



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From

Hampshire County Council Local Authority

30 June 2018

Report Cleared by (Name & Title): Martin Goff
Head of Information, Transport & Admissions

Date submitted: 29 June 2018

**By (Name & Title): Louise Crolla, Principal Admissions Officer (Secondary) /
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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.

12/02/2018

- 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.

15/03/2018

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.

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

Not applicable None Minority Majority All

	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
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?	0	1	0
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. N/A			
vi. Further comment: please provide any comments on the determination of admission arrangements not covered above. Due to the large number of own admission authority schools within Hampshire, it has not been possible to scrutinize every set of arrangements received. However, of those seen, there have been no major issues with non compliance.			

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 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
ii. Reception				Y
iii. Year 7				Y

iv. Other relevant years of entry				Y
v. Please give examples to illustrate your answer:				

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:

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.

There are still some instances of EHCPs being finalised after 15 February, resulting in these families having less time to plan for the integration and transfer of their child from their current setting to the new setting. The late date for some finalised EHCPs means that schools have to accommodate children over PAN, which creates more pressure for the school in terms of classroom management/staffing.

Parents with children with disabilities or special needs without an EHCP, are able to request priority under the medical/physical/psychological criterion within Hampshire's admission arrangements. It is problematic if parents do not indicate their wish to be considered under this criterion on their on-time application and evidence the child's needs after places have been allocated.

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.

i.	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/3/18	4264	1033
Number of in year admissions between 1/9/16 and 31/8/17	4129	956
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?	Moves into Hampshire Moves within Hampshire	Moves into Hampshire Moves within Hampshire Unhappy with current school

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.

A number of schools in Hampshire have capped the limit in certain years groups

for budgetary/ organisational or curriculum reasons due to low numbers in the cohort. For some undersubscribed 2 or 3FE primary phased schools there is an issue with the cost of needing to employ a second/third teacher if the number of pupils were to increase above 30/60 when they have previously been undersubscribed. Consequently they chose to organise for just 1 or 2 FE and cap the cohort size to one/two class/es. Most own admission authority schools in Hampshire still work closely with the local authority and have discussed their intention to operate a lower number and agreed on a figure which ensures there are still sufficient capacity in the area.

At the other end of the spectrum however, we are seeing more and more secondary phase own admission authority schools offering over PAN in the main admission round in order to meet as many parental preferences as possible, with a view to managing back to PAN as children drop out. In some cases the level of drop out required to get back to PAN is unrealistic or will happen very late in into the academic year meaning that many late applicants moving into the area can find themselves without any school places. Places are being allocated some distance away creating unnecessarily long journeys for the families and increased transport costs for the authority. One own admission authority school has offered significantly over PAN in the main admission round and will continue to do so until September, at which point they intend to manage back to PAN, effectively denying all in-year applicants places for the foreseeable future.

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)?

Advantages:

It encourages parents to engage directly with the schools. It also ensures that in the majority of cases, parents receive their decision within 10 school days. Hampshire County Council oversees approximately 7000 in-year applications each year. Due to the sheer volume, the Admissions Team does not have the resource available to provide an efficient or effective co-ordinated service. Under previous in-year co-ordination, applications were delayed, much to the frustration of both parents and schools. Schools welcome the opportunity to process their own applications and it demonstrates trust between the local authority and schools, helping to maintain good relationships. It gives community schools the same freedom to process in-year applications as own admission authority schools.

Disadvantages:

Some families may not receive a response within the published timescales, or are sent illegal refusals. Schools who do not inform the local authority of an application and/or its outcome could result in children missing in education.

However, our experience is that the majority of schools follow the rules and we have strong in-year tracking procedures which identify children who have not been able to secure a school place through the normal in-year processes. The LA's tracking procedures enable the LA to provide information to parents enquiring about in-year school places within Hampshire.

ii. 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)?

Advantages:

Applying to the home authority ensures the local authority would be aware of every application made.

It could be argued that it would reduce the potential for children missing education, however, this could still arise through schools resisting the admission of 'hard to place' pupils whose needs would be difficult to cater for or accommodate, thus still resulting in some pupils being out of school for a notable period of time.

Disadvantages:

As stated in the previous question, in a large authority, the scale of the task is too large to be able to provide a satisfactory service. Parents have less engagement with schools. Centrally co-ordinated admissions do not guarantee that own admission authority schools will provide a decision on time or admit when they should.

Any future decision about the co-ordination of in-year admissions **must** take account of the implications for larger/shire LAs for whom it was and would be an unmanageable task providing an unsatisfactory level of service to both schools and families.

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 the 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

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

There is an established protocol in place in Hampshire which seeks to ensure the best

education provision for children in care by consistency of approach across all professionals who work together to secure high quality education provision for CiC. Hampshire schools are familiar with the protocol and its expectations and consequently usually accept the placement of a CiC at their school with little resistance. The Admissions Team facilitate the placement of previously looked after children by upholding the same expectations of schools to admit the child on request.

The Virtual School has experienced difficulties in securing places in-year, in other local authorities and have needed to consider formal direction to move cases forward. This has related particularly to admissions for children with SEN and complex needs and also to Unaccompanied Asylum Seeking Children (UASC). Hampshire's protocol for the placement of CiC has been updated with a focus on these groups of children and shared with Virtual Schools across the south east region. Additionally, the south east region Virtual School Head network has collectively raised some of the difficulties with the DFE – the Hampshire Admissions lead also attended and inputted at that meeting.

