Local Authority Report

To

The Schools Adjudicator

From

Surrey Local Authority

30 June 2018

Report Cleared by: Liz Mills – Assistant Director Schools and Learning

Date submitted: 29 June 2018

By: Claire Potier – Principal Manager Admissions and Transport (Strategy)

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Please email your completed report to: osa.team@osa.gsi.gov.uk by 30 June 2018 and earlier if possible
**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 Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other issues. The report must be returned to the Office of the Schools Adjudicator by 30 June 2018.

The report to the Secretary of State for 2017 highlighted that at the normal points of admission the main admissions rounds for entry to schools work well. The Chief Adjudicator expressed less confidence that the needs of children who need a place outside the normal admissions rounds were so well met. In order to test this concern, local authorities are therefore asked to differentiate their answers in this year’s report between the main admissions round and in year admissions¹. The order of this template for the annual report by local authorities reflects this.

**Information requested**

1. **Normal point of admission**
   
   A. Determined arrangements
      
   i. Please specify the date your local authority determined its arrangements for admissions in 2019 for its voluntary controlled and community schools. Please state if this question is not applicable as there are no voluntary controlled or community schools in the local authority area.

      06/02/2018

   ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority’s website. Say if not applicable.

      09/02/2018

   iii. What proportion of arrangements for own admission schools was provided to the local authority by 15 March?

      ☐ Not applicable    ☐ None    ☐ Minority    ☒ Majority    ☐ All

¹ By in year we mean admission at the start of any school year which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) and admission during the course of any school year.
iv. 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?

<table>
<thead>
<tr>
<th></th>
<th>Primary including middle deemed primary</th>
<th>Secondary including middle deemed secondary</th>
<th>All through</th>
</tr>
</thead>
<tbody>
<tr>
<td>iv. How many sets</td>
<td>41 (as of 14/06/18)</td>
<td>14 (as of 14/06/18)</td>
<td>1</td>
</tr>
<tr>
<td>of admission</td>
<td></td>
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<tr>
<td>arrangements</td>
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<td>are their own</td>
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<td>admission authority</td>
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<td>were queried</td>
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<td>directly by your</td>
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<tr>
<td>local authority</td>
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<td>because they were</td>
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<tr>
<td>Code?</td>
<td></td>
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</tr>
</tbody>
</table>

v. If, when you considered arrangements for own admission authority schools for 2019, you had any concerns about Code compliance, please indicate which paragraphs of the Code you thought were mainly being breached.

The majority of comments raised were either technical points about the way the arrangements had been written, a need to update dates or relatively minor points relating specifically to the Code. The majority of schools have been keen to address our concerns once they had been raised. Comments referring to the Code generally related to the following paragraphs:

- 1.6 of the Code in relation to EHCP placements
- 1.9 g) and 2.6 in relation to sixth form admission
- 1.11 in relation to siblings
- 1.13 in relation to home to school distance measurements
- 2.16 in relation to the right of the parent to defer entry or for their child to start part time
- 2.17 in relation to out of year group requests and summer born children

vi. Further comment: please provide any comments on the determination of admission arrangements not covered above.

The local authority works hard to advise schools on their responsibilities with regard to consultation and determination of admission arrangements. We issue termly updates to schools and issue regular email reminders. With nearly 230 own admission authority schools (and rising) it is an enormous task to scrutinise consultations and determined admission arrangements. Where issues come to light the local authority works with schools to ensure arrangements are compliant and in the majority of such cases schools have agreed to make changes. In some cases, especially where issues are identified late, we ask schools to resolve them in liaison with governors and diocesan boards (as appropriate) for the following year. In such cases we track our comments to ensure these issues are resolved in the following year.

B. Co-ordination

i. Provision of rankings: what proportion of own admission authority schools provided their rankings correctly undertaken by the agreed date?

☐ Not applicable  ☐ None  ☐ Minority  ☒ Majority  ☐ All
How well did coordination of the main admissions round work?

