



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

Buckinghamshire Local Authority

30 June 2017

**Report Cleared by (Name & Title): Sarah Callaghan
Director of Education**

Date submitted: 30 June 2017

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Introduction

Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Schools Adjudicator (CA) then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2017**.

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

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

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

Information requested

1. Looked after children and previously looked after children

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

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

Not at all Not well Well Very well

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

Not at all Not well Well Very well

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

Not at all Not well Well Very well

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

Children Looked After or Previously Looked After are given priority within the admission rules and parents/foster parents are supported to ensure any necessary evidence is provided. Very occasionally, we have found that other LAs are not forthcoming with this information where known

2. Children with disabilities and children with special educational needs

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

- a. How well served are children who have disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school?

Not at all Not well Well Very well

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

Not at all Not well Well Very well

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

All schools explain in their published rules that children with EHC plans will have priority of access to places at the main point of entry to our schools. The Admissions team and the SEN Team liaise closely to ensure that SEN admissions are incorporated at the earliest possible moment with the admissions process. In the main SEN practice is to meet parental preference where possible and the LA will direct schools to admit where necessary.

All schools explain in their published rules that children with statements or EHC plans will have priority of access to places at the main point of entry to our schools. The Admissions Team and the SEN Team liaise closely to ensure that SEN admissions are incorporated at the earliest possible moment with the admissions process.

However difficulties arise if parents do not make a timely application which then restricts the possible outcomes for their child where a particular school is being sought. This is particularly the case where children have mobility issues and parents have a preference for a school with minimal steps/access issues that provide access throughout the school site that is not their closest school.

There are clear processes in place to ensure access to Secondary Transfer Testing for those with SEND.

All VC and C schools have a high priority admission rules for medical/social needs and many OAA schools have similar, although it is omitted in some schools which leaves parents with real reasons for seeking admission to a particular school using the appeal process.

Children with disabilities but without a statement or EHC plan can apply to schools that will best meet their needs under a priority admission rule for children with 'medical or social reasons' which is in place for most schools.

3. Consultation

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

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

Please provide the year.

2016-17 for 2018 entry

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

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

Twitter account and via Family information service on Facebook

- Posters in supermarkets, doctors' surgeries, early years health centres and similar

- Other (please specify)

School bulletin

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

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

Sorry, no examples of good practice but some comments about this area of work. The seven year consultation timeline means that it is impossible to know whether a school intends to consult on changes unless a school explicitly advised that a consultation was planned. Schools do not understand that they have to determine admission rules annually even when they do not consult. Schools do not schedule governing body meetings to facilitate achieving determined admission arrangements by the deadline Turnover of school staff has led to schools asking the LA for the date they last consulted. . We are in the process of surveying schools and creating a central record of the last consultation dates for each school and we intend to publish this our or SchoolsWeb to ensure schools meet their obligation to consult at least every seven years.

4. Pupil, service and early years pupil premiums

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

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

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

- Unsure how it will help social mobility;

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

We modelled it on 2016 entry for a known group of EY pupil premium families and as long as they applied correctly, on time, nearly all were able to get their preferred school and all were able to get a local school.

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

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

Concern that this would make a small number of schools even more polarised with serving service families

explain):

- g. If you did not consult on introducing **early years premium** please indicate up to three main reasons for not doing so:

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

Other (please

explain):

See above

How many community or voluntary controlled schools in the local authority area will use pupil premium as an oversubscription criterion for admissions in 2018?	Primary including middle deemed primary	Secondary including middle deemed secondary
h. Pupil premium	0	12 grammar schools use FSM and of these two use PP as well
i. Service premium	0	0
j. Early years pupil premium	0	N/A

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

How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
q. Voluntary aided	0	0	0	0	0
r. Foundation	0	0	0	0	0
s. Academy	0	0	0	2	0
t. Free	0	0	0	0	0
u. UTC	N/A	N/A	N/A	0	0
v. Studio	N/A	N/A	N/A	0	0

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

The way pupil premium is recorded needs to be reviewed . Parents do not necessarily know their child is a pupil premium child. Info is not shared cross border even if it is held against a child on the database (i.e. not part of the ADT file).

It can be difficult to get information from other LAs as to which applications should be considered under this rule.

5. Determined arrangements

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

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

Cabinet member report 13/3/17

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

13/3/17

How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	Primary including middle deemed primary	Secondary including middle deemed secondary
c. Voluntary aided	0	0
d. Foundation	0	0
e. Academy	0	0
f. Free	N/A	0
g. UTC	N/A	0
h. Studio	N/A	N/A
<p>i. Overall, in your consideration of the admission arrangements for 2018 determined by other admission authorities, which paragraphs of the Code gave you greatest concern because of possible non-compliance with requirements?</p> <p>1.45 – it is difficult, if challenged, for schools to demonstrate they correctly consulted on their website</p> <p>3.6 and 3.7 – we had need to make a variation and we found the interpretation of these rules to be unnecessarily broad where (as in our case) the relevant area covered the whole of the county but the variation was an issue local to a particular area.</p>		

- j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above

It is not the rules that are our main concern; it is the unintended consequences where schools use legitimate rules in a different order from the majority of their neighbours. For example schools that want to put siblings above catchment when everyone else has catchment above siblings as this can reduce the number of places for catchment children and might result in them not securing a place at their catchment school.

