



Office of
the Schools
Adjudicator

Local Authority Report
to
The Schools Adjudicator
from
Surrey County Council
to be provided by
31 October 2023

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Date submitted: 6 November 2023

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**Please email your completed report to: [Office of the Schools Adjudicator](#) by
31 October 2023 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 her 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 2022/2023 academic year and be submitted to the Office of the Schools Adjudicator (OSA) by 31 October 2023.**
3. Please note that, in response to feedback on the draft template, changes have been made to section 2C of this template.
4. Please also note that the OSA and Department for Education are planning a small project to ensure that the report is as useful as possible to local authorities, the OSA, DfE and others. As a result of this, there are likely to be changes made to the template for the 2023/2024 academic year.

Guidance on completing the template

5. 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.
6. 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 Release¹ and the Education Middle School (England) Regulations 2002².
7. 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. at the start of any school year to a year group 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

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

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

- 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 at questions:

- i. Section 1: B.i. - B.iv. that there were no children falling within the relevant definition.
- ii. Section 2: Ai - iv that there were no children falling within the relevant definition.
- iii. Section 2: B.i. that there were no children falling within the relevant definition.
- iv. Section 2: C.v. that there were no children falling within the relevant definition.

8. 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.

9. 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.

Information requested

Section 1 - Normal points 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				X

ii. Please give examples to illustrate your answer if you wish:

B. Looked after and previously looked after children

- i. How 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 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 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 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 ensures each applicant who applies as a looked after child or previously looked after child is duly checked and that priority is given accordingly.

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

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.

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. Looked after children and previously looked after children

- i. How 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 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 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 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.

Each application is reviewed and processed in accordance with the requirements of the current DfE guidance and as set out in this protocol.

Surrey 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. Each child is tracked until they are on roll at a school.

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.

B. 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 complex needs and/or disabilities but who do not have an EHCP. These are often new arrivals to the United Kingdom, some of whom may have previously been assessed and have been attending specialist provision within their 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 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.

C. Fair access protocol

- i. Do you have a fair access protocol agreed 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 August 2022 and 31 July 2023?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	5	6
Foundation, voluntary aided and academies	21	120
Total	26	126

- iv. If you have seen a change in the number of children referred to your Fair Access Protocol between 1 August 2022 and 31 July 2023 compared to the previous academic year please indicate what you consider the key reasons for this change to be?

There has been a significant increase in the number of fair access referrals that only meet category L – ‘Children out of school for four or more weeks where there is no school place within a reasonable distance’. Of the 152 fair access placements between 1 August 2022 and 31 July 2023, 111 children only met the fair access criteria on the basis of category L. This is an increase from the period 1 August 2021 to 31 July 2022, when the total number of children that were eligible for placement under category L was 17. Many of these children have been new arrivals to Surrey, particularly from outside the United Kingdom, although a small number have moved within Surrey but too far to access 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.

There has also been a rise in the numbers of children being placed back into mainstream schools from alternative provision with the number of placements meeting this category increasing from 24 to 52 in the period 1 August 2022 to 31 July 2023. This is likely to follow on from an increase in the number of children who have been permanently excluded.

- v. How well do you consider children referred to the fair access protocol are served in your area?

Not at all well Not well Well Very well Not applicable

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

Generally, placements are resolved quickly due to the operation of fair access panels. 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.

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.

There remains an ongoing discussion with schools in Surrey regarding the category of challenging behaviour and its definition within the School Admissions Code. There is a desire to have this topic further explained and clarified by the DfE, to ensure a more consistent approach from schools across Surrey.

D. Directions

How many directions did the local authority make between 1 August 2022 and 31 July 2023 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
0	0	0

E. 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 2022 and 31 July 2023 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 schools in your area did the local authority co-ordinate in-year admissions during the 2022/2023 academic year

- None
- All
- Some but less than or equal to half
- More than half but less than all

iii. 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:

iv. 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):

The ability of own admission authority schools to cap the number to offer in-year, other than a normal intake year, 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. However, some schools are reaching saturation point and 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 object to a cap in the number to offer, where that affects 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.

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 2024.

Thank you for completing this template.

Please return to [Office of the Schools Adjudicator](#) by 31 October 2023