<table>
<thead>
<tr>
<th></th>
<th>Not at all</th>
<th>Not well</th>
<th>A large number of small problems or a major problem</th>
<th>Well with few small problems</th>
<th>Very well</th>
</tr>
</thead>
<tbody>
<tr>
<td>ii. Reception</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii. Year 7</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>iv. Other relevant years of entry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

v. Please give examples to illustrate your answer:

Coordination is well established and schools fully understand the timescales that are in place to ensure that the local authority can meet its statutory duty to issue outcomes to parents on each national offer date.

However once places have been offered the increase in own admission authority schools can create difficulties for parents as they have to approach different schools regarding waiting lists. There needs to be a consistent approach to waiting lists to make this process easier for parents to understand and to navigate. Similar issues arise when neighbouring local authorities take a differing approaches to post offer processes.

C. Looked after and previously looked after children

i. How well do admission arrangements 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 admission arrangements in other local authority areas serve the interests of your looked after children at normal points of admission?

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

iii. How well do admission arrangements 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

iv. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

All admission authorities within Surrey comply with the mandatory requirements of the regulations and School Admissions Code to give top priority to children in local authority care and to all children who have left care by adoption, child arrangements order or special guardianship order. In a number of faith schools this is split by denomination.

All children in care to Surrey were offered their first preference school for September 2018. Social workers have not reported any issues with the online application process although internal issues sometimes arise when a social worker leaves and does not provide online log-in details to the new social worker. We are not aware of any issues with other local authorities for new round places.
D. Special educational needs and disabilities

i. How well served are children with 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 at normal points of admission?

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

ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs at normal points of admission?

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

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

Children with an education health and care plan or a statement

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

Surrey County Council maintains a series of specialist provision to support students with special educational needs; this is in the form of both special schools and unit provision within mainstream schools. A statement or EHCP confirms admission to this provision and the student is also supported through the provision of appropriate home to school transport.

In order to ensure that children who have had a school named in their statement or EHCP are taken account of in the allocation of places, the Admissions team liaises with the SEND 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 SEND 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.

Whilst every school has a duty to make a place available to a child where that school is named in the child’s statement or EHCP, issues can arise with schools when statements or EHCPs are agreed late or where cross border placements are not communicated to Surrey’s SEND team. There needs to be a greater duty on local authorities to share details of out of County placements with the maintaining local authority for the school.

The demand for places from children with an EHCP is increasing significantly in Surrey and this is being monitored on an ongoing basis.

Children without an education health and care plan or a statement

No restriction on admission is placed on children with disabilities where a mainstream school place is deemed appropriate. 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. Many own admission authority schools also provide priority for children with a social or medical need, but not all.

However the local authority continues to come across a few cases where parents have been told by a school that they would not be able to meet the child’s needs, thus discouraging an application or encouraging a parent to decline a place.
2. **In year admissions**

   **A. The number of in year admissions.** We are asking for two years’ data for comparative purposes. If you do not have the data for the year 1/9/16 to 31/8/17 available, please still provide the data for 1/9/17 to 31/3/18.

<table>
<thead>
<tr>
<th>i.</th>
<th>Primary aged children</th>
<th>Secondary aged children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of in year admissions between 1/9/17 and 31/3/18</td>
<td>3,170</td>
<td>1,079</td>
</tr>
<tr>
<td>Number of in year admissions between 1/9/16 and 31/8/17</td>
<td>5,371</td>
<td>1,728</td>
</tr>
</tbody>
</table>

   The reasons for children seeking in year admission will vary across the country. What do you consider to be the main reasons in your area?

