Office of the Schools Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Surrey County Council

to be provided by

31 October 2024

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Please email your completed report to: Office of the Schools Adjudicator by 31 October 2024 and earlier if possible

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Introduction

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 the annual report to the Secretary of State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.30 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. Paragraphs 6 and 3.30 of the Code require that each local authority publish its report locally.

2. **This year's report must cover the 2023/2024 academic year and be submitted to the Office of the Schools Adjudicator (OSA) by 31 October 2024.**

3. Please note that, in response to feedback on the previous template and in the light of consultation with a group of local authorities, changes have been made to various sections of this year's template.

Guidance on completing the template

4. We have included all the guidance on completing specific parts of the template in this section. There is no requirement for local authorities to include the introduction and the guidance in their published reports, but they are free to do so if they wish.

5. We should be grateful if in completing questions which ask for information about primary and secondary schools and/or pupils, local authorities would follow the approach to classification of schools used in statutory provisions and in the Department for Education Statistical First Release[1] and the Education Middle School (England) Regulations 2002[2].

6. The Code sets out some minimum requirements on the contents of each local authority report stating that each must cover as a minimum "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."

7. The Department for Education's aim through the annual reports from local authorities is to understand how well the admissions system is working nationally, rather than to hold individual local authorities to account. By understanding the effectiveness of the system, including outcomes, the Department hopes to identify areas where the admissions system is working well and areas where it could be improved. With that in mind, when the template asks, "how well does the admission system serve the needs of

[1] Department for Education Statistical First Release
[2] The Education Middle School (England) Regulations 2002

children," the Department appreciates that it is asking local authorities to make a subjective judgement, in the understanding that everyone's experience with the admission system will be different. The Department encourages local authorities in responding to the open questions and spaces for open comments to set out challenges that are proving difficult to overcome.

8. Guidance on specific questions and/or meaning of specific terms in this report:

    a. "in-year admissions": This means admissions (that is children admitted to a school and not applications for places):

        i. to a year group which is not a normal point of entry for the school concerned (for example to Year 2 for a five to eleven primary school); and

        ii. after the end of the statutory waiting list period (31 December) to a year group which is a normal year of admission for the schools concerned (such as Year R and Year 7).

    b. Not applicable means that there were no children falling within the relevant definition.

9. We welcome all comments that local authorities make in the comment boxes and we aim to reflect those comments in the Annual Report, but we ask for the comments to be entered under the right headings. Section 3 invites comment on any other matters not specifically addressed in this template if local authorities wish to do so. The views expressed in previous years also remain a matter of public record.

10. We ask that where possible, you return the template in Word instead of PDF formatting. A number of you have commented on the formatting of the template and we have tried to make it as accessible as possible, but we are aware that some local authorities use different versions of Word.

11. Where questions request a comparison with the previous year, any new local authorities formed as a result of reorganisation should note this on the form.

Information requested

Section 1 - Normal points of admission

A. Co-ordination

Which of the following best describes the level of challenge for your **main admissions round in 23/24 compared to 22/23**?

Year Group	Much less challenging	Less challenging	No change	More challenging	Much more challenging
Reception		X			
Year 7			X		
Other relevant years of entry			X		

Please give examples to illustrate your answer if you wish:

A decrease in the number of applications for Reception in 2024, made this cohort less challenging, as a higher percentage of children could be offered a place at a preference school and there were sufficient vacancies to place unplaced children.

Whilst there was also a decrease in the number of applications for Year 7 in 2024, the level of challenge for this round remained the same as there was a greater level of oversubscription and there continued to be a need for some schools to offer over their PAN to ensure there were sufficient places to offer to all applicants.

B. 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 applicable

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 applicable

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 applicable

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 applicable

v. If you wish, please give examples of any good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at **normal points of admission**:

Surrey's School Admissions team has a dedicated admissions officer who supports the processing of new round applications for children who are looked after or previously looked after, liaising with other professionals such as the Virtual School and Children's Services as necessary, to ensure these children are given priority for admission in accordance with the School Admission Code.

