



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

East Sussex Local Authority

to be provided by

30 June 2019

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

**Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2019 and earlier if possible**

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Introduction and guidance on completing the report

1. 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 matters. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2019**.
2. Please note that the specified date for returning this form by 30 June is a Code requirement; this is why some data are asked for by financial year.
3. We have made some changes to the information and categories of information sought this year:
 - a. we have removed references to “all through” schools and instead would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002², and
 - b. we have decided not to use the term “own admission authority schools” to mean those schools for which the local authority is not the admission authority (that is foundation, voluntary aided and academy schools). This is because a large number of arrangements are now determined by multi-academy trusts. We will therefore refer to ‘schools for which the local authority is not the admission authority’.
4. Local authorities will notice that we have not included this year a number of questions which have been asked in past years. This is because we judge that we are unlikely to receive much information that adds to the existing body of knowledge and do not wish to take up local authorities’ time unnecessarily. We have not asked:
 - a. for details of the particular provisions of admission arrangements determined by other admission authorities challenged by local authorities;
 - b. local authorities’ views of how well the interests of children with special educational needs or disabilities are met at the normal points of admission;
 - c. about the advantages and disadvantages of co-ordinating in year admissions;
 - d. about the reliance on paragraph 3.12 of the Code by other admission authorities in the local authority’s area;
 - e. for information about admission authorities’ approaches to deciding whether or not they had places available in year; or

¹ [Department for Education Statistical First Release](#)

² [The Education Middle School \(England\) Regulations 2002](#)

- f. for the number of children refused admission to a school under the fair access protocol.

Local authorities are, of course, free to comment on any of these matters if they wish to do so under section 6. The views expressed by local authorities in previous years also remain a matter of public record.

5. We are asking new questions this year about:

- a. the proportion of schools with other admission authorities in the local authority area for which the local authority ranks preferences for the schools concerned on the admission authorities' behalf;
- b. use of oversubscription criteria which give priority to children adopted having previously been in care abroad; and
- c. how well served are children who are looked after by another local authority but being educated in the area of the local authority submitting the report.

6. We continue to ask about the use of the premiums in admission arrangements but have provided further guidance on this in footnote 11. In particular, we ask local authorities to include in their responses schools using part of any of the premiums (such as free school meals eligibility). Please consider this footnote before answering the questions on this matter.

Information requested

Section 1 - Normal point of admission

A. Determined arrangements

- i. Please give the date your local authority determined arrangements for admission in 2020 to its voluntary controlled and community schools.

26/02/2019

- a. This local authority has no community or voluntary controlled primary schools (please tick box if this applies)
- b. This local authority has no community or voluntary controlled secondary schools (please tick box if this applies)

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website.

26/02/2019

- iii. Please provide a link to where the admission arrangements can be viewed on the local authority's website on publication.

<https://www.eastsussex.gov.uk/educationandlearning/schools/admissions/consult>

[ations/arrangements/download3/](#)

iv. What proportion of arrangements for schools for which the local authority is not the admission authority was provided to the local authority by 15 March 2019?

None Minority Majority All

	Primary	Secondary
v. How many sets of admission arrangements of schools for which the local authority is not the admission authority were queried directly by your local authority because they were considered not to comply with the Code?	N/A	N/A
vi. Please provide any comments on the determination of admission arrangements not covered above. Some own admission authority schools fail to realise that they need to determine their arrangements every year and forward them to the local authority, even where they are unchanged from previous years.		

B. Co-ordination

i. Provision of rankings:

a. What proportion of schools for which the local authority is not the admission authority provided their rankings correctly undertaken by the agreed date?

None Minority Majority All

b. For what proportion of schools with other admission authorities in the local authority's area did the local authority rank preferences expressed for those schools in 2019?

None Minority Majority All

ii. Please provide any comments you wish to make in respect of provision of rankings:

iii. Does the local authority charge schools for providing rank preferences?

Yes No

iv. Does the local authority rank preferences for other admission authorities in OTHER local authority areas and, if so, for how many schools?

