



Office of
the Schools
Adjudicator

LOCAL AUTHORITY REPORT

TO

THE SCHOOLS ADJUDICATOR

FROM

Buckinghamshire County Council

28 JUNE 2013

1. Section 88P of the School Standards and Framework Act 1998 requires Local Authorities to make an annual report to the adjudicator.
2. The School Admissions Code (the Code) at paragraph 6 sets out the requirements for reports by local authorities. 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 local issues.
3. The remit letter from the Secretary of State for Education to the Chief Schools Adjudicator also makes reference to additional matters on which he wishes to have a report included in the Chief Adjudicator's annual report. Rather than undertake a separate exercise in which information is sought from local authorities, you are asked to include any relevant information in your report to the adjudicator.

Completing the Template

This template is designed to be completed electronically - boxes will expand as necessary.

Throughout this report, please include middle deemed primary schools as for pupils up to age 11 and middle deemed secondary schools as for pupils over 11.

Where type of school is given; foundation covers foundation schools and foundation schools with a foundation (trust schools). Academy covers all types of Academy schools (Academies, Free Schools, University Technical Colleges and Studio Schools).

Local Authority school numbers

Please give the total number of schools by type within your local authority as at 30 June 2013.

Type of School	Number of schools		
	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Total number of Schools
Community	104	4	108
Voluntary Controlled	29	0	29
Voluntary Aided	32	0	33* includes one all through school
Foundation	10	3	13

Academy	10	26	36
Total	185	33	219

- St Michaels all-through VA school

Admission Arrangements for Admissions in September 2013

Please provide details of how the admission arrangements for schools in your local authority serve the interests of the groups of children listed below. Please include details of any problems that have arisen for these children while allocating places for admissions in September 2013 [the Code paragraph 3.23 a) refers].

Looked after children: All schools in the county have given priority admission to looked-after children. There is also priority given within the Fair Access protocol. There have been no identified instances of LAC not being given a place at a preference school.

Previously looked after children: The Council has some concerns about the complexity of the 'previously looked after child rule' and has had identified instances of pupils who were adopted abroad for example that it has not been possible to afford priority to under the rule as there is no UK documentation to demonstrate that they meet the criteria of this rule, yet had the circumstances been recorded in a UK court then they would have met the criteria.

Children with disabilities: (without a statement). For 2013 admissions the admission rules make no reference other than many of the county's admission authorities give priority under medical/social reasons as long as those reasons clearly set out the case for the particular school in question. For 2014, following consultation, the council has moved the 'Social/medical' rule to a higher position in the admission arrangements. This change was introduced as a result of a small number of cases where there has been a clear social/medical reason for an out-area school preference but all the catchment children had not been admitted and, as a result, the child was not admitted through the normal application of the rules but went on to make a strong case at appeal following which the Independent panel commented that the LA stance had been 'unreasonable.' This change will be monitored for 2014.

Children who have special educational needs

- i) Have a statement of special needs that names a school: The Council's SEN team manage these admissions and their usual stance is to allow the parent to express a preference if there is a choice of provision. However, where a parent does not choose the closest provision this can mean they are required to be responsible for transporting their child to their preferred provision.

- ii) Have special needs, but do not have a statement: There is no particular assistance offered other than any assistance that might fall to be permitted under the social/medical rule.

Fair Access Protocol

The Code at paragraph 3.9 requires each local authority to have a Fair Access Protocol agreed with the majority of schools in its area. Paragraph 3.11 of the Code requires that all admission authorities must participate in the Fair Access Protocol.

- a) Please confirm that your local authority has a Fair Access Protocol that has been agreed with the majority of schools in your area.

Tick as appropriate: Yes No

If **NO**, please explain:

- b) Although a majority of schools, and perhaps all, will have agreed the Fair Access Protocol, some may not have done so; please state how many schools have not agreed the Fair Access Protocol.

Type of School	Number of schools that have not agreed Fair Access Protocol	
	Schools for pupils up to age 11	Schools for pupils over age 11
Community		
Voluntary Controlled		
Voluntary Aided		
Foundation		
Academy		
Total	0	0

- c) Where schools did not agree the Fair Access Protocol; please say why they did not agree.

We are not aware that any school in the area has explicitly refused to agree the Fair Access Protocol.

- d) Have you reviewed your Fair Access Protocol since the School Admissions Code 2012 was introduced?

Tick as appropriate: Yes No

- e) If YES, please briefly outline the process for the review and include any significant changes that have been made to your protocol.

