



Office of
the Schools
Adjudicator

LOCAL AUTHORITY REPORT
TO
THE SCHOOLS ADJUDICATOR
FROM
Buckinghamshire Local Authority

30 JUNE 2016

Report Cleared by (Name): Nick Willson

(Title): Director of Education

Date submitted:

By (Name): Debbie Munday

(Title): Admissions and Transport Manager

Contact email address: dmunday@buckscc.gov.uk

Telephone number: 01296 3822170

www.gov.uk/government/organisations/office-of-the-schools-adjudicator

Please email your completed report to: osa.team@osa.gsi.gov.uk

Introduction

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. There are other matters concerning admissions, some suggested by local authorities themselves, about which it would be useful to have a view. 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. Please note that we will contact you if any data boxes have not been completed. However if there are any blank comment boxes we will presume that you have no comments to make.

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. For schools that have children of primary and secondary age and are not designated as a middle school please record them as all-through schools.

Where a type of school is given, foundation covers foundation schools and foundation schools with a foundation (trust schools). Academy schools should be recorded by the individual type of academy school, namely, academy, free school, UTC or studio school.

1. Local Authority school numbers

Please give the total number of schools by type within your local authority as at 30 June 2016.

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	92	3	0
Voluntary Controlled	23	0	0
Voluntary Aided	39	0	1
Foundation	12	3	0
Academy	18	26	1
Free School	0	2	0
UTC	N/A	1	0
Studio School	N/A	0	0

2. Admission Arrangements for Admissions in September 2016

The Code at paragraph 3.23 requires that each local authority provides “*information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen*”.

Please include details of:

1. Any ways in which each of the following groups of children have been especially well served; and
2. Any difficulties that have arisen for each group of children while allocating places for admission in September 2016.

(a) How well are the interests of **looked after children** served?

Tick as appropriate: Fully In part Not satisfactory

Comments: Children Looked After are given priority within the admission rules and parents/foster parents are supported to ensure any necessary evidence is provided. Sibling definition has been revised to include foster children in the same home as a relevant sibling to assist foster families. looked after children are given priority within the Fair Access Protocol. the flexibility within the code at KS1 is employed for LAC children moving to the area.

We did have a difficult case where a child became looked after and moved to Buckinghamshire due to a potentially criminal incident in the home. This was a complex admission as the other LA wanted to direct admission in a Buckinghamshire own admission authority school without sharing fully the background of the case.

(b) How well are the interests of **previously looked after children** served?

Tick as appropriate: Fully In part Not satisfactory

Comments: see above, assuming they have been adopted etc and the parent is aware that they need to declare the child is adopted from care to benefit from the priority then then they are given the same priority as currently looked after children

(c) How well are the interests of **children with disabilities** served?

Tick as appropriate: Fully In part Not satisfactory

Comments: Children with disabilities holding a Education, Health and Care Plan are supported fully through that process.Children with disabilities can apply for priority of admission to particular schools that will best meet their needs by application under the exceptional medical social rule which is in place for most schools. There are clear processes in place to ensure access to secondary transfer testing for those with SEND

- (d) How well served are **children who have special educational needs and who have a statement of special needs** that names a school (or an education health and care plan)?

Tick as appropriate: Fully In part Not satisfactory

Comments: 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.

- (e) How well served are those **children who have special needs, but do not have a statement?**

Tick as appropriate: Fully In part Not satisfactory

Comments: see C above. 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.

3. Co-ordination of admissions

A) During the normal admissions round

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2016 in your local authority, highlighting any particular strengths in the process or any problems that have arisen.

Primary

- (a) How well has the operation of national offer day worked for primary admissions this year compared with previous years?

Tick as appropriate: Better The same Less well

Comments: 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 and all remaining pupils were offered an alternative school within a reasonable distance. There is varying practice regarding the operation of waiting lists etc after the main allocation in other areas.