No

v. 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
Reception				x
Year 7				x
Other relevant years of entry				x

vi. Please give examples to illustrate your answer:
 Own admission authority schools are largely aware of and compliant with the deadlines although there was an amount of chasing needed and a few errors uncovered (due to personnel changes within schools and, in some cases, schools being oversubscribed that had not experienced this before). However we have built some slack into the system to allow for this and all went well.

C. Looked after and previously looked after children

i. How well does the admissions system 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 applicable³

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

Not at all Not well Well Very well Not applicable³

iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area **at normal points of admission**?

³ 'Not applicable' will only be appropriate if there are no children falling within this definition.

Not at all Not well Well Very well Not applicable³

- iv. How well does the admissions system 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 applicable³

- v. Priority in admission arrangements for 2020 for adopted children previously in care abroad.

- a. Do the arrangements for any **community or voluntary controlled primary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled primary schools that include this priority.

all

- b. Do the arrangements for any **community or voluntary controlled secondary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled secondary schools that include this priority.

all

- c. Do the arrangements for any primary schools for which the local authority is **not the admission authority** include this priority for 2020?

Yes No

If yes please provide the number of primary schools for which the local authority is **not the admission authority** that include this priority.

- d. Do the arrangements for any secondary schools for which the local authority is **not the admission authority** include this priority for 2020?

Yes No

If yes please provide the number of secondary schools for which the local authority is **not the admission authority** that include this priority.

- e. Please comment on the use of a priority in admission arrangements for a child adopted who was previously in care abroad if you wish.

We have added this as requested but we remain concerned that this will be difficult to apply equally as 'abroad' is not homogenous and paperwork evidencing previously in care status will be very variable and in some cases absent altogether. Equally there will be parts of the world where care is not available for vulnerable children, who are obliged to rely on charities.

- vi. Please give any examples of good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at the **normal points of admission**:

We work well with the local Virtual School and with the social care side of our own authority to ensure that looked after children are identified and appropriate school places applied for in a timely manner (where possible). Also we ensure that OAA schools are aware of the looked after status of these children. In terms of children who are looked after by other authorities or who are previously looked after, there are occasionally issues with identifying these children where they are not made known to us and sometimes they miss out on a place in the initial allocation process on this account. However all of our schools are very supportive of these children and this situation is almost always able to be remedied once discovered.

- i. Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at the normal points of admission:
No additional priority is afforded to these children under the published admission arrangements unless they have an EHCP.

D. Special educational needs and disabilities

Section 2 - In year admissions⁴

A. The number of in year admissions

- i. Do you know the number of in year admissions to primary schools in your local authority area? Yes No

- ii. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- schools with other admission authorities are not complying with the requirement in paragraph 2.22 of the Code to notify the local authority of applications for places and the outcome;

⁴ 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 after the end of the statutory waiting list period in normal years of admission.

- the local authority does not use the information provided by schools with other admission authorities to collect the numbers of in year admissions; and/or

(please specify)

- other?

iii. Do you know the number of in year admissions to secondary schools in your area? Yes No

iv. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- schools with other admission authorities are not complying with paragraph 2.22 of the Code;

- the local authority does not use the information provided by schools with other admission authorities to collate the numbers of in year admissions; and/or

(please specify) we know approximate numbers but not all schools are assiduous in complying with paragraph 2.22 so our information is patchy.

- other?

v. If the local authority does know the number of in year admissions to state funded schools in its area, please complete the following table.

	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/8/18	2827	1195
Number of in year admissions between 1/9/18 and 31/3/19	2550	845

B Co-ordination of in year admissions

- i. To what proportion of community and voluntary controlled schools did the local authority delegate responsibility for in year admissions in the academic year 2018/19?

- a) Primary: Not applicable⁵ None Minority Majority All
b) Secondary: Not applicable⁵ None Minority Majority All

ii. For what proportion of schools for which the local authority is not the admission authority does the local authority co-ordinate in year admissions?

