



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

Newcastle upon Tyne Local Authority

30 June 2017

Report Cleared by (Name & Title): Dean Jackson, Lead Assistant Director Education and Skills

Date submitted: 13 July 2017

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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 Schools Adjudicator (CA) 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 2017**.

The questions have been revised for 2017 with the purpose of:

- a) making the information gathered statistically robust and as useful as possible to the local authorities which provide the information; that is: the Office of the Schools Adjudicator (OSA) which receives the information; the Department for Education (DfE) to which the CA provides her annual report; and the children and families for whom the Code is designed to make sure that places are allocated and offered in an open and fair way;
- b) minimising the work required by local authorities in providing information; and
- c) avoiding duplication of effort.

This revised format therefore, in addition to statutory requirements as described in the Code, explores: points raised by local authorities in previous reports and matters which have arisen in the CA's Annual Report and areas of interest to the DfE. If information is already collected elsewhere, such as the number and type of schools and data relating to appeals, then it is not asked for again here but will be available for inclusion in the CA's Annual Report.

Information requested

1. Looked after children and previously looked after children

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children.

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

Not at all Not well Well Very well

- b. How well do the admission arrangements in other local authority areas serve the interests of your looked after children?

Not at all Not well Well Very well

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

Not at all Not well Well Very well

Please give examples of good or bad practice or difficulties which support your answer and provide any suggestions for improvement:

All schools and academies give these children priority in their admission arrangements but can be reluctant to admit over number in-year unless direction is threatened. This is usually enough to result in a place without having to resort to the formal direction.

2. Children with disabilities and children with special educational needs

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of children with children with disabilities and children with special educational needs.

- a. How well served are children who have 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?

Not at all Not well Well Very well

- b. How well served are children who have disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs?

Not at all Not well Well Very well

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

- It is not necessarily easy to identify children with SEN or disabilities who do not have an EHC plan in the admissions process.
- Pre-school children are sometimes offset or held back in nursery to help continuity of assessment processes if professionals believe that a specialist placement is required, rather than progress them to mainstream schools, especially if summer born.
- It can be difficult with in-year admissions, especially where children have arrived from overseas, to establish if they have significant SEN or disabilities requiring specialist rather than mainstream provision. On rare occasions, schools can resist admitting children as they believe them to require specialist provision even though no UK assessment of SEN has been carried out as yet.
- Few schools give children with SEN/disabilities any priority for admission, other than those with the formal EHC plan or statement

3. Consultation

Paragraph 1.44 of the Code states who needs to be consulted if consultation on admission arrangements is required. The CA has noted that these requirements are not always fulfilled in the arrangements which come to the attention of the OSA and, in particular, consultation with parents is not always as full as it should be. The OSA therefore wishes to get a better understanding of the wider situation and provide examples of good practice.

a. When did the local authority last consult on its arrangements?

Please provide the year.

2017 for 2018/19

b. Please describe the means by which the local authority consulted with parents. Highlight all those means used:

- Committee paper on the local authority's proposals on admissions on the council's website.
- Consultation paper designed for parents on the local authority's proposals on admissions on council's website.
- Request to all schools to provide information on the local authority's consultation on its admission arrangements to parents and providing support to make this possible such as posters, leaflets and links to the relevant information on council's website for the schools' newsletters.
- Request to all early years settings to make information on the local authority's consultation available to parents by providing support to make this possible such as posters, leaflets and links to the relevant information on the council's website for the settings' newsletters.
- Social media (please provide some detail).
- Adverts in local press.
- Articles in local press.
- Posters in supermarkets, doctors' surgeries, early years health centres and similar
- Other (please specify) LA consultation website

How confident are you that other admission authorities in your area are consulting parents properly as required by paragraph 1.44a of the Code?	Not at all confident	Many concerns	Few concerns	Completely confident
c. Voluntary aided				X
d. Foundation			X	
e. Academy			X	
f. Free			X	
g. UTC			X	

h. Studio			X	
Please give examples of good practice by schools that are their own admission authority. Examples of good practice in consulting with parents whose children are under compulsory school age will be particularly welcome.				