Secondary

(b) How well has the operation of national offer day worked for secondary admissions this year compared with previous years?

Tick as appropriate: Better The same Less well

Comments: See comments for primary schools. the process operates well in general but we are concerned that some LAs are not resourced sufficiently to coordinate effectively with colleagues in other authorities

(c) If you have any UTCs or studio schools in your area, do you co-ordinate admissions for entry at the relevant year group for entry to these schools?

Tick as appropriate: Yes No N/A

If **YES**, please comment on how well the admissions process is working for these schools: The process works well but currently the UTC is undersubscribed. This year the council has undertaken a mailout to all Y9 pupils families on behalf of the UTC

If **NO**, do you have any evidence about how well the admission process is working for individual UTCs or studio schools?

Tick as appropriate: Yes No

If **YES**, please comment:

B) In-year admissions

The Code sets out that in-year admissions do not have to be co-ordinated by the local authority.

(a) How many **pupils** have needed a school place because they do not have one or because parents have applied for a place as an in-year admission for any other reason between 1 September 2015 and 15 June 2016?

Number of pupils up to age 11	Number of pupils over age 11	Number of post-16 students
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3556	969	not held
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(b) Does your local authority co-ordinate in-year admissions for all, some or none of the schools in your area?

Tick as appropriate: All Some None

If 'Some', please complete the table below as appropriate

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	92	3	0
Voluntary Controlled	23	0	0
Voluntary Aided	20	0	0
Foundation	10	3	0
Academy	11	13	0
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	n/a	0

(c) Do you have any information about how many schools parents might approach before obtaining a place? Please comment on any issues that have come to your attention.

Comments: Parents sometimes tell us that they have contacted schools direct but we have no statistics. We ask schools who do not coordinate to provide information regarding any child refused a place but this information is not always provided so we cannot answer this with any certainty.

(d) How confident are you that the requirements of the Code at paragraph 2.22, for schools to keep the local authority informed in a timely manner about applications and the outcomes, are being met? (If you co-ordinate all admissions for all schools then please tick not applicable.)

Tick as appropriate:

Very confident Confident Not confident Not applicable

(e) Across your local authority, how well have in-year admissions worked this year?

Tick as appropriate: Better than last year The same as last year
Less well than last year

(f) Please comment on the effectiveness overall of in-year admission arrangements across all types of schools in your local authority.

Comments: Sometimes difficult when schools that manage their own in year

admissions 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.

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.

Particularly difficult year groups are Yrs 10 and 11 once GCSE options have been set..

4. Fair Access Protocol

The Code at paragraph 3.9 requires each local authority to have agreed a Fair Access Protocol 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 your Fair Access Protocol.

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	0	0	0
Voluntary Controlled	0	0	0
Voluntary Aided	0	0	0
Foundation	0	0	0
Academy	0	0	0
Free School	n/a	na	0
UTC	N/A	na	0
Studio School	N/A	na	0

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

Comments:

(d) (i) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2015/16 in placing children without a school place in schools in a timely manner.

Tick as appropriate: Very well Mostly well Some difficulties

(ii) What is your general assessment of the working of the protocol compared with last year?

Tick as appropriate: More effective As effective Less effective

(iii) How frequently has the protocol been used to place a child compared with last year?

Tick as appropriate: More frequently Same frequency Less frequently

(e) Have you any examples of particularly effective collaboration and working with individual schools, for example, placing children in year 6 of a primary school or years 10 and 11 of a secondary school?

Tick as appropriate: Yes No

Comments:

(f) Have you had specific problems in allocating a place through the protocol, for example, where a school has been reluctant to accept a child?