- a) Primary: None Minority Majority All
b) Secondary: None Minority Majority All

iii. Please provide any comments on the co-ordination of in year admissions if you wish.
We do offer management of in year admissions to academies as a traded service.

C Looked after children and previously looked after children

i. How well does the in year admissions system serve children who are looked after by your local authority and who are being educated in your area?

- Not at all Not well Well Very well Not applicable⁶

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

- Not at all Not well Well Very well Not applicable⁶

iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area?

- Not at all Not well Well Very well Not applicable⁶

iv. How well does your in year admissions system serve the interests of previously looked after children?

- Not at all Not well Well Very well Not applicable⁶

v. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about looked after and previously looked after children:

We have experienced issues with admission authorities in other areas

⁵ 'Not applicable' will only be appropriate if the local authority has no community or voluntary controlled primary/secondary schools.

⁶ 'Not applicable' will only be appropriate if there are no children falling within this definition.

refusing to admit our LAC students despite the requirement in the Code that 'these children must be admitted'. Often this leads to the LAC in question being out of school for longer than necessary although usually schools will admit the pupil when an appeal is submitted.

With respect to previously looked after children the situation is more difficult as they are often difficult to identify if families are not aware of the priority afforded to this group, and do not specify that their children fall into this category.

D Children with special educational needs and/or disabilities

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

Not at all Not well Well Very well Not applicable⁷

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

Not at all Not well Well Very well Don't know

- iii. Please give examples of good or poor practice or difficulties which support or exemplify your answers:

East Sussex continues to experience some difficulties at transition from pre-school to Reception; for those pupils where the 20 week Education Health and Care Plan process finalises after the allocations deadline. The ISEND Early Years Service continues to work with pre-school settings to ensure additional needs are identified early and this situation is prevented; difficulties are usually due to a child moving into county or not attending a pre-school setting. Some challenges are also experienced at the transition point from Year 6 to Year 7 where a pupil has been offered a place through allocations and then the place is withdrawn by the school when they are consulted as part of the EHCP process.

E Other children⁸

- i. How well served are other children when they need a new school place in year?

⁷ 'Not applicable' will only be appropriate if there are no children falling within this definition.

⁸ Other children are those not looked after, previously looked after or with special educational needs and/or disabilities.

Not at all Not well Well Very well Don't know

ii. Please provide any comments you wish to make in respect of other children:

The vast majority of in year admissions are processed in a timely manner by the schools concerned and a place offered where it exists, or refused and offered appeal rights as appropriate. In some cases there are issues in terms of place availability which leads to these children needing to come under the FAP when they would not otherwise have done so but schools are largely understanding of this and will help where they can, so that rural schools will quite often admit movers in to the local area over PAN without needing to be asked.

F Fair access protocol

i. Has your fair access protocol been agreed⁹ with the majority of state-funded mainstream schools in your area?

- Yes for primary
 Yes for secondary

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

iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2018 and 31 March 2019?

Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	87	34
Foundation, voluntary aided and academies	96	110
Total	183	144

iv. 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 applicable¹⁰

⁹ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

¹⁰ 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

Please make any relevant comment on the protocol not covered above.

We have experienced some challenge with respect to compliance with the protocol in certain parts of the county, largely from academies (in both primary and secondary) but also in some maintained schools. In some cases this is due to school staff being unaware of their legal responsibilities in this area but in others (particularly certain academy chains) this cannot be said and it is purely down to reluctance to comply. While accepting that this is often due to funding issues and school leaders feeling obliged to resist out of concern for those high need pupils they already have on roll, we remain concerned as this is not a sustainable situation. Other academy trusts also raise concerns with respect to variable thresholds for permanent exclusion and a resultant (perceived) inequity: those schools/trusts that exclude fewer pupils feel reluctant to admit excluded pupils from those schools/trusts that exclude more, given that this is inevitably not reciprocated. Some work has been undertaken to ensure more parity of thresholds for exclusion and more consistent criteria for placing students under the FAP, but this remains a concern locally.