The review has been school led, with the creation of a Fair Access Board, chaired by a secondary Headteacher and with primary, secondary, PRU and officer representation. This group has refreshed the Fair Access arrangements and from January secondary arrangements for the placement of particular permanently excluded pupils, managed moves are now the subject of two area based groups with all schools represented and chaired by the relevant PRU Headteacher. They consider:

- 1) Permanently excluded pupils
- 2) Managed moves
- 3) Children without a school place where there has been a significant delay in admission to a school
- 4) Full time PRU placements

It was recognised that this process would not be appropriate for primary schools and so work is on-going to establish a primary methodology that will work with the different age range.

- f) If NO, do you plan to do so in 2013/14?

Tick as appropriate: Yes No

If **NO** explain why:

- g) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2012/13 in placing children without a school place in schools in a timely manner. Include details of i) any specific problems that have been encountered in applying the protocol; ii) examples of particularly effective collaboration and working.

General Assessment:

We hope that the changes we have agreed through the working group will ease concerns related to our old process, particularly an issue at secondary school age. Prior to the changes a Headteacher panel comprising of a small number of headteachers, elected on a rotating basis, who made the decisions, which occasionally resulted in objections from the receiving school. The group also only looked at excluded pupils. It is now possible for the LA Admissions team to highlight children out of school for more than 20 school days due to slow decision making or where a school is refusing to admit even when they have places.

i) Any specific problems.

Particularly difficult year groups are during Y11 where schools (with places) do not want to admit pupils from abroad, or who are not English speaking due to the impact on their exam statistics, especially where there is little or no

match of exams/exam boards.
 ii) Examples of particularly effective collaboration and working.
 The decisions put in place and the creation of the Fair Access Board steering group has been a collaborative process led by schools and LA jointly.

h) How many children have been admitted to each type of school in the area under the protocol? How many children have been refused admission to a school?

Type of School	Number of children admitted		Number of children refused admission	
	Schools for pupils up to age 11	Schools for pupils over age 11	Schools for pupils up to age 11	Schools for pupils over age 11
Community	15	7	0	0
Voluntary Controlled	4	0	0	0
Voluntary Aided	0	1	0	0
Foundation	2	5	0	0
Academy	0	11	0	0
Total	21	24	0	0*

0* - there has been a robust discussion in a couple of cases but it has not been necessary to formally write requesting (academy) or requiring (other schools) admission.

i) If children have not been placed successfully in a school through the protocol, have you used the direction process to provide a place for a child?

Tick as appropriate: Yes No N/A

j) If YES, how many children have been placed and in which type of school as a result of a direction, including a direction via the Secretary of State or after a referral to the Adjudicator?

Type of School	Number of children placed	
	Schools for pupils up to age 11	Schools for pupils over age 11
Community	0	0
Voluntary Controlled	0	0
Voluntary Aided	0	0
Foundation	0	0
Academy	0	0
Total	0	0

k) Please add any other relevant information you wish to include in this section concerning Fair Access Protocols, for example, have you used the guidance issued by the Department for Education in November 2012 and has

it proved useful?

This advice was issued as we were putting the finishing touches on the redesigned FAB process, so we used it to check the re-designed process as the guidance and processes were finalised.

Co-ordination of admissions

A) During the normal admissions round:

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2013 in your local authority highlighting any particular strengths in the process and any problems.

Primary: Worked well, but particular concerns where there are shortfalls of places in neighbouring areas which soak up available places and mean that placing late applications is difficult

Secondary: There have been major changes in relation to admission arrangements due to the introduction of:

- a local review stage prior to allocation by the academy grammar schools
- fair banding arrangements by Highcrest Academy

Although in general this has not affected coordination we will be looking to review the impact with a view to ensuring that the processes operate as well as they can.

B) In-year admissions:

- a) How many requests for in-year admissions have been received since 1 September 2012?

Number of in-year admissions	
For pupils up to age 11	For pupils over age 11
3311	1591

- b) Please comment on the effectiveness of in-year admission arrangements in your local authority.

Due to the size of the cohorts for in year applications we have viewed a coordinated process as essential. Coordinating admissions has enabled us to

manage admissions as effectively as possible, kept multiple offers to a minimum and enabled the timely allocation to schools with places of children whose preferences cannot be met.

- c) From September 2013 in-year admission arrangements do not have to be co-ordinated by the local authority. Have you discussed with the own admission authority schools in your area the option of continuing to co-ordinate in-year admissions?

Tick as appropriate: Yes No

- d) Will the local authority continue to co-ordinate in-year admissions for all schools in your area?

Tick as appropriate: Yes No

- e) If NO, how many own admission authority schools have elected to manage their own in-year admissions?