If an application for a looked after child or previously looked after child is received after the national closing date, we will endeavour to process this as on time, if timescales permit.

We recognise that some placements for children in care may change after a school has been allocated. In such circumstances, we contact the new preferred school to discuss admission or, if the child is moving to another local authority, we contact that local authority's admissions team to request that the application is prioritised.

C. 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 at **normal points of admission**?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Not applicable

Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at normal points of admission:

Children with an education health and care plan
The admission of children with an education health and care plan (EHCP) is separate from the process relating to mainstream admissions. Where a school is named on an EHCP, admission to that school is confirmed. The local authority has a dedicated SEND Admissions team that organises EHCP admissions and the additional support packages given to schools as a result of the specific needs of individual students as defined in their EHCP.

In order to ensure that children who have had a school named in their EHCP are taken account of in the allocation of places, the Admissions team liaises with the SEND Admissions team prior to the allocation. A Working Together Agreement (WTA) exists which sets out the roles and responsibilities of each team and the timescales that must be

met in order to ensure EHCP placements can be taken in to account during the mainstream admissions process. The WTA provides a structured way to review and improve the way the two teams work together and share information.

However, due to the non-alignment of the secondary mainstream offer date and the date for SEND to issue final EHCPs, issues can arise when EHCPs are only issued close to the deadline of 15 February, as secondary mainstream allocations will have been completed by then in order to meet the statutory offer date of 1 March.

Children without an education health and care plan
No restriction on admission is placed on children with special educational needs or disabilities who do not have an EHCP. The admissions criteria for all Surrey community and voluntary controlled schools contain a criterion for exceptional medical or social need. This can give priority, after children in local authority care and those previously in care, to children where medical evidence supports a placement at a particular school. A number of own admission authority schools also provide priority for children with a social or medical need, but not all, and we have seen a number of schools remove this as a criterion in recent years.

Section 2 - In-year admissions

A. Which of the following best describes the overall level of challenge for your in-year admissions in 23/24 compared to 22/23?

Phase	Much less challenging	Less challenging	No change	More challenging	Much more challenging
Primary			X		
Secondary				X	

If you wish, please explain the factors that have changed the level of challenge for your in-year admissions:

More own admission authority schools are choosing to 'cap' the number to offer in-year, outside the normal intake year, which limits the number of places available. In some areas of Surrey and in some year groups, we have no spaces available for children moving to the area or who are in need of a change of school, and they are either allocated a school a long way away, signposted to apply for schools out of County or have to be placed through fair access. This has led to increased challenges for in year admissions, particularly in secondary. Some schools are also reaching saturation point as there is a limit to the number they can admit, even under fair access. Ideally, the law needs to change to permit the local authority to refuse a cap to the number to offer, where it would affect the local authority's duty to ensure sufficiency of places in its area and to ensure a place is available for every child who needs one.

B. Looked after children and previously looked after children

i. How well does the **in-year admission** 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 applicable

ii. How well does the **in-year admission** systems in other local authority areas serve the interests of your looked after children?

☐ Not at all ☐ Not well ☒ Well ☐ Very well ☐ Not applicable

iii. How well does the **in-year admission** 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 applicable

iv. How well does your **in-year admission** system serve the interests of previously looked after children?

☐ Not at all ☐ Not well ☐ Well ☒ Very well ☐ Not applicable

v. If you wish, please give examples of any good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for looked after and previously looked after children:

Surrey's School Admissions team has a protocol for the processing of in year applications for children in care, which is published on the school admissions webpages and also on Surrey's Virtual School website. This protocol has been developed with Surrey's Virtual School and is reviewed annually prior to the start of the school year. It sets out how in year applications should be made for a Surrey school for children in care; how applications will be processed; and the roles and responsibilities of social workers, the School Admissions team and schools. This protocol applies the same process and principles for children in the care of Surrey who are residing in Surrey, as those placed in other local authorities and applying for a Surrey school. It also covers in year admissions for those looked after children who are placed in Surrey by other local authorities.

