



Office of  
the Schools  
Adjudicator

**Local Authority Report**

to

**The Schools Adjudicator**

from

**Surrey County Council**

to be provided by

**31 October 2022**

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**Date submitted: 24 October 2022**

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**Please email your completed report to: [Office of the Schools Adjudicator](#) by  
31 October 2022 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 for 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. Local authorities do not have to include this introduction and guidance in their locally published report.
2. In 2020 and 2021, we asked far fewer questions than in previous years, asking only for the minimum information required by the Code. This was in response to the pressures on local authorities and others in the light of the Covid-19 pandemic. This year, we have again sought to keep the information requested to the minimum. We have, at the request of the Department for Education, asked a small number of additional questions relating to the impact of the new Code which came into force on 1 September 2021.
3. The new Code also changes the period to be covered by reports to the adjudicator and the deadline for submitting reports to the adjudicator. **This year's report must cover the 2021/2022 academic year and be submitted to the Office of the Schools Adjudicator by 31 October 2022.**

## Guidance on completing the template

4. In a departure from previous practice, we have included all the guidance on completing specific parts of the template in this section. We hope that this will be helpful. This is in response to feedback that including guidance and definitions in the body of the template could make the report harder for readers to follow and less accessible. 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<sup>1</sup> and the Education Middle School (England) Regulations 2002<sup>2</sup>.
6. Guidance on specific questions and/or meaning of specific terms in this report:
  - a. "in-year admissions": This means admission 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** admission during the course of any school year

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<sup>1</sup> [Department for Education Statistical First Release](#)

<sup>2</sup> [The Education Middle School \(England\) Regulations 2002](#)

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

b. Not applicable means at questions:

Section 1: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 1: B.v. that there were no schools for which the local authority was the admission authority at 1 September 2021.

Section 1: B.vi. that there were no schools in the local authority's area for which the local authority was not the admission authority at 1 September 2021.

Section 2: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 2: C.i. that there were no children falling within the definition.

Section 2: D.iv. that there were no hard to place children referred to the protocol.

7. 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.
8. 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 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				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. Please confirm that your local authority has included children adopted from state care outside England in its definition of previously looked after children in admission arrangements for schools for which it is the admission authority

Yes  No  Not applicable

- vi. How confident are you that all other admission authorities in your area have included children adopted from state care outside England in their definitions of previously looked after children in admission arrangements for schools for which they are the admission authority?

Confident all have  Confident some have  Not aware of whether all or some have  Not applicable

vii 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 works closely with Surrey's Virtual School:

- to identify and flag looked after children
- to ensure they are given the highest priority for admission
- to ensure each new round child transitions successfully to their new school at the start of each new academic year.

## 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.

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.

### **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. Effect of Code changes on in-year admissions**

Please provide any comments you wish to make on the effect of the changes to the Code's provisions for in-year admissions. It would be particularly helpful to have comments on whether you think the changes have made it easier or not for parents to secure places for children in-year?

- In general, the impact of the 2021 Code does appear to have led to more children securing a place in year more quickly and this is evident by the reduction in children needing to be placed under the Fair Access Protocol. However, there are still examples of schools refusing admission, despite having a vacancy, and schools insisting on meeting parents and children before offering a place.
- Although challenging at times, the introduction of the maximum 15 day turnaround to issue the outcome of an in year application has been helpful as this enables the local authority to follow up with schools who have not issued an outcome within this timeframe.
- Please also refer to the comments made under Section 2Dv)

### **B. Looked after children and previously looked after children**

- 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
- How 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 applicable
- How does your **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
- 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 with Surrey's Virtual School which sets out how in year applications should be made for children in care; how applications will be processed; and the roles and responsibilities of social workers, the School Admissions team and schools. This is reviewed annually and shared via the Surrey's Virtual School website, as well as the Children's Services online policy shared area. This protocol continues to ensure that all applications into Surrey schools are tracked effectively and transparently and that placements are made quickly in good and outstanding schools in line with DfE statutory guidance. In Surrey we believe that communication is strong, and our protocol means that children in care are generally placed in school quickly.

Whilst many LAs 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. 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 is full. This particularly affects this group of children as they are often more mobile and may include unaccompanied asylum seekers.

Good practice is often supported by virtual schools working together, facilitating relationships with key teams or individual officers in a different local authority so that a school place can be secured as quickly as possible.

