



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Surrey Local Authority

to be provided by

30 June 2020

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Introduction and guidance on completing the report – Revised April 2020

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 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 matters. This is a revised template issued in the light of the Covid-19 pandemic.
2. This template requests local authorities only for:
 - a) 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;
 - b) an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, including how many children were admitted to each school under them.
3. We would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002².
4. Local authorities are, of course, free to comment on any other matters not specifically addressed in this template if they wish to do so under section 3. The views expressed by local authorities in previous years also remain a matter of public record.
5. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2020**.

¹ [Department for Education Statistical First Release](#)

² [The Education Middle School \(England\) Regulations 2002](#)

Information requested

Section 1 - Normal point of admission

A. Co-ordination

i. 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
Reception				X
Year 7				X
Other relevant years of entry				N/A
ii. Please give examples to illustrate your answer if you wish:				

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 applicable³

- 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 applicable³

- 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 applicable³

- 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 applicable³

³ 'Not applicable' will only be appropriate if there are no children falling within this definition.

- v. Priority in admission arrangements for 2021 for adopted children previously in care abroad. Please comment on the use of a priority in admission arrangements for a child adopted who was previously in care abroad if you wish.

The local authority has included explicit provision for children who were adopted from care outside England within the second criterion (exceptional social/medical need) for community and voluntary controlled schools since 2020. A number of own admission authority schools have introduced this also but, to ensure a consistent approach, it would be beneficial if the School Admissions Code was updated to set out a clear expectation or requirement for this group of children.

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

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.

C. Special educational needs and disabilities

- i. Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at the 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.

Whilst every school has a duty to make a place available to a child where that school is named in the child's EHCP, issues can arise with schools when EHCPs are agreed late or where cross border placements are not communicated to Surrey's SEND Admissions 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

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. Many own admission authority schools also provide priority for children with a social or medical need, but not all.

Section 2 - In-year⁴ admissions

A. Co-ordination of in-year admissions

Please provide any comments on the co-ordination of **in year admissions** if you wish.

The local authority coordinates in year admissions for 27% of schools for which the local authority is not the admission authority. This ensures applications can be processed and a coordinated outcome can be issued to parents far more quickly for these schools. This also provides parents with one point of contact and a more transparent and clearer process to follow and enables the local authority to more accurately advise on vacancies.

B. Looked after children and previously looked after children

- i. How well does the **in-year admissions** 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 applicable⁵

- ii. How well do 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 applicable⁶

- iii. How well does your **in-year admissions** 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 applicable⁶

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

Not at all Not well Well Very well Not applicable⁶

⁴ 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 after the end of the statutory waiting list period (ie 31 December) in normal years of admission.

⁵ 'Not applicable' will only be appropriate if there are no children falling within this definition.

⁶ 'Not applicable' will only be appropriate if there are no children falling within this definition.

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 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 and we sometimes receive a response that says a school cannot accommodate any more looked after children because it full.

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.

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 Not well Well Very well Not applicable⁶

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 Not well Well Very well Don't know

iii. Please give examples of 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:

Children with an education health and care plan

Please see section 1Ci)

Children without an education health and care plan

Please see section 1 Ci)

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.

iv. If you wish please provide any comments about **in-year admissions** in respect of other children:

D. Fair access protocol

i. Has your fair access protocol been agreed⁷ with the majority of state-funded mainstream schools in your area?

- Yes for primary
 Yes for secondary

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

iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2019 and 31 March 2020?

Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	19	7
Foundation, voluntary aided and academies	39	78
Total	58	85

iv. 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 applicable⁸

⁷ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

⁸ 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

v. Please make any relevant comment on the protocol not covered above if you wish.

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.

E. Any other comments on the admission of children **in-year** not previously raised if you wish.

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.

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?

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2021.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2020