Surrey also has a specific in year school application form for looked after children, to be completed by the social worker. There is also a dedicated admissions officer that supports and processes these applications. Discussion and liaison with other professionals, such as the Virtual School and Children's Services, are vital to the successful working of the Protocol and to identify any cases which require further investigation. Each child is tracked until they are on roll at a school.

Surrey's Virtual School shares our Protocol and application form with other virtual schools so that they are familiar with Surrey's processes. However, whilst many local authorities have good processes in place for in year admissions for looked after children, not all have such a joined-up protocol, and the mixed practice that ensues can make out of area placements difficult in year. Other local authorities sometimes take a significant time to provide a school place in year for a child in care and there can also be communication issues with other local authorities in confirming placements.

C. 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 well ☐ Not well ☒ Well ☐ Very well ☐ Not applicable

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**?

☐ Not at all well ☐ Not well ☒ Well ☐ Very well ☐ Do not know

iii. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for children with special educational needs and/or disabilities:

Provision is made for children who have special educational needs, a disability or a medical condition (but no EHCP) to be placed through Surrey's in year Fair Access Protocol, if they have been unable to secure a school place through the in year admissions process.

Surrey also has a process in place to help identify and support the placement of children with significant complex needs and/or disabilities but who do not currently have an EHCP. These children are very often new arrivals to the UK, who may have previously been assessed and have attended specialist provision in their originating home country. These children often face disadvantage because they need to start the EHCP assessment process from the beginning which may lead to a delay in identifying and accessing suitable and appropriate education provision in Surrey. Whilst a mainstream school might be made available, this may not be accepted by the parent and mainstream schools may also struggle to support these children without extra staffing and funding. This process for children with complex needs has active involvement from Surrey's Inclusion teams, the SEND Admissions team, SEND area teams and School Admissions alongside relevant specialist local authority education professionals.

D. Fair access protocol

What proportion of the state-funded mainstream schools in your area have said that they agree to the local authority fair access protocol?

Primary

Between 0% and 49% ☐
Between 50% and 74% ☐
Between 75% and 89% ☐
Between 90% and 99% ☐
100% ☒

Secondary

Between 0% and 49% ☐
Between 50% and 74% ☐
Between 75% and 89% ☐
Between 90% and 99% ☐
100% ☒

If you have below 75% for either phase, please explain why:

i. How many children were admitted to schools in your area under the fair access protocol between 1 August 2023 and 31 July 2024?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	3	6
Foundation, voluntary aided and academies	12	181
Total	15	187

ii. If you have seen a change in the number of children referred to your Fair Access Protocol between 1 August 2023 and 31 July 2024 compared to the previous academic year please indicate what you consider the key reasons for this change to be?

We have seen once again that there has been an increase in the number of referrals to fair access that meet only category L, Children out of school for four or more weeks where there is no school place within a reasonable distance.

The last three years have seen a year-on-year increase in the numbers of referrals needing to be placed via this category. In 2021/22 the figure was 11, increasing to 111 in 2022/23 (73% of placements) and increasing again for 2023/24 to 145 (72% of placements). Many of these children have been new arrivals to the UK; a smaller number have moved into Surrey from within the UK and are unable to travel to their previous school. The increased pressure on school places in certain year groups and certain areas of Surrey, particularly where own admission authority schools have capped the number they will admit in some year groups, has led to the need to use fair access more often in order to secure offers of school places for these children.

The increase in children being placed under category L has also applied further pressure to the placement of children with more challenging behaviour, who are vulnerable or where greater support is needed to ensure they are successful in a mainstream environment. The large numbers having to secure a school place through fair access is potentially impeding the process for those challenging or more vulnerable cases.

Like last year, there has also been a high number of children falling under category D, Children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education. In 2021/22 the figure was 24, increasing to 52 in 2022/23 and the number has remained at 52 in 2023/24. This reflects the increase in school exclusions, although schools have in the most part collectively supported their reintegration back into school.

iii. How well do you consider children referred to the Fair Access Protocol are served in in your area?