   - Where an application reason was recorded the main reasons for seeking an in year transfer are:
     - moved into the area from elsewhere in the UK
     - local school transfer
     - recently moved to the UK

   - Where an application reason was recorded the main reasons for seeking an in year transfer are:
     - local school transfer,
     - moved into the area from elsewhere in the UK
     - recently moved into the UK

ii. The Code requires the setting of a published admission number (PAN) for each normal year of entry. In the annual reports for 2017 several local authorities referred to problems in relation to in year admissions when schools which are their own admission authority refuse to admit applicants even if the year group concerned contains fewer children than the relevant PAN suggested could be accommodated. This was referred to sometimes as ‘capping’ in-year admissions and local authorities observed that it reduced the number of places available below that anticipated by the local authority. Please comment on your experience as a local authority.

   Over the past year a small number of schools have indicated their wish to cap their PAN ‘in year’ for certain year groups in order to help them manage their finances or to support the reorganisation of classes. Where the local authority has been satisfied that a cap to the PAN would not leave a shortage of places across an area, it has supported the request. Schools have generally worked collegiately with the local authority in this regard and understand the duty of the local authority to ensure a sufficiency of places.

   **B. Co-ordination of in year admissions**

   i. To what proportion of community and voluntary controlled schools does the local authority delegate responsibility for in year admissions?

   a) Primary: ☐Not applicable ☒None ☐Minority ☐Majority ☐All
   b) Secondary: ☐Not applicable ☒None ☐Minority ☐Majority ☐All
   c) All-through: ☒Not applicable ☐None ☐Minority ☐Majority ☐All

   d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?

   N/A
For what proportion of own admission authority schools does the local authority co-ordinate in year admissions?

a) Primary: ☐ Not applicable ☐ None ☒ Minority ☐ Majority ☐ All
b) Secondary: ☐ Not applicable ☐ None ☒ Minority ☐ Majority ☐ All
c) All-through: ☐ Not applicable ☐ None ☒ Minority ☐ Majority ☐ All

d) What do you consider are the advantages and disadvantages of the local authority co-ordinating in year admissions (where applicable)?

Where schools are happy for the local authority to coordinate in year admissions, this ensures applications can be processed and outcomes can be issued to parents far more quickly. This also provides parents with one point of contact and a more transparent and clearer process to follow. It also enables the local authority to more accurately advise on vacancies.

Generally the local authority believes coordination of in year applications makes it easier for parents to access school places, easier for local authorities to effectively identify and support vulnerable and fair access children and those at risk of missing education and also easier for local authorities to identify and challenge poor or unlawful practice, such as schools wanting to interview parents and children before arranging a start date or unlawfully refusing to offer a place. Families applying for a child to be admitted to Years 10 or 11 can be particularly problematic as some schools are resistant to new admissions in these year groups. Coordination would enable the local authority to track these cases more effectively.

The only disadvantage of coordinating in year admissions might be that parents may sometimes have to wait longer to arrange a start date for their child, but with current technology that enables details of applications and outcomes to be shared with schools quickly, any such delay would be marginal.

C. Looked after children and previously looked after children

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

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

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

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

iv. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

Surrey’s Admissions team has a protocol with Surrey’s Virtual School which sets out how in year applications for school admission should be made for children in care; how applications will be processed; and the roles and responsibilities of social workers, the admissions team
and schools. This protocol continues to ensure that all applications into Surrey schools are tracked effectively and that placements are made quickly. In Surrey we believe communication is strong and that our protocol means that children in care are generally placed in new schools quickly.

Not all local authorities 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 period of time to provide a school place in year for a child in care. There can also be communication issues with other local authorities in confirming placements. An area for improvement would be for all local authorities to be required to coordinate and track applications for children in care within their local authority area.

It is difficult to comment on previously looked after children, but contact with adopters has shown that children are given high priority and are normally placed in their preferred school within a few weeks.

D. Children with disabilities and children with special educational needs

i. How well served are children with 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 when they need to be admitted in year?

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

ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs when they need to be admitted in year?

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

iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

Children with an education health and care plan or a statement
Please see section 1Diii.

Children without an education health and care plan or a statement
Please see section 1Diii.

