



Office of  
the Schools  
Adjudicator

**Local Authority Report**

to

**The Schools Adjudicator**

from

**City of York Local Authority**

to be provided by

**30 June 2019**

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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 Release<sup>1</sup> and the Education Middle School (England) Regulations 2002<sup>2</sup>, 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

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<sup>1</sup> [Department for Education Statistical First Release](#)

<sup>2</sup> [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.

22/01/2019

- 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.

22/01/2019

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

[https://www.york.gov.uk/info/20171/school\\_admissions/2255/policies\\_for\\_the](https://www.york.gov.uk/info/20171/school_admissions/2255/policies_for_the)

2020-2021 school year

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?	0	0
vi. Please provide any comments on the determination of admission arrangements not covered above. N/A		

**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?

N/A
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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:

As in previous years co-ordination has worked well with the engagement of most admission authorities across the City. Reception admissions still cause some issues with parents not realising that they have to engage in the process as early as requested.

### 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 applicable<sup>3</sup>

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 applicable<sup>3</sup>

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**?

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

Not at all  Not well  Well  Very well  Not applicable<sup>3</sup>

- 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 applicable<sup>3</sup>

- 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.

All

- 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.

All

- 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.

N/A

- 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 all admission authorities across the city to align definitions and practices for all categories of looked after children.

- 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:

Local Authority colleagues work closely to ensure that the needs of children with some level of SEND but without a statement or EHC plan are fully considered in the allocation of school places. Where there are exceptional and social medical reasons that are presented by applicants, a panel of LA officers from a wide range of professional backgrounds consider whether these applicants are prioritised within the admissions oversubscription criteria.

However, many parents express preferences for schools for reasons of SEN where this is something that all schools are funded for and where the needs could be met easily – e.g. children with dyslexia. The need to treat all applicants without an EHCP equally in terms of admissions criteria is something that applicant parent/carers are advised of, but some applicants disagree with this approach/statutory basis of the Admissions Code. Some appeals are held for these and similar reasons.

The advice and support offered by the LA's SEND Information Advice and Support Service and SENDCOs in schools amongst others support parent/carers of children with special needs.

We have in the last 12-18 months worked with the CofE Diocese, the Local Authority and MATs to align definitions and practices re: what constitutes an exceptional social and medical need and where such a criteria is employed

## **D. Special educational needs and disabilities**

### **Section 2 - In year admissions<sup>4</sup>**

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<sup>4</sup> 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.



## 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;

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)

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	Rec 197 Yr 1 162	Yr 7 144 Yr 8 121

1/9/17 and 31/8/18	Yr 2 162 Yr 3 149 Yr 4 157 Yr 5 124 Yr 6 161	Yr 9 107 Yr 10 79 Yr 11 44
Number of in year admissions between 1/9/18 and 31/3/19	Rec 142 Yr 1 130 Yr 2 130 Yr 3 124 Yr 4 121 Yr 5 91 Yr 6 84	Yr 7 51 Yr 8 77 Yr 9 75 Yr 10 59 Yr 11 20

## 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 applicable<sup>5</sup>  None  Minority  Majority  All

b) Secondary:  Not applicable<sup>5</sup>  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 coordinate in-year admissions for all schools within the LA area to the benefit of parents, pupils and residents – for example a clear admissions application process and guidance online that would not be available if parents were applying to separate schools. We also coordinate the holding of waiting lists for all schools and year groups which has contributed to an equitable and fair admissions system. Above all our aim is to be clear, fair and transparent for residents when applying for school places – particularly where there is a lack of capacity in some areas and year groups in the LA area.

Different own admission authority schools conduct in year admission administration differently – many ex-community/VC schools continue to coordinate with the LA to the greatest extent whilst generally speaking faith schools or those schools with SIFs in place conduct more administration independently.

## 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 applicable<sup>6</sup>

- 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 applicable<sup>6</sup>

- 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 applicable<sup>6</sup>

- 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 applicable<sup>6</sup>

- 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:

The provision for children in care of who have adopted from Local Authority care or subject to a residence or special guardianship order are accorded the first priority in our in-year admissions arrangements, schemes and policies.

As above, we continue to undertake considerable work between the CoFE Diocese, the Local Authority and MATs to align definitions and practices re: LAC and PLAC children for in-year applications as well as the normal point of entry.

Where decisions are made separately by different admission authorities there is an issue in admission authorities determining proof separately and coming to different decisions for the same child/proofs. At present all admission authorities in York will commonly defer to the LA to inform them if a child is previously looked after or not – we centrally chase social workers in other LAs and seek evidence of PLAC status/adoption certificates from parents and work with the Virtual School Head. This way there is consistency across all schools in an area. If LAs were advised/instructed by the Admissions Code to gather proof and make decisions for applications (perhaps by Virtual School Heads) for residents there would be much greater consistency in decisions. With the planned ministerial advice on children adopted from care outside England due

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

shortly, we plan to advise all admission authorities of our preferred wording in Autumn 2018 for 2020 admission arrangements and fully expect admission authorities to utilise LA knowledge in this regard.