Tick as appropriate: Yes No

Comments: schools sometimes reluctant but in most cases do eventually admit

(g) How many children have been admitted under the protocol to each type of school in your area? 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	All-through schools	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools
Community	44	3	0	0	0	0
Voluntary Controlled	2	0	0	0	0	0

Voluntary Aided	4	0	0	0	0	0
Foundation	5	9	0	0	0	0
Academy	3	14	3	0	0	0
Free School	n/a	na	0	0	0	0
UTC	N/A	na	0	N/A	0	0
Studio School	N/A	na	0	N/A	0	0

(h) 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

(i) 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 EFA on behalf of the Secretary of State or after a referral to the Adjudicator?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community			
Voluntary Controlled			
Voluntary Aided			
Foundation			
Academy			
Free School			
UTC	N/A		
Studio School	N/A		

(j) Please add any other relevant information you wish to include in sections g - i concerning Fair Access Protocols.

Comments: Our Fair Access Boards will consider not only PXd and Managed move cases but also will consider cases where the child has been out of education for an extended period of time and the allocation of a place is proving particularly slow. This has been a useful mechanism that results in admissions progressing. often the outcome of consideration of a case at a FAB is for the PRU to manage a reintegration over a longer period. These cases are not included in the figures above as they are difficult to monitor.

5. Admission Appeals

The Code requires data to be collected about appeals. In order to meet this requirement the DfE will use the latest published Statistical First Release: admission appeals for maintained and academy primary and secondary schools in England.

Taking into account comments reported in 2014, and data gathered for the first time in 2015, in response to the invitation to *“add any comments about the*

appeals process in your area”, it would be helpful to gather views once again across all local authorities on the extent to which schools that are their own admission authority continue to use local authority services for admission appeals.

(a) Do any own admission authority schools use any of your services as part of the appeals process?

Tick as appropriate: Yes No

(b) If yes, please indicate the number of schools that use at least some of your services

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	6		1
Foundation	13	3	
Academy	6	21	
Free School	0	2	
UTC	N/A	1	
Studio School	N/A		

(c) Please indicate the services that are used :

Type of School	Schools for pupils up to age 11(Y/N)	Schools for pupils over age 11 (Y/N)	All- through schools (Y/N)
Full appeals process	Y	Y	Y
Legal advice	Y	Y	Y
Assistance in the preparation and presentation of case documentation	Y	Y	Y

(d) Please add any other service related to appeals obtained from your local authority

Comment: All schools that us the LA service use the full appeals process and legal advice but some do not use the assistance with presentation and presentation of the case. There is flexibility in the charges to enable a school to tailor the support they require

The pattern of acceptance reflects the impact of diocesan appeals. VA and A schools that are Cof E schools have remained supported by the diocese. Currently only two schools have their own appeals arrangements.

The Council's Appeals Team administered 230 appeals for Milton Keynes schools (maintained, academies and voluntary aided), 25 home-to-school transport appeals and 3 exclusion reviews for Bucks schools,

(e) Please add comments about any aspects of the appeals process in your area that work well or that cause difficulties, as appropriate.

Comment: The Appeals Team at Bucks County Council administers appeals on behalf of 71 primary schools, 17 upper schools and 11 grammar schools. It also administers appeals on behalf of 68 schools in Milton Keynes. There were 1706 appeals received last year from Bucks and Milton Keynes schools, and 1146 were heard. The vast majority of these appeals take place during the period May to July. The Appeals Team can access a pool of approximately 100 independent, unpaid, volunteer members who sit on Independent Appeal Panels (IAPs). Panel members are sometimes asked to commit to 5-8 days hearing appeals for a school which is a lot to ask an unpaid volunteer to commit to. It can be extremely difficult to convene sufficient numbers of panels to hear appeals within the time-limits set within the School Admissions Code 2012 (the Code).

Grammar appeals are complicated due to the existence of the “local review” process as provided for in paragraph 3.12/3.13 of the Code. This is called a Selection Review and takes place in November to January following the Transfer Test. Pupils who are not qualified by the Selection Review Panel may go on to appeal to the IAP, although this is a limited form of appeal. Paragraph 3.13 of the Code provides that ‘b) where a local review process has been followed, the panel must only consider whether each child’s review was carried out in a fair, consistent and objective way and if there is no evidence that this has been done, the panel must follow the process in paragraph 3.13(a) above’.