4. Pupil, service and early years pupil premiums

Has your local authority consulted for admissions in 2018 on using any of the pupil premiums as an oversubscription criterion in community or voluntary controlled schools?	For entry to reception year	For entry to year 7
a. Pupil premium	No	No
b. Service premium	No	No
c. Early years premium	No	N/A

d. If the local authority consulted on any of the pupil premiums please provide a summary of the responses received:

e. If you did not consult on introducing the **pupil premium** please indicate up to three main reasons for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children displaced;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or

i. Other (please explain):

Families on Working Tax Credit or from Eastern Europe, which we have a significant number of, are not entitled to FSM

f. If you did not consult on introducing the **service premium** please indicate up to three main reason for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Would introduce unnecessary complication;
- Lack of capacity; or

Other (please explain):

g. If you did not consult on introducing **early years premium** please indicate up to three main reasons for not doing so:

- Application of early years' pupil premium priority for those attending a nursery at the school could unfairly disadvantage those who did not choose to use the nursery at the school;
- Application of early years' pupil premium priority for those attending a nursery at the school could affect the sustainability of other early years' provision;
- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please explain):

How many community or voluntary controlled schools in the local authority area will use pupil premium as an oversubscription criterion for admissions in 2018?	Primary including middle deemed primary	Secondary including middle deemed secondary
h. Pupil premium	0	0
i. Service premium	0	0
j. Early years pupil premium	0	N/A

How many own admission authority schools consulted you on the use of a pupil premium oversubscription criterion for admissions in 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
k. Voluntary aided	0	0	0	0	0
l. Foundation	0	0	0	0	0
m. Academy	0	0	0	0	0
n. Free	0	0	0	0	0
o. UTC	N/A	N/A	N/A	N/A	N/A
p. Studio	N/A	N/A	N/A	0	0

How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service

q. Voluntary aided	0	0	0	0	0
r. Foundation	0	0	0	0	0
s. Academy	0	0	0	0	0
t. Free	0	1	1	0	0
u. UTC	N/A	N/A	N/A	N/A	N/A
v. Studio	N/A	N/A	N/A	0	0

w. Do you have any further comments with regards to the pupil premiums in addition to the above?

5. Determined arrangements

The OSA has noted that some admission authorities have not determined their arrangements as required by the Code and so seeks further information on this. Paragraph 3.2 of the Code requires local authorities to refer admission arrangements determined by other admission authorities to the Schools Adjudicator if they are of the view that they are unlawful.

- a. On which date did your local authority determine its arrangements for admissions in 2018?

28/2/17

- b. When were the determined arrangements published on the local authority's website?

9/3/17

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?	Primary including middle deemed primary	Secondary including middle deemed secondary
c. Voluntary aided	9	0
d. Foundation	27	1
e. Academy	8	3
f. Free	1	1
g. UTC	N/A	N/A
h. Studio	N/A	1
<p>i. Overall, in your consideration of the admission arrangements for 2018 determined by other admission authorities, which paragraphs of the Code gave you greatest concern because of possible non-compliance with requirements?</p> <p>Paragraphs 1.46 and 1.47</p>		

j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above

6. Co-ordination

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
a. Reception			X	
b. Year 7			X	
c. Other relevant years of entry (please specify)			Y5, 9, 10	
d. Please give examples to illustrate your answer: Technical problems in neighbouring LAs caused issues and delays at key times in process in exchanging data files between LAs				

e. There has been an increase in the number of schools for which the governing body or academy trust is the admission authority. Please describe the effect of this on the admissions system in your area.

More complex to set up the ICT systems to run the co-ordinated scheme and determine the single offer. Increases the complexity and time taken to collate, check and enter ranked lists from own admission authorities.

To how many schools of each type does the local authority delegate responsibility for in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
f. Community	3	1
g. Voluntary controlled		
h. What do you consider to be the advantages and disadvantages of this? Becomes complicated if there is an appeal, as the decision making responsibility still formally lies with LA		

For how many schools of each type does the local authority co-ordinate in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
i. Voluntary aided		
j. Foundation	7	2
k. Academy	6	1
l. Free		
m. UTC	N/A	

n. Studio	N/A
o. What do you consider to be the advantages and disadvantages of this?	
<p>The LA tends to have better information about outcomes and vacancies for schools we co-ordinate than for other schools.</p> <p>If we co-ordinated for all schools, we could ensure a single offer to a parent, whereas in current situation a parent could have multiple offers or none at all. Can be difficult to get timely responses from own admission authority schools about in year applications. Also creates significant burden on LA to monitor outcomes of applications and ensure that no children are missing from education as they are without an offer. The latter would be easier if we co-ordinated the offers.</p> <p>With full co-ordination we may have better information to help identify vulnerable children who fall under Fair Access.</p>	

7. Appeals

Information on the number of appeals lodged and the proportion upheld is collected separately so this information is not requested again. The information requested below is to add to that information.

	a. How many schools of each type engage the local authority to provide all aspects of the appeals process?		b. How many schools of each type engage the local authority to provide some aspects of the appeals process?	
	Primary including middle deemed primary	Secondary including middle deemed secondary	Primary including middle deemed primary	Secondary including middle deemed secondary
Voluntary aided				
Foundation				
Academy				
Free				
Studio	N/A		N/A	
UTC	N/A	N/A	N/A	N/A
c. Any comments related to this:				
<p>The LA admissions team offers all schools and academies free general advice on preparing for appeals and has offered all schools and academies free training on presenting appeals and writing statements.</p>				

The clerking service is offered as an SLA to academies. Not all have appeals as they have space in every year group, but several that do have made their own arrangements.

d. How confident are you that admission appeals for schools which are their own admission authorities meet the requirements of the School Admission Appeals Code?

