



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

East Sussex County Council Local Authority

30 June 2017

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

Date submitted: 29 June 2017

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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 Schools Adjudicator (CA) 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 2017**.

The questions have been revised for 2017 with the purpose of:

- a) making the information gathered statistically robust and as useful as possible to the local authorities which provide the information; that is: the Office of the Schools Adjudicator (OSA) which receives the information; the Department for Education (DfE) to which the CA provides her annual report; and the children and families for whom the Code is designed to make sure that places are allocated and offered in an open and fair way;
- b) minimising the work required by local authorities in providing information; and
- c) avoiding duplication of effort.

This revised format therefore, in addition to statutory requirements as described in the Code, explores: points raised by local authorities in previous reports and matters which have arisen in the CA's Annual Report and areas of interest to the DfE. If information is already collected elsewhere, such as the number and type of schools and data relating to appeals, then it is not asked for again here but will be available for inclusion in the CA's Annual Report.

Information requested

1. Looked after children and previously looked after children

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children.

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

Not at all Not well Well Very well

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

Not at all Not well Well Very well

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

Not at all Not well Well Very well

Please give examples of good or bad practice or difficulties which support your answer and provide any suggestions for improvement:

2. Children with disabilities and children with special educational needs

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of children with children with disabilities and children with special educational needs.

- a. How well served are children who have 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?

Not at all Not well Well Very well

- b. How well served are children who have disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs?

Not at all Not well Well Very well

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

3. Consultation

Paragraph 1.44 of the Code states who needs to be consulted if consultation on admission arrangements is required. The CA has noted that these requirements are not always fulfilled in the arrangements which come to the attention of the OSA and, in particular, consultation with parents is not always as full as it should be. The OSA therefore wishes to get a better understanding of the wider situation and provide examples of good practice.

- a. When did the local authority last consult on its arrangements?

Please provide the year.

November 2016-January 2017

b. Please describe the means by which the local authority consulted with parents. Highlight all those means used:

- Committee paper on the local authority's proposals on admissions on the council's website.
- Consultation paper designed for parents on the local authority's proposals on admissions on council's website.
- Request to all schools to provide information on the local authority's consultation on its admission arrangements to parents and providing support to make this possible such as posters, leaflets and links to the relevant information on council's website for the schools' newsletters.
- Request to all early years settings to make information on the local authority's consultation available to parents by providing support to make this possible such as posters, leaflets and links to the relevant information on the council's website for the settings' newsletters.
- Social media (please provide some detail).
- Adverts in local press.
- Articles in local press.
- Posters in supermarkets, doctors' surgeries, early years health centres and similar
- Other (please specify)

How confident are you that other admission authorities in your area are consulting parents properly as required by paragraph 1.44a of the Code?	Not at all confident	Many concerns	Few concerns	Completely confident
c. Voluntary aided				x
d. Foundation				x
e. Academy			x	
f. Free				x
g. UTC			x	
h. Studio			x	

Please give examples of good practice by schools that are their own admission authority. Examples of good practice in consulting with parents whose children are under compulsory school age will be particularly welcome.

We as a Local Authority have a page on our website which provides links to OAA schools' consultation documents where these are supplied to us and we also offer a traded service whereby OAA schools can buy into the Local Authority's consultation and use the same admission arrangements as community and controlled schools, to enable them to be confident that they comply with the legal requirement.

VA schools use a template which is provided by the diocese to ensure that legal requirements are being met. Most Academy trusts are well aware of their responsibilities in this area and are meeting them, with MATs generally operating standardised arrangements

across the trust to avoid confusing parents with a variety of different admission arrangements. However there are one or two trusts (chiefly standalone academies) that still appear to be confused as to their responsibilities and have to be reminded to consult and to supply their determined arrangements every year. We are working on this.

4. Pupil, service and early years pupil premiums

Has your local authority consulted for admissions in 2018 on using any of the pupil premiums as an oversubscription criterion in community or voluntary controlled schools?	For entry to reception year	For entry to year 7
a. Pupil premium	No	No
b. Service premium	No	No
c. Early years premium	No	N/A

d. If the local authority consulted on any of the pupil premiums please provide a summary of the responses received:

e. If you did not consult on introducing the **pupil premium** please indicate up to three main reasons for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children displaced;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or

i. Other (please explain):

f. If you did not consult on introducing the **service premium** please indicate up to three main reason for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please

East Sussex does not have any garrisons or naval bases and so the need for this provision has not arisen.

explain):

g. If you did not consult

on

introducing **early years premium** please indicate up to three main reasons for not doing so:

- Application of early years' pupil premium priority for those attending a nursery at the school could unfairly disadvantage those who did not choose to use the nursery at the school;
- Application of early years' pupil premium priority for those attending a nursery at the school could affect the sustainability of other early years' provision;
- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please explain):