The IAPs have found it difficult to interpret “fair, consistent and objective” in the absence of any guidance to the meaning that should be attributed to these words. The IAP members, in contrast, are not expected to be “objective and consistent” but “transparent, accessible, independent and impartial and operate according to principles of natural justice” (The Code 1.2).

The grammar schools are very popular and can have 25-40 appeals for each grammar school with a mix of qualified and non-qualified pupils going to appeal some of whom have been to review others have not. They are complex and lengthy. As appeals are school specific sometimes families appeal multiple times.

Finally there continues to be large numbers of infant class size (ICS) appeals received. Last year 374 (of 732) appeals for primary school places in Buckinghamshire and Milton Keyne were for places affected by the Infant Class Size Legislation. This is despite the fact that we explain in all our guidance and letters to parents the very limited circumstances in which an IAP can uphold an ICS appeal and stating that fewer than 2% of cases are successful.

We should be very pleased to provide any further information required by the DfE.)

6. Other Issues

A. Objections to admission arrangements

Paragraph 3.2 in the Code 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*”.

- (a) How many sets of admission arrangements of schools were queried directly by your local authority with schools that are their own admission authority because they were considered not to comply with the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	0	0	0
Foundation	0	0	0
Academy	0	0	0
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	0	0

- (b) How confident are you that own admission authority admission arrangements are now fully compliant with the Code?

Tick as appropriate: Very confident Confident Not confident

- (c) How many schools did not send you a copy of their full admission arrangements, including any supplementary information form (or any such form by another name, for example, religious inquiry form) if one is used, by 15 March, as required by paragraph 1.47 of the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	28	0	1
Foundation	11	3	0
Academy	14	8	1
Free School	0	2	0
UTC	N/A	1	0
Studio School	N/A	0	0

B. Fraudulent applications

- (a) Is there any concern in your local authority about fraudulent applications?

Tick as appropriate: Yes No

(b) Did your local authority make any offers on national offer days that were subsequently withdrawn as a result of a fraudulent application?

Tick as appropriate: Yes No

(c) If **YES**, how many for each type of school?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community			
Voluntary Controlled			
Voluntary Aided			
Foundation			
Academy			
Free School			
UTC	N/A		
Studio School	N/A		

(d) What action is your LA taking to prevent fraudulent applications?

Comment: Most fraud is on the basis of the address used. We continue to collect address evidence at time of application, and have a high threshold of evidence required before an address will either be accepted (new student) or changed from that currently held by the primary school. We liaise with schools for 'local' knowledge and OLAs where a move is cross-border.

C. Summer-born children, deferred entry and part-time attendance

The DfE issued revised guidance in December 2014 “Advice on the admission on summer-born children” for local authorities, school admission authorities and parents ([Link to Guidance](#)). The Code at paragraph 2.16 deals with deferred entry and/or part-time attendance for children in the year they reach compulsory school age. Paragraph 2.17, 2.17A and 2.17B refer to the admission of children outside their normal age group.

(a) Do you keep data for any schools on the number of requests from parents who ask that their child is admitted to a class outside their normal age group?

Tick as appropriate: Yes No

(i) For community and voluntary controlled schools: Yes No

(ii) For own admission authority schools: Yes No

If **YES** in answer to (a) above, please complete the tables:

Type of School	In 2015, how many requests for deferred admission to year R in 2016 were agreed for a child who will have reached the normal age for Year 1?
Community & Voluntary Controlled	4
Own Admission Authority	0

Type of School	How many requests to defer admission to year R in 2016 were received?	How many of those requests were subsequently agreed?
Community & Voluntary Controlled	28	24
Own Admission Authority	0	0

(b) What reasons, if known, were given for seeking to defer the admission to year R of children for a full school year?