### 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:

**Children with an education health and care plan**

Please see Section 1C

**Children without an education health and care plan**

Please see Section 1C

In addition, 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 has a process in place to help identify and support the placement of children with complex needs but who do not have an EHCP. 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.

The process was further developed to ensure evidence of the child's needs and complexities could be considered promptly, such as input from the parent, support workers, social workers and education providers. This enables those professionals to have a wider discussion as to the suitable support required and/or to consider appropriate education provision.

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

The local authority has in general seen an increase in the number of in year applications and this, in part, is attributed to an increase in the number of children arriving from overseas. These include a high number of children arriving as refugees and asylum seekers who often present with complex needs. This has put pressure on the in year process and presented challenges for schools in facilitating admission.

A higher number of in year cases are also requiring individual case management to resolve admission than previously, perhaps because of individual needs or challenging behaviour, or language issues which requires additional support to facilitate an application. In general, the workload in relation to in year admissions is increasing and there are times when the maximum turnaround time for issuing a response of 15 school days may not be met.

#### D. 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 2021 and 31 July 2022?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	10	1
Foundation, voluntary aided and academies	26	60
Total	36	61

- iv. How well do you consider hard to place children are served by the fair access protocol in your area?

- Not at all well     Not well     Well     Very well     Not applicable

- v. Please provide any comments you wish on the protocol not covered above. It would be particularly helpful to have any comments on the impact of the Code changes on the operation of the FAP in your area and the ability to secure places for vulnerable children:

Surrey's Fair Access Protocol is developed and consulted on in partnership with schools each year and complies with the School Admissions Code and the DfE guidance on Fair Access admissions.

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.

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.

Schools have generally adapted well to the changes to in year admissions and fair access brought about by the 2021 School Admissions Code. The setting of clear categories of fair access that cannot be added to has enabled schools to have a clearer understanding of those children who can be considered under fair access. However some schools are unhappy that children can only be placed in school under the Fair Access Protocol if they have first been refused admission under the in year process. Schools with vacancies feel this means they have to take more than their fair share of children who meet the categories of fair access and this presents them with additional challenges that oversubscribed schools do not face.

There has been a significant reduction in children placed through fair access in 2021/22 when compared to 2020/21 as a result of the new Code. However there has been an increase in the number of cases being considered under category i) for children who are, Gypsies, Roma, Travellers, refugees, and asylum seekers. Some of these children have not been able to be placed in school under the in year process due to a shortage of vacant places within a reasonable distance.

Some schools have requested discussion around the Code's definition of 'challenging behaviour', how information might be obtained on these given that there is a restriction on asking questions about behaviour on the in year form and how this definition might be applied in practice to ensure consistency in decision making. There is also concern about what might be deemed to be 'a high proportion' of children with challenging behaviour compared to other local schools, as this may vary by year group and by area. Some examples of what might meet this threshold would be helpful. Schools which might wish to refuse admission on the basis of challenging behaviour are often those with already high numbers of more complex or vulnerable children on roll.

## E. Directions

How many directions did the local authority make between 1 August 2021 and 31 July 2022 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

**F.** If you wish, please provide any other comments on the admission of children **in-year** not previously raised:

- **Capping of admission number in year**

The ability of own admission authority schools to cap their admission number in year (for non-intake years) without agreement with the local authority is presenting an increasing challenge and often results in children having to be allocated a school some distance from their home address.

- **Coordination of in year admissions**

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 lead to bad practice, such as schools wanting to interview parents and children before arranging a start date or unlawfully refusing to offer a place.

We welcome the proposal in the School's White Paper to reintroduce in year coordination and hope this proceeds to ensure a fairer and more streamlined process for parents and to ensure local authorities are able to track in year applications and outcomes more effectively.

### **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?

The local authority continues to receive a high number of requests for summer born children to start Reception at statutory school age (SSA). These requests take a considerable amount of time to coordinate and consider. Much time is also spent supporting schools in understanding the process and that the decision they must make is whether it will be in the child's best interests to start Reception at SSA (instead of Year 1) rather than whether or not they think the child is ready to start school at aged four.

## **Section 4 - Feedback**

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2023.

Thank you for completing this template.

Please return to [Office of the Schools Adjudicator](#) by 31 October 2022