Where there are no places available and an in-year application is received – whilst commonly an admission authority would admit in excess of PAN for a currently looked after child, this is not always the case for a previously looked after child. If further advice and clarification was provided that the highest priority should be given for all LAC and PLAC children across all schools (regardless of faith based criteria that prioritises children of faith before those LAC and PLAC children of no faith or without proof of faith), then the priority of all LAC and PLAC children could be seen in all arrangements.

## 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 applicable<sup>7</sup>

- 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:

Local Authority colleagues work closely to ensure that the needs of children with some level of SEND but without a statement or EHC plan are fully considered in the allocation of school places. Where there are exceptional and social medical reasons that are presented by applicants, a panel of LA officers from a wide range of professional backgrounds consider whether these applicants are prioritised within the admissions oversubscription criteria.

However, many parents express preferences for schools for reasons of SEN where this is something that all schools are funded for and where the needs could be met easily – e.g. children with dyslexia. The need to treat all applicants without an EHCP equally in terms of admissions criteria is something that applicant parent/carers are advised of, but some applicants disagree with this approach/statutory basis of the Admissions Code. Some appeals are held for these and similar reasons.

The advice and support offered by the LA's SEND Information Advice and Support Service and SENDCOs in schools amongst others support

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

parent/carers of children with special needs.

## E Other children<sup>8</sup>

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

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:

## F Fair access protocol

i. Has your fair access protocol been agreed<sup>9</sup> 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	12	19
Foundation, voluntary aided and academies	7	34
Total	19	53

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

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

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 applicable<sup>10</sup>

Please make any relevant comment on the protocol not covered above.  
 All schools participate in placing children in all year groups including Y6, Y10 and Y11 within the timescales of the Fair Access Protocol through city wide, cluster and/or ad hoc partnerships. Our focus maintains working with schools as partners to ensure that no pupil is out of education for any longer than is strictly necessary – we aim for a maximum of 10 school days.

We are seeing an increase in the number of pupils who are discussed at panel meetings – either for a change of school, or for support from alternative provision – exhibiting signs of anxiety. There are also an increasing number of pupils who are becoming disengaged from secondary education/ the limited and academic curriculum offer of mainstream schools.

### **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	0	0	0	0

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

**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
0	0

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

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

<b>E.</b>	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?	0	0	0	0
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	0	0	0
How many requests were outstanding as at 31 March 2019?	0	0	0	0

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

**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)<sup>11</sup>**

<b>A. How many community or voluntary controlled schools</b> in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?	Primary	Secondary <sup>12</sup> <u>excluding</u> grammar	Grammar <sup>12</sup>
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	
Service premium	0	0	
Total number of schools using at least one premium in their oversubscription criteria	0	0	

<b>B. How many schools for which the local authority is NOT the admission authority</b> in your area will use each premium as an oversubscription criterion (including the tiebreaker) for 2020?	Primary	Secondary <sup>12</sup> <u>excluding</u> grammar	Grammar <sup>12</sup>
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	0
Service premium	0	0	0

<sup>11</sup> 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).

<sup>12</sup> Do not include use in post 16 arrangements



Total number of schools using at least one premium in their oversubscription criteria	0	0	0
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## **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?

73

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

The LA attempts to maintain good relationships with the parent/carers of home educated pupils. Through the admissions process we do see some evidence of parent/carers removing their child(ren) from a school's roll as a result of disagreements with the school, often accompanied by a request for admission to a new school shortly thereafter

## **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?

National publicity around the 15 January deadline for applications for starting primary school would assist Local Authorities in gathering applications and inform parent/carers who, often with their eldest child, are unaware of how admissions work, and when they need to apply. Whilst national advertising could be expensive, national media (who are often very interested in the results of school allocations) could play a role in promoting applications. These points continue to be made by those who apply later in the year of application and by appellants (particularly during infant class size appeals). This happens despite moves by the LA and schools to ensure all parent/carers can apply and make informed preferences prior to 15 January.

In the context of rising pupil numbers, uninformed applicants are often unsuccessful in obtaining a place at a school that they would have secured if applied on-time, and in due course this leads to some successful appeals and additional admissions, including into already full infant classes. This can also lead to an inefficient use of resources across the whole school system where some schools are oversubscribed and have to admit more pupils later in the year of application, where places exist in other schools that would be less undersubscribed if all parents had applied on time.

The timeline for appeals between National Offer Day and the end of the summer term could be reformed as often the various required amounts of time (for example to lodge an 'on-time' appeal, to return these forms, organise a panel meeting, and provide paperwork in advance of the appeal), when added together, can mean that appeals have to take place very late in the school year, often after the transition events have taken place – to the dissatisfaction of appellants. A shorter required number of days to lodge an 'on-time' appeal could remedy this, and the vast majority of appeals are lodged very shortly after the refusal.

Finally, we continue to see an increase in the number of summer born pupils whose parents are requesting a deferral into a later year group. In many cases parents are withdrawing these requests later when they then feel that their child is ready for school full-time. Greater clarity on this issue in a future school admissions code would be welcomed by this Local Authority, perhaps with the suggestion of redefining summer born as those born in (late) summer, and not April and May (and possibly June) as at present.

## **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](mailto:OSA.Team@schoolsadjudicator.gov.uk) by 30 June 2019