Section 3 - Directions

A. How many directions did the local authority make between 1 April 2018 and 31 March 2019 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	N/A	N/A	N/A	N/A

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

While we do experience some challenges with respect to our VA and Foundation schools we are usually able to resolve these by dialogue rather than resorting to direction. Most are very well aware of their responsibilities under admissions legislation and act correctly at all times.

C. How many directions did the local authority make between 1 April 2018 and 31 March 2019 for a maintained school in another local authority area to admit a looked after child?

For primary aged children	For secondary aged children
	N/A

N/A

D. Please add any comments on the authority's experiences of making directions in these circumstances.
Again we have usually managed to resolve any issues which arise via dialogue without resorting to direction

E.	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
How many requests to the ESFA to direct an academy to admit a child did the local authority make between 1 April 2018 and 31 March 2019?	N/A	N/A	1	N/A
How many children were admitted to an academy school as a result of the request for a direction by the local authority to the ESFA between 1 April 2018 and 31 March 2019?			0	
How many requests were outstanding as at 31 March 2019?			1	

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

This process is extremely lengthy and frustrating, taking at least three months and requiring a large amount of data to be supplied by schools and the local authority. It is extremely cumbersome and onerous and would benefit from some streamlining. This is no criticism of staff involved, who are invariably very helpful, but the process itself is unwieldy.

G. Any other comments on the admission of children in year not previously raised.

Section 4 - Pupil, service and early years pupil premiums (the premiums)¹¹

A. How many community or voluntary controlled schools in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	N/A	N/A	N/A
Pupil premium	N/A	N/A	N/A
Service premium	N/A	N/A	N/A
Total number of schools using at least one premium in their oversubscription criteria	N/A	N/A	N/A

B. How many schools for which the local authority is NOT the admission authority in your area will use each premium as an oversubscription criterion (including the tiebreaker) for 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	N/A	N/A	N/A

¹¹ Please include in these figures all schools whose arrangements give priority on the basis of eligibility for one or more of the premiums or part thereof except where the only sub-group is looked after and previously looked after children as all schools must give first priority to these children.

Admission authorities can limit priority to specific sub-groups of those who attract a premium. Examples are:

- children of parents who are currently serving in the UK regular armed forces (rather than all children who attract the service premium); or
- children who are eligible for free school meals at the time of application (rather than all children who attract the pupil premium).

If such sub-groups have priority at any point within the oversubscription criteria, they should be included in the totals for this table even if there is no specific use of the terms, 'pupil premium,' 'early years premium' or 'service premium' in the arrangements. Paragraphs 1.39A and 1.39B of the Code provide the relevant exceptions to paragraph 1.9f (which prohibits giving a priority to a child according to the occupational or financial status of parents applying).

¹² Do not include use in post 16 arrangements

Pupil premium	N/A	N/A	N/A
Service premium	N/A	1	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	1	0

Section 5 - Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2019?

930

B. Any comments to make relating to admissions and children electively home educated that you have not previously raised?

Schools can be wary of admitting ex home educated students seeking admission to school as they are concerned that students have missed significant periods of learning. It is a particular concern for schools when the EHE arrangements has been judged as not delivering *suitable* education resulting in a SAO. Schools are also concerned that students may have unmet behavioural and or special needs which will need additional resource to ensure that they make academic progress in line with their peers. As a result the process of putting them on roll is often slow and the longer they are out of school the harder it is for them to successfully integrate.

The expectation is for the parent to apply for admission for their the child however, schools could/should pave the way for a successful reintegration as well through an expedient on rolling system. Unfortunately some schools can be slow in arranging an admissions meeting and putting them on roll. These children can be vulnerable and the longer they are out of school not accessing a suitable education the increased chance of an unsuccessful return to school.

Nationally and in East Sussex the number of home educating children has increased considerably in recent years (a 68% increase in East Sussex for the number of open cases in the academic year 2014/2015 (764) – 2017/2018 (1280) and as a result the number of SAOs has also increased. In the financial year 2017 1 was issued and in 2018 35 was issued, this is set to increase again for 2019.

Section 6 - Other matters

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

Section 7 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2020.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2019