17 primary and 8 secondary own admission authorities have notified us that they do not wish to be part of the coordinated process. The LA will continue to coordinate those schools for which it is the admission authority, plus 35 primary and 10 secondary own admission authority schools who have expressed a wish to also be part of the co-ordinated procedure. We are still awaiting some school's final decision regarding this.

Admission Appeals

- a) Please provide details about the number of appeals lodged for admissions in September 2013.

	Number of Appeals					
	Lodged	Settled	Withdrawn	Heard	Upheld	Not Upheld
Pupils up to age 11	163	7	15	141	2*	20*
Pupils age 11-16	346	97	42	207	34*	79*
Pupils over age 16	0	0	0	0	0	0
Date up to which this information applies	24 June	24 June	24 June	24 June	24 June	24 June

* decisions outstanding for 119 primary and 94 secondary cases as of 24 June

Please note there will be an opportunity to update this data up until 31 August 2013 - the update form is attached as an appendix so that you

can return separately if you wish at the end of August.

b) Please add any comments about the appeals process in your area.

Grammar Academies have introduced a Local Review process rather than qualification appeals in advance of 1/3. As a result there has been a change in the grammar qualification appeals and therefore this data above excludes the qualification stage of the admission appeals for grammar schools – but for completeness there were 249 of these, and the outcomes are 166 not qualified, 54 qualified (some of whom are still appealing for their preferred schools) 7 withdrawn/settled and 22 late cases still to be heard. The new timelines have been a challenge due to the numbers of appeals and the predominance of these appeals being organised through the council’s Legal and Democratic Services team

Other Issues

Paragraph 3.23 of the Code requires each local authority to publish a copy of its report locally by 30 June.

a) Please indicate where or how a copy of the report can be obtained by a member of the public:

Tick as appropriate: Local authority Hard copy Other

If other please state: placed on the council’s website.

If not published by 30 June please provide details of when and where the report will be published: This will be published on the council’s website once submitted.

b) Paragraph 3.2 says “local authorities **must** refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful”. Please describe the process that the local authority uses to assess whether the admission arrangements of own authority schools comply with the Code.

Scrutiny by Admissions and Transport officers, who will support/challenge if they believe the rules are unlawful or if we consider they are inappropriate for the local arrangements

c) If any arrangements were thought not to be compliant, what action has the local authority taken to ensure own admission authority schools have

admission arrangements that comply with the Code?

No cases were identified in the consultation round for 2014 admission arrangements. This was not unexpected as the new code did not require consultation and over the last years there has been a lot of time taken to ensure all the schools rules are acceptable and can be managed within the coordinated process.

d) Are there any secondary schools in your area that give priority for attending named feeder primary schools?

Tick as appropriate: Yes No

e) If YES, are you satisfied that attendance at the named primary school(s) does not introduce what is in effect a pre-condition for gaining a place at the secondary school?

Tick as appropriate: Yes No

Please comment if appropriate:
This is a rare rule locally, only used in a small number of school's rules.

Local Authority Issues

Please provide details of any other issues that you would like to raise and comment on that are not already covered in this report.

None

Remit Letter from the Secretary of State for Education to the Chief Adjudicator

The Secretary of State has asked that the Chief Adjudicator's annual report includes an assessment of the impact in local areas of having more own admission authorities and any implications for parental choice.

Does the local authority carry out any investigations into the impact for parents of having many or most or all schools in an area that are their own admission authority?

Tick as appropriate: Yes No

If YES, what was the outcome of the investigation:

If **NO**, are there any plans to monitor the impact for parents of having an increasing number of own admission authority schools:

This is something that the LA will monitor in the future as there have been significant increases to the number of own admission authority in the area over the last 18 months. Lack of in year coordination is likely to exacerbate issues that coordination has kept under control. The progress of the policies we have introduced to continue to partially coordinate will be reviewed.

To date few schools have made significant changes to their admission rules. The most significant possibility of change would be if grammar schools did not agree on a common transfer test. However they have been working together with the LA with the aim of ensuring that we retain a county-wide testing process. Additionally they are also aiming to test earlier so that the results will be available before the preference deadline which will significantly improve this county's preference percentages at secondary transfer.

If the admission arrangements of individual schools are all considered to be lawful, is there any difficulty for parents in securing a place at a local school?

Tick as appropriate: Yes No

If **YES**, has the local authority considered what might be done to overcome any difficulties:

Once the allocation is complete we will review the impact of the decision made last summer by the Office of the School's Adjudicator in respect of Highcrest Academy's Fair Banding arrangements. We note the findings that the Adjudicator said the arrangements were lawful but we will seek to report the impact of the changes for local families.

Please email your completed report to: OSA.TEAM@OSA.GSI.GOV.UK