Not at all confident many doubts a few doubts Very confident

e. Please describe your areas of concern, if any:

We receive no information about how appeals are conducted by own admission authorities which do not use the LA service.

f. Please provide examples of good practice which have come to your attention:

8. Fair Access Protocol

a. Do you have a Fair Access Protocol agreed with the majority of state-funded mainstream schools in your area?

Yes No

b. If no, please explain why:

c. How many children have been admitted or refused admission under the Fair Access Protocol to each type of school in your area?

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community		6		
Voluntary controlled				
Voluntary aided	3			
Foundation	2	6		
Academy	7	32		
Free		1		
UTC	N/A		N/A	
Studio	N/A		N/A	

d. 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

e. Please explain your answer giving examples of good and bad practice; successes and difficulties as appropriate.

- No children taken to Fair Access Panels were refused admission, although in some cases additional information came to light subsequently that meant an alternative outcome was sought for the child other than the initial placement.
- Both primary and secondary panels were relaunched with a new protocol at the end of last year and are therefore relatively 'young'. All schools cooperate and are committed to making the process work effectively and place children quickly.
- Placements have not been shared equally across all secondary schools but the schools that have admitted more than their fair share have volunteered and been willing to admit.
- Schools struggle with the concept of fair distribution across schools and whether every vulnerable child potentially carries equal weighting.
- The rights of the parent are underrepresented in our current process as schools are concerned about whether the preferred school is the most appropriate to meet the child's needs. Whilst this is admirable, it is in danger of over-riding the right of the parent to a place in the identified school.
- To date panels have mainly focussed on children who have been permanently excluded rather than the full list of children as set out in the Code. Our current application form means it is difficult to identify all the vulnerable hard to place children as per the Code.
- The annual volume of in year admissions in Newcastle is very high and the time taken to monitor the outcomes of applications outweighs that available to provide good quality information, advice and guidance and identify and support vulnerable families.
- Some vulnerable families fall just outside the statutory list under Fair Access and we need to revise our local Protocol to recognise this and help facilitate these children into school places more quickly.

9. Directions

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for children in the local authority area?

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
a. Voluntary aided	0	0	0	0
b. Foundation	0	0	0	0

c. Please add any comment with regard to strengths or difficulties relating to this.

Newcastle schools are very responsive to requests for LAC children to be admitted above their Published Admission Number and understand the priority to be given to these vulnerable children. The threat of direction is usually enough.

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for looked after children in another local authority area?

	For primary aged child	For secondary aged child
d. Community	0	0
e. Voluntary controlled	0	0
f. Voluntary aided	0	0
g. Foundation	0	0

h. Please add any comment with regard to strengths or difficulties relating to this.

Generally we find other LA areas supportive in helping prioritise and place LAC quickly. Strong Virtual School networks facilitate this.

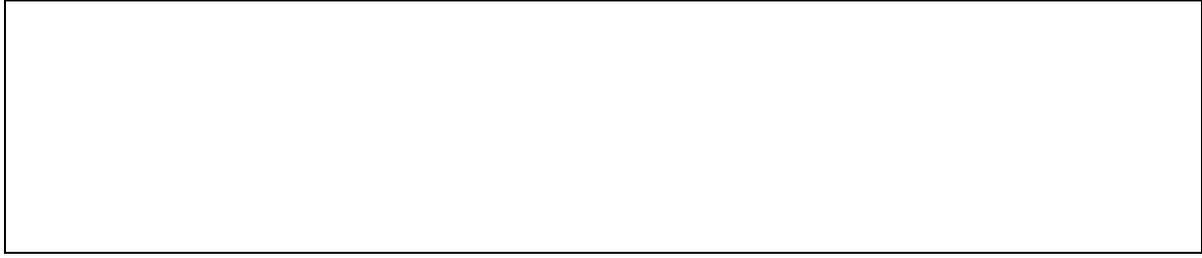
How many requests for directions did the local authority make to the EFA between 31 March 2016 and 31 March 2017?

	For primary aged children (not looked after)	For primary aged looked after children	For secondary aged children (not looked after)	For secondary aged looked after children
i. Academy	0	0	0	0
j. Free	0	0	0	0
k. Studio	N/A	N/A	0	0
l. UTC	N/A	N/A	N/A	N/A

m. Please add any comment with regard to strengths or difficulties relating to this.

10. Other matters

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



Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2017