



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Worcestershire 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.

31/01/2019

- 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.

25/02/2019

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

[https://www.worcestershire.gov.uk/downloads/download/1295/2020 to 2021 policies for community or voluntary controlled schools](https://www.worcestershire.gov.uk/downloads/download/1295/2020%20to%202021%20policies%20for%20community%20or%20voluntary%20controlled%20schools)

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?	19	16

vi. Please provide any comments on the determination of admission arrangements not covered above.

Only 40% of schools returned their determined arrangements by the 15 March to the Local Authority, despite numerous requests to do so.

There were a number of schools with non-compliant proposed arrangements. A significant amount of support had to be provided to schools, by the School Admissions Team, prior to and during consultation. Further dialogue with schools prior to determination, also meant we were able to ensure that the number of schools with non-compliant admission arrangements were assisted to rectify this before they were determined. This work has increased with the number of academy schools increasing.

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:

33% of Primary Schools returned their ranked lists after the deadline set in the co-ordinated schemes. This is a higher percentage than previous years. The Local Authority assisted some schools with those rankings in order to meet our exchange deadlines with other LA's.

0% of middle schools returned their ranked lists after the deadline set in the co-ordinated schemes. An improvement on previous years.

22% of secondary schools returned their ranked lists after the deadline set in the co-ordinated schemes. An improvement on previous years.

10% of Primary Schools returned their ranked lists incorrectly ranked, they had to be advised to re-rank the list. An improvement on previous years.

0% of Middle Schools returned their ranked lists incorrectly ranked. An improvement on previous years.

11% of Secondary Schools returned their ranked lists incorrectly ranked, they had to be advised to re-rank the list. An improvement on previous years.

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:

Worcestershire also has normal points of entry for Year 5, Year 6, Year 8 and Year 9. However a number of neighbouring LA's do not. Parents in other areas are given mixed messages about who to apply to even though it should be the Home LA, a number of other LA's do not allow their parents to make applications if this is not the normal point of entry for schools in their area.

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**?

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.

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- 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.

3

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

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

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.

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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.

4

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.

Whilst this has been adopted by the LA for Co and VC schools the majority of OAA schools are advising they will await its introduction into legislation in order to so. As a large number of schools chose not to consult for 2020 and kept the arrangements in place for 2019, they did not wish to have to go through the consultation process when they were not legally required to do so.

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**:

Difficulties can occur in particular where previously looked after children have been in the care of other LA's and have since moved to or been adopted in Worcestershire. The onus is on the parent to provide historical evidence of the previous care status.

All current policies comply with the School Admissions Code.

D. Special educational needs and disabilities

- 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:

Statemented pupils and those with an EHCP naturally have to be admitted and are processed through the Special Educational Needs Services Section in the County Council. The School Admissions Team is informed during the admission round, which enables pupils with a Plan to be included in the intake cohort, thus avoiding the need for schools to admit above PAN. Where Late Applications are received for pupils with a Plan, Schools admit over PAN.

Those pupils without an EHCP are considered alongside all other pupils in line with the published Admissions Criteria. There have been instances however, in areas of oversubscription, where children without an EHCP, that have physical disabilities, have been unable to access schools that are deemed Accessible, as they are not sufficiently high enough on the Admissions Criteria.

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;
- 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
- other?

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.

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

other?

(please specify)

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		
Number of in year admissions between 1/9/18 and 31/3/19		

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

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

iii. Please provide any comments on the co-ordination of in year admissions if you wish.

