and consequently the number of children placed under the Fair Access Protocol has also decreased.

At secondary level practice has been more varied as there are four area partnerships who all operate slightly differently. This is being reviewed at the moment in order to try to establish consistency as concerns have been raised where students move schools between partnerships. In a rural county there are also difficulties in that geography is a big factor in placing students, with schools also finding that there are difficulties in accessing alternative provision for students who live in isolated areas. For this reason there are some schools that are required to admit more students under the FAP than others, which can cause tension.

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

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

It is disappointing to have to make directions in respect of looked after children as we would hope that schools would work with us to ensure that these students are placed as quickly as possible. In this case we did understand the school's reasons for not feeling able to offer a place but we felt that these concerns were overridden by the needs of the child in question. For the future we would hope to be able to avoid such directions by fostering good working relationships with the school.

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

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

This is a more challenging situation for the local authority as there is no working relationship with the schools and local knowledge is absent. However the East Sussex Virtual School and Admissions and Transport team have worked together to liaise with colleagues in other parts of the country to ensure that our looked after children have been placed in appropriate provision without the need for direction.

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)			
For primary aged looked after children	1		
For secondary aged children (not looked after)			
For secondary aged looked after children			

F. Please add any comments on the authority's experiences of requesting directions.

Our experience is that this process is extremely arduous and time-consuming, with the result that the child in question remains out of school or in inappropriate provision for months on end while questions are raised and answered and further comments sought. Please could this be tightened up as this is a particularly unsettling situation for looked after children to be in. We always treat this option as a last resort as we prefer to work with local academies.

G. Any other comments on the admission of children in year.

Since the removal of the requirement to co-ordinate in-year admissions it has become more difficult for parents to secure placement for children

moving into an area where the local schools are all full. We try to keep an overview of in year admissions but there are concerns that some schools do not have the knowledge and/or capacity to be able to manage admissions in line with the requirements of the School Admissions Code.

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 oversubscription criteria for 2019
Primary including middle deemed primary	Early years	0
	Pupil	0
	Service	1
Secondary including middle deemed secondary	Pupil	0
	Service	3
All through	Early years	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?

799

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

In East Sussex we have a local agreement with all Academy and LA schools which ensures that any child whose home education is failed are returned to their original school, this ensures that children within in East Sussex are not 'encouraged' by schools to electively home educate (EHE's). A member of Admissions and the Teaching and Learning Provision (who have responsibility for elective home education) also attend the frequent Behaviour and Attendance panels across East Sussex in which failed EHE's are discussed to ensure they are returned to school promptly.

East Sussex in line with national trends has seen an increase in families using EHE as a short term measure when they do not achieve the school of their choice. This sees an increase in the number of EHE's during term 1 of each academic year which then reduces during terms 2 and 3.

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