How many community or voluntary controlled schools in the local authority area will use pupil premium as an oversubscription criterion for admissions in 2018?	Primary including middle deemed primary	Secondary including middle deemed secondary
h. Pupil premium	0	0
i. Service premium	0	0
j. Early years pupil premium	0	N/A

How many own admission authority schools consulted you on the use of a pupil premium oversubscription criterion for admissions in 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
k. Voluntary aided	0	0	0	0	0
l. Foundation	0	0	0	0	0
m. Academy	0	0	0	0	0
n. Free	0	0	0	0	0
o. UTC	N/A	N/A	N/A	0	0
p. Studio	N/A	N/A	N/A	0	0

How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
q. Voluntary aided	0	0	0	0	0

r. Foundation	0	0	0	0	0
s. Academy	0	0	0	0	0
t. Free	0	0	0	0	0
u. UTC	N/A	N/A	N/A	0	0
v. Studio	N/A	N/A	N/A	0	0

w. Do you have any further comments with regards to the pupil premiums in addition to the above?

5. Determined arrangements

The OSA has noted that some admission authorities have not determined their arrangements as required by the Code and so seeks further information on this. Paragraph 3.2 of the Code requires local authorities to refer admission arrangements determined by other admission authorities to the Schools Adjudicator if they are of the view that they are unlawful.

- a. On which date did your local authority determine its arrangements for admissions in 2018?

28 February 2017

- b. When were the determined arrangements published on the local authority's website?

15 March 2017

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?	Primary including middle deemed primary	Secondary including middle deemed secondary
c. Voluntary aided		
d. Foundation		
e. Academy		
f. Free		
g. UTC	N/A	
h. Studio	N/A	
i. Overall, in your consideration of the admission arrangements for 2018 determined by other admission authorities, which paragraphs of the Code gave you greatest concern because of possible non-compliance with requirements?		

j. Further comment: please provide any examples or views regarding the

determination of admission arrangements that have not been covered above

This is a difficult one to answer because we did pick up some concerns during the consultation process (chiefly incorrect dates), but these were addressed in our responses and have now been amended. The difficulty comes with schools who fail to consult properly and do not include us in their consultation process (if they consult at all). We have had cases (although not for 2018- yet) of schools publishing policies on their website without consultation, and some of these arrangements did not comply with the Code. For this reason we have taken to checking the schools websites periodically to ensure that all the information is present and correct.

6. Co-ordination

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
a. Reception				x
b. Year 7				x
c. Other relevant years of entry (please specify)				
d. Please give examples to illustrate your answer: All schools have complied with deadlines and participated in the co-ordinated scheme as required. We offer a traded service enabling academies and trust schools to purchase our services to rank their applicants where their admission arrangements are similar to the county council's. This has worked well.				

- e. There has been an increase in the number of schools for which the governing body or academy trust is the admission authority. Please describe the effect of this on the admissions system in your area.

The effect differs depending on the academy trust. Where schools join an existing MAT which has established arrangements for managing admissions, the impact is small. However, where schools join trusts which are less well organised, or become standalone academies, or a new free school sets itself up, this can present a challenge as staff are often unaware of the requirements of admissions legislation and can unwittingly fail to comply. At best, it tends to create a confusing array of similar but slightly different sets of admission arrangements for parents to negotiate.

Difficulties are also caused when academy conversions take place part way through the admissions process, especially where the DfE number or name changes as a result: this leads to problems sharing data electronically with the DfE and other local authorities, and confuses parents who apply for a school with one name and find themselves being offered a place at an academy with a different name, without realising that this is the same establishment.

To how many schools of each type does the local authority delegate responsibility for in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
f. Community	all	all
g. Voluntary controlled	all	all
h. What do you consider to be the advantages and disadvantages of this? Advantages: speeds up the process for parents where spaces are available; cost saving to local authority; Disadvantages: makes the process longer where schools are full; risk of families being turned away from all local schools and becoming CME; risk of families not being advised of appeal rights if schools are unfamiliar with the process due to receiving few applications.		

For how many schools of each type does the local authority co-ordinate in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
i. Voluntary aided	none	none
j. Foundation	none	none
k. Academy	None*	none
l. Free	none	none
m. UTC	N/A	none
n. Studio	N/A	none
o. What do you consider to be the advantages and disadvantages of this? *we do co-ordinate a few academies' admissions as a traded service but this has only been for part of this year. Advantages and disadvantages are similar to the above.		