Worcestershire does not currently co-ordinate in-year admissions but has consulted on and approved a scheme for co-ordination to come in to effect from September 2020. We believe this will provide a comprehensive service that is clear and fair to all parents and schools. Provides consistency and timely processing of applications for the benefit of parents. All decisions and rights communicated from central point at the same time. Ensures admissions criteria correctly applied, places not allocated on first come first served basis. Ensures children are not out of school for unnecessarily long periods of time, the more vulnerable and hard to place children are safeguarded by a robust admissions process, which is timely and ensures their application is handled correctly. Parents are clear how to apply, one point of contact, specific set time frame for decisions to be made and communicated to all parties, ensures legal rights of appeal are communicated and waiting list procedures too. Ensures that LA has full knowledge of vacancies available and sufficiency planning is accurate, that not more than one offer is made to some parents, whilst other parents have no offer. Relieves the administrative burden placed on schools. Ensures Fair Access Process can begin promptly. Ensures Looked After and Previously Looked After admissions decisions are reached promptly, that the direction process can be used more swiftly rather than carers going down the appeal process directly with schools. Transport assistance can be arranged promptly alongside the offer of a school place. Ensures that in-year admissions decision are applied consistently and fairly and not based on the circumstances of each individual child. Co-ordination builds in the ability to question how a schools decision has been reached prior to the parent being notified of an outcome. Whilst parents can challenge at appeal, the most vulnerable and those in need of most support are those that feel unable to challenge a schools decision. The LA would be aware of all refusals and allocations.

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?

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

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:

Whilst 100% of LAC in year applications for CO & VC Schools are successful, with Own Admission Authority Schools only 50% are successful. OAA Secondary Schools refuse to admit LAC and Previous LAC, even where vacancies exist. Appeal panels are upholding these decisions. The Code on School Admissions and the Appeals Code needs to be strengthened to ensure these children are admitted in year. With children currently LAC, own admission authority schools are requesting evidence that shows how their school best meets the needs of the child prior to determining whether to offer a place. In the case of Previous LAC moving schools, there is often a lack of Social Care/Virtual School involvement, so schools very much see this as the personal preference of the parent and refuse based on the fact that there has been no evidence provided to them that would show how their school best meets the needs of the child.

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?

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

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:

Pupils without an EHCP are considered alongside all other pupils in line with the published Admissions Criteria. There have been instances however, with own admission authority schools, where children with SEN, but without an EHCP, are being refused places because schools are deciding if an individual child would cause prejudice in terms of the resources and support that would be required by that child. Schools feel under significant financial pressure and are reluctant to admit any child with SEN that will have to have their needs met from the existing school budget.

E Other children⁸

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

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

	Primary aged children	Secondary aged children
Community and voluntary controlled	0	0
Foundation, voluntary aided and academies	0	6
Total	0	6

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

Please make any relevant comment on the protocol not covered above.
The numbers of children presented under the Fair Access Protocol is significantly low in comparison to the number of children eligible for placement, within Worcestershire it is the schools themselves who determine which children to present under FAP. This has resulted in a significant proportion of children being allocated Alternative Provision and who stay there for much longer than is necessary.

Schools are resistant to admitting children where they perceive they are not able to meet the child's needs and those who they consider may have a detrimental impact on the schools attainment and progress data.

Schools are also resistant to reintegrating children educated at Alternative Providers and PRUs. They consider that these children will have a detrimental impact on the schools attainment and progress data

With in-year admissions due to be co-ordinated for 2020 this provides an opportunity to review and ensure a robust and accountable Fair Access Protocol, which will streamline the current process.

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

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

Voluntary aided or foundation	0	0	0	0
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B. Please add any comments on the authority's experiences of making directions in these circumstances.

Although the Local Authority has not reached direction there have been 2 occasions where the Local Authority has been required to consult with the Governing Board of the school; in each instance, the situation was resolved during this stage without the need to pursue the direction.

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

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

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?	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	0	0	0	0

1 April 2018 and 31 March 2019?				
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)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	0	N/A	N/A
Pupil premium	0	0	0
Service premium	0	0	0

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

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

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	2	N/A	N/A
Pupil premium	0	0	0
Service premium	1	0	0
Total number of schools using at least one premium in their oversubscription criteria	2	0	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?

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

EHE numbers are rising generally, and families are not always opting for EHE for the right reasons. However, when the family decide that their child should return to a formal education in school, it can sometimes be difficult to obtain a place due to the length of time out of school. Admissions and EHE/CME work well together in an attempt to obtain a place, but can often result in the child being presented at Fair Access Panel, which is often not immediately successful either. If a school had to hold the place for a child opting to EHE for a certain period of time, then this could alleviate some of these issues.

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