Comments: Where the application was made in advance, most applications came from parents who were concerned about their child's readiness to start school following advice from their child's nursery or doctor (GP/ paediatrician/ consultant) often there was speech and language involvement and in several cases the child was already being assessed for an EHCPlan. Occasionally applications were made in arrears where the child had not started school at the appropriate time (some refused last year) and these were a mix as above but also where the preferred school was not offered in the previous admissions round . In the main where asked for their views schools have been supportive of parents requests, but own admission authority schools have a choice as to whether to agree the delayed admission and in a small number of cases they have not, resulting in a child with a mix of preferences some of which will not be accepted when they apply in future to the own admission authority school. this has created an administrative complexity that did not exist before.

(c) Do you have any other comments on the matter of admission of summer-born children, including requests to delay admissions made after the allocation of places in the normal admissions round?

Comments: the Council has worked to create a policy and procedures around this area and details can be found here:<http://www.bucksc.gov.uk/education/schools/admissions-and-moving->

school/admission-to-primary-schools/children-educated-out-of-year-group/

- (d) Do you have any comments about paragraph 2.16c) in the Code concerning the offer and/or take-up of part-time attendance by children below compulsory school age?

Comments: we do not believe many parents take up the offer of part time attendance.

D. Pupil, service and early years premium

The 2014 Code permits all schools to give priority for admission in 2016 to children eligible for the pupil, service or early years premium (paragraphs 1.39A and 1.39B). If admission authorities wish to introduce such a priority they must have consulted as required by the Code in paragraphs 1.42-1.45.

- (a) Pupil and service premium

In respect of community and voluntary controlled schools:

Type of School	Has the LA considered giving priority to pupil/service premium? (Y/N)	If YES, have you consulted on this? (Y/N)	In response to consultation has the priority been implemented? (Y/N)
Community Primary	Y	N	
Voluntary Controlled Primary	Y	N	
Community Secondary	Y	N	
Voluntary Controlled Secondary	N/A	N/A	

Comments: The council has considered the logistics of offering priority to pupil premium children at primary and secondary school but has currently concluded that as yet there is too much inconsistency in both the recording and transportability of the pupil premium designation. The inter authority CTF will require amending before we would consider consulting on rolling this priority out to all our schools

In respect of own admission authority schools:

Type of School	Has the LA been consulted by any own admission authority of the type	If YES in response to consultation, for how many schools has the
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	shown below on giving priority to pupil/service premium? (Y/N)	priority been implemented? (Please give the number)
Voluntary Aided Primary	N	0
Foundation Primary	N	0
Academy Primary	N	0
Free School Primary	N	0
Voluntary Aided Secondary	N	0
Foundation Secondary	N	0
Academy Secondary	Y	12
Free School Secondary	N	0
UTC	N	0
Studio School	N/A	0

Comments: Most of the 13 grammar schools in the county offer a priority of admission to pupils in receipt of pupil premium (or FSM as a proxy). They do not however have a consistent date for establishing entitlement.

(b) Early years pupil premium - nursery priority

In respect of community and voluntary controlled schools:

Type of School	Has the LA considered giving priority to early years pupil premium? (Y/N)	If YES, have you consulted on this? (Y/N)	In response to consultation has the priority been implemented? (Y/N)
Community Primary	Y	N	
Voluntary Controlled Primary	Y	N	

Comments: see comments above

In respect of own admission authority schools:

Type of School	Has the LA been consulted by any own admission authority of the type shown below on giving priority to early years pupil premium? (Y/N)	If YES in response to consultation, for how many schools has the priority been implemented? (Please give the number)
Voluntary Aided Primary	N	
Foundation Primary	N	

Academy Primary	N	
Free School Primary	N	

Comments:

E. Local Authority Issues

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

Comments:

Thank you for completing this report

Please email your completed report to: osa.team@osa.qsi.gov.uk