



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

City of York Local Authority

30 June 2018

Report Cleared by (Name & Title): Jon Stonehouse, Corporate Director - Children, Education and Communities

Date submitted: 30 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.

08/02/2018

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website. Say if not applicable.

08/02/2018

¹ By in year we mean admission at the start of any school year which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) and admission during the course of any school year.

iii. What proportion of arrangements for own admission schools was provided to the local authority by 15 March?

Not applicable None Minority Majority All

	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
iv. How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	0	0	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. N/A			
vi. Further comment: please provide any comments on the determination of admission arrangements not covered above. N/A			

B. Co-ordination

i. Provision of rankings: what proportion of own admission authority schools provided their rankings correctly undertaken by the agreed date?

Not applicable None Minority Majority All

How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
ii. Reception			X	
iii. Year 7			X	
iv. Other relevant years of entry				X

v. Please give examples to illustrate your answer:

Coordination and national offer days again worked well, though as noted in previous years reports, a greater national focus on the 15 January deadline for applications for Reception is widely felt by all admissions authorities to be beneficial in encouraging on time applications, especially given a rise in pupil numbers and reduced surplus places in some areas. Yet again this year we have seen late applications by families who were unaware or who had not engaged in the application process before mid-March when no further changes could be made. This also has an effect on the accuracy of data collections for the Department around National Offer Day. Given some localities within the LA area had no available school places for starting primary school, late applications were to the disadvantage of these families as well as to the aims of LA officers and school leadership to adequately plan for school places in a sustainable and cost effective way.

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 in the last 12-18 months undertaken considerable work between the CofE Diocese, the Local Authority and MATs to align definitions and practices re: LAC and PLAC children.

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 admission authorities will commonly defer to the LA who seek evidence of PLAC status/adoption certificates from parents, social care and by working 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) there would be much greater consistency in decisions. With the advice on children adopted from care outside England due shortly, we plan to advise all admission authorities of wording for 2020.

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.

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.

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	787	262
Number of in year admissions between 1/9/16 and 31/8/17	1009	417
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?	Moving into or across the LA area where the previous school is no longer accessible; disagreements with previous school; school change (Ofsted, Academisation)	Moving into or across the LA area where the previous school is no longer accessible; disagreements with previous school; school change (Ofsted, Academisation)

v. 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.

'Capping' does occur where the school has admitted less than the PAN in the year of entry and so is not now running the required number of classes, or is no longer organising the classes in such a way as to support the PAN throughout all year groups. This is primarily for reasons of budgeting and related to the lag of funding schools receive through the annual census and only being funding 7 months later for maintained schools and 12 months later for academies.

Where there are surplus places in an area, capping is not always problematic as it can lead to fewer schools experiencing these problems. For example if there are 270 places in an area (3 x 3FE schools with PANs of 90), it is better that in a later year group one school is running two rather than three classes should pupil numbers be lower, than all three schools having 10 less pupils and each running three classes.

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)?

We would not consider delegating this authority to community/VC schools as we do not believe this would serve residents well. Whilst the LA coordinates the year of entry applications, the infrastructure exists to administer in year applications more efficiently. Also many children could potentially obtain more than one school place with multiple applications which would not be compliant with local schemes and spirit of 2.23 of the Code. Furthermore, the duty to ensure sufficiency of places would be very difficult with coordination of school place applications.

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)?

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 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:

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 have in the last 12-18 months undertaken 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 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 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:

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.

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:

Our Fair Access Protocol and behaviour and attendance partnerships between schools and the LA work hard to reduce the propensity to revert to 3.12, though we are aware of the difficulties of partner-LAs with some admissions authorities in this regard.

2. Fair Access Protocol

A. Has your Fair Access Protocol been agreed with the majority of state-funded mainstream schools in your area?

- Yes for primary
 Yes for secondary

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

C. How many children have been admitted or refused admission under the Fair Access Protocol to schools in your area between 31 March 2017 and 31 March 2018?

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community and voluntary controlled	9	19	3	22
Own admission authority schools	3	25	2	12
Total	12	44	5	34

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.

This has only occurred 8 times in this period – and this is always where a panel of pastoral heads/head teachers have decided that alternative provision is more suitable for the needs of a pupil at that moment in time. Many of these pupils will be reintegrated into mainstream school at a future date.

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.

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.

3. Directions

A. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for children in the local authority area?

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
Voluntary aided or foundation	0	0	0	0

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

None

C. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for a maintained school in another local authority area to admit a looked after child?

For primary aged children	For secondary aged children
0	0

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

None

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 18?	How many requests were outstanding as at 31 March 2018?
For primary aged children (not looked after)	0	N/A	N/A
For primary aged looked after children	0	N/A	N/A
For secondary aged children (not looked after)	0	N/A	N/A
For secondary aged looked after children	0	N/A	N/A
F. Please add any comments on the authority's experiences of requesting directions. None			
G. Any other comments on the admission of children in year. None			

4. Pupil, service and early years pupil premiums (the premiums)

A. How many community or voluntary controlled schools in the local authority area will use a premium as an oversubscription criterion for admissions in 2019?	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
Pupil premium	0	0	N/A
Service premium	0	0	N/A
Early years pupil premium	0	N/A	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	0	N/A

B.		How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2019?	Total number of own admission authority schools using at least one of the premiums in their oversubscription criteria for 2019
Primary including middle deemed primary	Early years	0	0
	Pupil	0	
	Service	0	
Secondary including middle deemed secondary	Pupil	0	0
	Service	0	
All through	Early years	N/A	N/A
	Pupil	N/A	
	Service	N/A	

C. Do you have any further comments on the use of premiums?

The use of pupil premium for 'disadvantaged' pupils has been used as a Tie-breaker at one Roman Catholic secondary school (not a formal oversubscription criteria) and has been noted by parents, and at appeals, that this change did disadvantage some pupils who had attended a Roman Catholic primary school, who had previously tended to be successful for places. The same school also use service families as a (lower) tie breaker.

5. Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2018?

68

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

The LA maintains 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.

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?

Some of the following comments are very similar to those made by this Local Authority in previous annual reports, but as they remain 'live' issues that have a very real effect on parents and practitioners, they continue to be noted here.

There continue to be areas of the School Admissions Code that are potentially unclear. Particularly on points that are now not explicitly stated that are still in the spirit of the Code, or were previously stated and now absent. Working with colleagues in neighbouring LA areas, we are aware that changes to the Admissions Code are still being discussed, but that no legislative window is likely to exist in the current parliament. We would welcome a period of consultation with LAs and practitioners once a draft is available in advance of this window to ameliorate as many of these issues as possible before the introduction of a new code. It is also advisable to introduce new guidance at a time other than at the mid point for consulting and determining admission arrangements to avoid further confusion.

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 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.

7. 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.

There were some technical issues with checkboxes in this document.

Where data is requested, it would seem sensible to do this for a whole school year rather than, as in some cases including fair access as above, asking for April-March year. Record keeping does not support these requests across two school years.

Thank you for completing this template.

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