In addition, provision is made for children without a school place who have special educational needs, a disability or a medical condition to be placed through Surrey’s in year Fair Access Protocol if their need, disability or condition has already impacted on their attendance at school.

E. Other children

i. How well served are other children when they need to be admitted in year?

☐ Not at all  ☐ Not well   ☑ Well   ☐ Very well   ☐ Not applicable
Paragraph 3.12 of the Code - several local authorities referred to paragraph 3.12 in their annual report for 2017 stating that this was being used “inappropriately” by some admission authorities. Please could you comment on your experience as a local authority:

In Surrey there is a process for schools to refer cases back to the local authority if they believe that a child who has applied for admission meets the Fair Access Protocol and they feel unable to admit. However, sometimes, schools use the Fair Access Protocol as a reason not to admit at the point of application and instead refer cases back to the local authority for placement through the Protocol, potentially delaying admission. This is especially the case for Year 10 and Year 11 admissions.

The referral form does also enable schools to notify the local authority of any children they have admitted who they believe meet the Fair Access Protocol, to ensure these are validated and recorded as an admission for that school, as appropriate.

3. **Fair Access Protocol**

A. Has your Fair Access Protocol been agreed with the majority of state-funded mainstream schools in your area?

☒ Yes for primary
☒ Yes for secondary

B. If you have not been able to tick both boxes above, please explain why:

N/A

C. How many children have been admitted or refused admission under the Fair Access Protocol to schools in your area between 31 March 2017 and 31 March 2018?

<table>
<thead>
<tr>
<th>Type of School</th>
<th>Number of children admitted</th>
<th>Number of children refused admission</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary aged child</td>
<td>Secondary aged child</td>
</tr>
<tr>
<td>Community and voluntary controlled</td>
<td>40</td>
<td>6</td>
</tr>
<tr>
<td>Own admission authority schools</td>
<td>28</td>
<td>62</td>
</tr>
<tr>
<td>Total</td>
<td>68</td>
<td>68</td>
</tr>
</tbody>
</table>

D. If a number of children have not secured school places following the use of the protocol, please indicate what provision is made for these children.

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

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

F. Please explain your answer giving examples of good and poor practice, successes and difficulties as appropriate.

Generally, at secondary, placements are resolved quickly due to the operation of Fair Access Panels for the most challenging pupils. However there can still be some cases which present difficulty, especially if the child has moved in to Surrey from another local authority and little is known about the child or perhaps where there is some concern about the lack of action from the child’s previous school.

At primary, Fair Access Panels now operate in most areas but there are still several areas that do not have a Panel. The operation of the Panel differs in the different areas with some areas arranging for all schools to be involved and others only inviting schools that might be relevant to a child's placement.

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 they may already have admitted a high number of challenging or vulnerable pupils due to the level of vacancies. Consideration should be given to making children placed under a 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.

Where panels don't exist for the primary phase, cases are generally referred directly to schools and in most cases schools are cooperative.

A continued cause for concern is where neighbouring local authority protocols differ and where applications are made across borders or where a neighbouring local authority school has not dealt effectively with a child whilst they were on roll. This can cause tension in the process and can lead to schools being reluctant to admit children who have moved from an out of County school.

The identification of Fair Access cases continues to present difficulties with a number of cases coming to light after a child has been placed on roll at a school. More guidance would be useful on the questions local authorities and own admission authority schools might be permitted to ask in order to identify fair access cases prior to admission in order to ensure that no school is asked to take more than their fair share of challenging children.

In addition, more consideration needs to be given in the guidance to cross border issues and the mechanisms by which local authorities might challenge the decisions or actions (and inaction) of own admission authority schools.
4. **Directions**

A. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for children in the local authority area?