7. Appeals

Information on the number of appeals lodged and the proportion upheld is collected separately so this information is not requested again. The information requested below is to add to that information.

	a. How many schools of each type engage the local authority to provide all aspects of the appeals process?	b. How many schools of each type engage the local authority to provide some aspects of the appeals process?
	Primary Secondary	Primary Secondary

	including middle deemed primary	including middle deemed secondary	including middle deemed primary	including middle deemed secondary
Voluntary aided	0	0	0	0
Foundation	0	0	0	0
Academy	0	0	20	11
Free	0	0	1	0
Studio	N/A	0	N/A	1
UTC	N/A	0	N/A	0

c. Any comments related to this:

It was not clear what was meant by providing 'all' services. I have taken this to mean a full service including providing support with appeal statements and presentations. There is also no column for all through schools so the one we have has been included under secondary.

d. How confident are you that admission appeals for schools which are their own admission authorities meet the requirements of the School Admission Appeals Code?

Not at all confident many doubts a few doubts Very confident

e. Please describe your areas of concern, if any:

Some staff at some academies do not seem to understand the legal requirements of the two relevant codes. Some (including senior staff) have not heard of the Codes. Some academies are clearly failing to meet legal deadlines for having appeals heard, if they have not bought into our traded service. However these are a small minority.

f. Please provide examples of good practice which have come to your attention:

8. Fair Access Protocol

a. Do you have a Fair Access Protocol agreed with the majority of state-funded mainstream schools in your area?

Yes No

b. If no, please explain why:

c. How many children have been admitted or refused admission under the Fair Access Protocol to each type of school in your area?

Type of School	Number of children admitted	Number of children refused admission
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	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community	90	35		
Voluntary controlled	56	N/A		
Voluntary aided	10	2		
Foundation	3	17		
Academy	29	105		
Free	0	5		
UTC	N/A	1	N/A	
Studio	N/A	0	N/A	

d. 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

e. Please explain your answer giving examples of good and bad practice; successes and difficulties as appropriate.

These figures relate to the 2016/17 academic year as no dates were specified in the template.

At secondary level behaviour related FAP admissions are placed via the Fair Access Panels- the county is divided into four partnerships which each manage these slightly differently based on local need. This means that it is unusual for schools to refuse admission as partnerships work together to ensure that all students are placed. All rural schools are helpful in admitting 'movers in' to their area even when the year group is full, if there is no reasonably local alternative available.

At primary level there are more difficulties as schools have to be contacted on an individual basis, which means that they do not have an overview of the numbers of other schools being asked to admit children in similar circumstances and often feel put upon. However we maintain a dialogue and if a school is unable to accommodate a particular student because of the school (or the year group)'s individual circumstances then another school will be sought. However we have not had a situation where a child has been allocated a place via this process and the school has then refused to admit them, although some schools have needed to be persuaded.

9. Directions

How many directions did the local authority make between 31 March 2016 and 31 March 2017 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
a. Voluntary aided				
b. Foundation				

c. Please add any comment with regard to strengths or difficulties relating to this.

We have not had to do this, having resolved issues by negotiation.

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for looked after children in another local authority area?

	For primary aged child	For secondary aged child
d. Community		
e. Voluntary controlled		
f. Voluntary aided		
g. Foundation		

h. Please add any comment with regard to strengths or difficulties relating to this.

We have not had to do this.

How many requests for directions did the local authority make to the EFA between 31 March 2016 and 31 March 2017?

	For primary aged children (not looked after)	For primary aged looked after children	For secondary aged children (not looked after)	For secondary aged looked after children
i. Academy				1
j. Free				
k. Studio	N/A	N/A		
l. UTC	N/A	N/A		

m. Please add any comment with regard to strengths or difficulties relating to this.

This process was extremely difficult and protracted as the Academy in question was notified of the panel's decision to allocate the student a place in June 2016. The request for a direction was submitted in mid-August 2016, but the direction was not made until late November 2016, which severely disadvantaged the pupil in question.

10. Other matters

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

One issue which is not covered in this report, but which has taken up a disproportionate amount of time and effort this year is the increased number of families requesting that their summer-born children be admitted to reception at age 5, out of their chronological age group. The requirement for each families request to be considered by the admission authority for each school, and a decision made in the child's best interests (on the basis of very limited, if any, evidence), is onerous in the extreme.

Families have been misled by publicity surrounding this issue into believing that they have the right to educate their child out of year group if they choose to do so, which leads to complaints and lengthy correspondence where the decision is that their child should not be placed out of year group.

The possible difficulties for parents and children of being educated out of year group are also not emphasised by the guidance- children in this situation can become very conscious of being out of the ordinary as their peer group celebrate different birthdays and participate in sporting and social activities outside of school with a different age group. There is also the issue of school leaving age, as it remains possible for a student in England to leave school on the last Friday in June if they will attain their sixteenth birthday before the end of August, even if they are only in year 10 at the time.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2017