☐ Not at all well ☐ Not well ☐ Well ☒ Very well ☐ Not applicable

iv. Please provide any comments you wish on the protocol not covered above:

Surrey has a Fair Access Review Group which includes representatives from primary and secondary schools, Pupil referral Units, Admissions and Inclusion and its remit is to monitor the operational effectiveness of the Protocol.

All schools within Surrey participate in the fair access process and where panels need to be held, they are both positive and collegiate. Generally, placements are resolved quickly, although in areas of Surrey that are experiencing added pressure owing to a lack of available school places, discussions regarding placements tend to become more complex. In addition, some cases can present with more difficulty, especially if the child has moved into Surrey from another local authority and little is known about them or perhaps where there is some concern about the lack of action from the child's previous school.

The increased number of referrals can impact those children who fall into categories more likely to comprise children who present as challenging, vulnerable or with complex needs. Where schools are already over capacity and cite prejudice to existing pupils and resources, they struggle to identify additional staffing and resources to support the more vulnerable or complex children, and so are more reluctant to agree a placement to these children under the Fair Access Protocol.

Due to the restrictions of infant class size legislation, KS1 admissions sometimes present an issue. If most schools in an area are full in the KS1 year group, the pool of schools to look to is often limited, placing pressure on undersubscribed schools to admit. These are often the schools which the local authority would seek to protect as, due to the level of vacancies, they may already have admitted a high number of pupils whose needs and vulnerabilities place greater demands on the school. Consideration should be given to making children placed under the Fair Access Protocol exceptions to infant class size legislation, to ensure a greater number of schools might be in a position to place children in KS1.

E. Directions to maintained schools to admit children[3]

How many directions did the local authority make between 1 August 2023 and 31 July 2024 to maintained schools for which the local authority is not the admission authority to admit children (including children looked after by the local authority but resident in another area)?

Total number of children	Of which, looked after	Of which, not looked after

[3] It is important that only Directions to maintained schools are included here. Numbers of Directions to academies are already held by the Department.

0	0	0

F. Other points on in-year admissions

i. For the schools for which the local authority co-ordinates in-year applications, in the year between 1 Aug 2023 and 31 July 2024 did you receive

☐ Significantly fewer applications than last year
☐ slightly fewer applications than last year
☐ about the same
☒ slightly more than last year
☐ significantly more than last year

ii. For what proportion of **primary** schools in your area did the local authority co-ordinate in-year admissions during the 2023/2024 academic year

Between 0% and 24% ☐
Between 25% and 49% ☐
Between 50% and 74% ☒
Between 75% and 100% ☐

iii. For what proportion of **secondary** schools in your area did the local authority co-ordinate in-year admissions during the 2023/2024 academic year

Between 0% and 24% ☒
Between 25% and 49% ☐
Between 50% and 74% ☐
Between 75% and 100% ☐

iv. If you wish, please provide any comments about how **well in-year admissions** works for children who are **not** looked after or previously looked after and/or do **not** have SEND:

In general, in year applications which are managed by the local authority work well and the majority of applications received by the local authority receive an outcome within the timeframe set out in the Code. However, the ability of own admission authority schools to manage their own in year admissions means that the local authority may not be aware of applications that have been made to individual schools. This then means that the local authority cannot ensure applications are being dealt with appropriately, that multiple offers are resolved quickly or that safeguarding responsibilities are met for children who may be out of school.

Whilst many schools in Surrey do now notify the local authority of applications and outcomes, not all do and not all notifications are received in a timely manner.

v. If you wish, please provide any other comments on the admission of children **in-year** not previously raised (you may wish to include here any comments about cases where it has not proved possible to find places for children):

Section 3 - Other matters

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

Issues can arise when a school chooses to set a higher PAN, or admit over its PAN, when the additional places are not needed and this can have an impact on the viability and sustainability of other schools in the area. There is currently no power for a LA to object to an increased PAN or to intervene when a school chooses to admit over their PAN, if it believes the places aren't needed.

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2025.

Thank you for completing this template.

Please return to Office of the Schools Adjudicator by 31 October 2024