<table>
<thead>
<tr>
<th></th>
<th>Primary aged children (not looked after)</th>
<th>Primary aged looked after children</th>
<th>Secondary aged children (not looked after)</th>
<th>Secondary aged looked after children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary aided or foundation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

B. Please add any comments on the authority’s experiences of making directions.

The requirements for direction are problematic as they require admission to have been refused from every suitable school within a reasonable distance from the child’s home. If a school refuses to admit a child and the local authority wishes to direct them to admit, it must first approach every other school within a reasonable distance to seek a decision on admission, even if the parent has not applied to those schools. This process takes time and may not be in the best interests of the child if they are out of school. If an alternative school place is identified through this process the local authority cannot proceed with a direction against the original school and this may mean that potentially unlawful behaviour is left unchallenged.

It is of particular concern when children have moved for reasons of safety and they are additionally vulnerable. In such circumstances there should be an alternative process for the local authority to follow that would expedite admission more quickly.

C. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for a maintained school in another local authority area to admit a looked after child?

<table>
<thead>
<tr>
<th>For primary aged children</th>
<th>For secondary aged children</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

D. Please add any comments on the authority’s experiences of making directions.

N/A

E. How many requests to the ESFA to direct an academy to admit a child did the local authority make between 31 March 2017 and 31 March 2018? How many children were admitted to school as a result of the request for a direction by the local authority to the ESFA between 31 March 2017 and 31 March 2018? How many requests were outstanding as at 31 March 2018?

<table>
<thead>
<tr>
<th>For primary aged children (not looked after)</th>
<th>0</th>
<th>0</th>
<th>0</th>
</tr>
</thead>
</table>
For primary aged looked after children | 0 | 0 | 0
For secondary aged children (not looked after) | 0 | 0 | 0
For secondary aged looked after children | 1 | 1 | 0

F. Please add any comments on the authority’s experiences of requesting directions. See 4B above

G. Any other comments on the admission of children in year.

The removal of the requirement for local authorities to coordinate in year admissions created a confusing process which parents can find difficult to navigate, especially the more vulnerable or less able parents and those who have English as an additional language.

Schools that have newly converted to an academy do not always understand their responsibilities regarding admissions and officers within the local authority sometimes find that they have to guide and instruct some schools regarding their legal duties. This lack of understanding can result in bad practice, such as schools wanting to interview parents and children before arranging a start date or unlawfully refusing to offer a place.

Where schools unlawfully refuse admission there needs to be a mechanism to challenge their behaviour without going through the direction process.

5. Pupil, service and early years pupil premiums (the premiums)

<table>
<thead>
<tr>
<th>A. How many community or \ voluntary controlled schools in the local authority area will use a premium as an oversubscription criterion for admissions in 2019?</th>
<th>Primary including middle deemed primary</th>
<th>Secondary including middle deemed secondary</th>
<th>All through</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil premium</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Service premium</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Early years pupil premium</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
</tr>
<tr>
<td>Total number of schools using at least one premium in their oversubscription criteria</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

| B. How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2019? | Total number of own admission authority schools using at least one of the premiums in their oversubscription criteria for 2019 |
C. Do you have any further comments on the use of premiums?

One secondary school did use pupil premium under criterion 6 of their arrangements for 2018, but they have consulted and determined to remove it for 2019.

6. **Electively home educated children**

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2018?

B. Any comments to make relating to admissions and children electively home educated?

There is an increase in the number of electively home educated children recorded in Surrey. However the reasons given for electively home educating appear consistent with previous years and gender/age/SEND/Key Stage data is also consistent with previous years. The Council takes its responsibilities carefully with regard appropriate monitoring of pupils and in relation to the reintegration of pupils previously EHE. This has particular relevance for pupils with an EHCP where this is identified at annual review.

7. **Other matters**

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

8. **Feedback on the Local Authority Report template**

In previous years we have asked for feedback on the process of completing the template in the following November to inform what is asked in the following year. We are aware that it may be easier to provide feedback on providing information for the annual report at the time rather than later. We would therefore be grateful if you could provide any feedback on completing this report to inform our practice for 2019.
Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2018