6. Co-ordination

How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
a. Reception				X
b. Year 7			Y	
c. Other relevant years of entry (please specify)				X (Junior)
<p>d. Please give examples to illustrate your answer:</p> <p>Prior to the allocation a trial run, modelling the outcomes was undertaken, to explore where the areas of difficulty would be. Extra places were thus negotiated with schools ahead of the allocation so a higher % of parents could be offered one of their preferred schools.</p> <p>There is varying practice regarding the operation of waiting lists after the main allocation in other areas. This can be very confusing for parents – a national timeline for later rounds would be helpful as would commonality regarding auto acceptance and auto waiting list opt-on. Some LAs are very poor at communicating with their neighbours and validating their data, others are efficient in this matter.</p>				

<p>e. There has been an increase in the number of schools for which the governing body or academy trust is the admission authority. Please describe the effect of this on the admissions system in your area.</p> <p>Some schools have decided not to be part of the coordinated process and this has led to issues if the school/LA communications cannot be successfully maintained.</p> <p>Where they decide to be part of the coordinated process then it can work well if good communication and transparency regarding school places can be maintained.</p> <p>For secondary – no change</p>
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To how many schools of each type does the local authority delegate responsibility for in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
f. Community	0	0
g. Voluntary controlled	0	0
<p>h. What do you consider to be the advantages and disadvantages of this?</p> <p>The Local Authority, as admission authority for the above category of school, does not allow these schools to manage their own in year admissions</p>		

For how many schools of each type does the	Primary including	Secondary including
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local authority co-ordinate in-year admissions?	middle deemed primary	middle deemed secondary
i. Voluntary aided	22	0
j. Foundation	9	2
k. Academy	8	16
l. Free	N/A	0
m. UTC	N/A	0
n. Studio	N/A	0
o. What do you consider to be the advantages and disadvantages of this?		
<p>Sometimes difficult when schools that manage their own in year admissions (currently 47 schools) do not let us know if they have offered a child a place and the admissions team spend time processing an application when the child has actually started at a school. Parents have told us that schools that manage their own in year admissions often verbally advise parents that they don't have a place. Parents don't actually make an application and are then never formally refused a place and offered the right of appeal. This creates grey areas over which we have limited influence.</p> <p>There can be a particular reluctance if the child has recently moved to UK and needs language support or they are a non-preference allocation or live in a neighbouring school's catchment area irrespective of the preferences expressed.</p> <p>Particularly difficult year groups are Yrs 10 and 11 once GCSE options have been set..</p>		

7. Appeals

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

	a. How many schools of each type engage the local authority to provide all aspects of the appeals process?		b. How many schools of each type engage the local authority to provide some aspects of the appeals process?	
	Primary including middle deemed primary	Secondary including middle deemed secondary	Primary including middle deemed primary	Secondary including middle deemed secondary
Voluntary aided	6	0	6	0
Foundation	13	2	13	3
Academy	6	20	6	21
Free	0	0	0	2
Studio	N/A	0	N/A	N/A
UTC	N/A	0	N/A	N/A
c. Any comments related to this:				
<p>Very few schools run their own admissions appeals processes, which means that the majority of appeals in Buckinghamshire are facilitated by the council's appeals team. Of these, where a school has opted out of the coordinated admission process the Admissions service has reluctantly advised schools that appeal support cannot be supplied and the school will be expected to defend the refusal to admit themselves.</p>				

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

Not at all confident many doubts a few doubts Very confident

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

For schools that manage their own in year admissions we are not always clear as to whether parents are being informed of their right to appeal when a place has been refused.

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

8. Fair Access Protocol

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

Yes No

b. If no, please explain why:

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

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community	44	2	0	0
Voluntary controlled	5	0	0	0
Voluntary aided	5	1	0	0
Foundation	6	19	0	0
Academy	2	23	0	0
Free	N/A	0	0	0
UTC	N/A	0	N/A	0
Studio	N/A	0	N/A	0

d. How well do you consider hard to place children are served by the Fair Access Protocol in your area?

Not at all Not well Well Very well

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

Permanently excluded children who are ready to return to mainstream school are always placed at our Fair Access Board. The board will also consider/ratify managed moves to prevent a permanent exclusion. It is also used to successfully place vulnerable children without a school place if the normal in year arrangements have proved unsuccessful.

9. Directions

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

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
a. Voluntary aided	0	0	0	0
b. Foundation	0	0	0	0

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

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

	For primary aged child	For secondary aged child
d. Community	0	0
e. Voluntary controlled	0	0
f. Voluntary aided	0	0
g. Foundation	0	0

h. Please add any comment with regard to strengths or difficulties relating to this. Normally in the area it is not necessary for a direction to be issued, but currently our Virtual School is considering directing a school in another area to admit a Looked After Child

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

	For primary	For primary	For secondary	For secondary

	aged children (not looked after)	aged looked after children	aged children (not looked after)	aged looked after children
i. Academy	0	0	0	0
j. Free	0	0	0	0
k. Studio	N/A	N/A	N/A	N/A
l. UTC	N/A	N/A	0	0

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

10. Other matters

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

Thank you for completing this template.

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