There is an expectation that CiC should attend 'good' or 'outstanding' schools which can place pressure on these schools, particularly in an area where the other local schools are 'requiring improvement' and therefore not deemed suitable.

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:

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

- ii. 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:

Hampshire has seen a surge in the number of schools (largely secondary) refusing admission under section 3.12 of the Code, despite not having what the local authority would deem a “high proportion of challenging or permanently excluded children”.

Unfortunately it is being used by schools as a mechanism to refuse children they do not want to admit. The local authority seeks to challenge inappropriate refusals but has no power to overturn such decisions. The onus is on the parents to challenge via the appeal route but given that most refusals relate to vulnerable children and families, the chances of them appealing are slim. A request to the Secretary of State for direction is often not viable because there are likely to be other schools in the vicinity with places. The LA is therefore duty bound to find an alternative school place. We are seeing trust between schools being eroded due to certain schools being able to ‘play the system’ to their advantage. It also makes the placing of affected children much harder.

Clearer wording of the Code is needed. Some examples of the types of situations where a 3.12 refusal would be appropriate might help, as was the case in previous versions of the Code. Or a proper route for local authorities to challenge refusals made by own admission authority schools that are deemed non compliant with the Code, similar to the direction process.

Inconsistencies in the Code create further difficulties. Paragraph 1.9g of the Code which states that admission authorities must not “g) take account of reports from previous schools about children’s past behaviour, attendance, attitude or achievement, or that of any other children in the family”.

However, paragraph 3.12 allows schools with a high proportion of challenging children or permanently excluded children to refuse if the child has challenging behaviour. This implies that it would be reasonable, where a school does have a high proportion of challenging children, to request additional information about the child to determine whether a 3.12 is appropriate or not. The problem lies in the rise of schools citing a challenging cohort and using this as a loophole to get background on the child before processing an application. This can cause delays in processing applications and in some cases, the application not being processed at all because information has not been forthcoming.

Different admission authorities have differing interpretations of the Code . Some of our neighbouring local authorities ask for information on the application form to determine whether a child is eligible for placement under the Fair Access Protocol. Other authorities, including Hampshire, do not on the basis that Fair Access only kicks in when an eligible child is unable to secure a place through normal in-year procedures and the starting point therefore is that schools with spaces must offer a place **without condition** and only if the school has a high proportion of challenging children whereby they would consider a 3.12 refusal, would it be reasonable to ask for further information. However, even where the latter applies, we have had examples of schools (in one of our neighbouring local authorities) still refusing to provide any information about the child’s

behaviour record, citing 1.9g of the Code as the reason.

Clearer guidelines on what information can and can't be requested is needed to ensure consistent practice nationally.

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:

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?

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 and voluntary controlled	50	30	0	5
Own admission authority schools	6	17	0	1
Total	56	47	0	6

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.

There were a total of six secondary unplaced – four permanent excludees from Independent schools, two who went into EHE and two who went to an Education Centre following consideration of Fair Access. The remaining two are complex medical in-year fair access cases, one of whom is now having independent specialist provision commissioned and the other for whom an assessment place is being sought.

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.

Primary schools continue to be very receptive to Fair Access requests. Secondary schools however are becoming more and more resistant and cases are taking longer to resolve. There is a continued misconception amongst secondary schools that Fair Access can be invoked without having first considering applications through the usual in-year processes and we are seeing a growth in the number of schools making unlawful refusals (see G).

Unhelped by inconsistencies in the Code

- Children permanently excluded from the independent sector, particularly those who have started their GCSE's, are very hard to accommodate within the state system due to completely different curriculum/ exams, as well as requiring assessment of any SEN.
- Children coming from overseas (or other parts of the Country) with very high level SEN/ complex medical needs are not well served by the system. There is very limited capacity within special schools and in Hampshire, mainstream schools are expected to carry out an initial assessment of need, meaning that they are sometimes offered a completely unsuitable environment, where it is impossible for the child to cope even if the school accepts them, and the pressure on a school's resources is tested to its limits.

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?

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
Voluntary aided or foundation	0	0	0	0

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

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?	
For primary aged children	For secondary aged children
0	0
D. Please add any comments on the authority's experiences of making directions.	

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?
For primary aged children (not looked after)	0	N/A	N/A
For primary aged looked after children	0	N/A	N/A
For secondary aged children (not looked after)	0	N/A	N/A
For secondary aged looked after children	0	N/A	N/A

F. Please add any comments on the authority's experiences of requesting directions.

The local authority has come close to a few directions at secondary level but schools tend to concede at the point we advise of our intention to direct. They recognise that they should be admitting but will delay for as long as possible. See below.

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

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

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?	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
Pupil premium	0	0	0
Service premium	0	0	0
Early years pupil premium	0	N/A	0
Total number of schools using at least one premium in their oversubscription criteria	0	0	0

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
Primary including middle deemed primary	Early years	0	0
	Pupil	0	
	Service	0	
Secondary including middle deemed secondary	Pupil	0	0
	Service	0	
All through	Early years	0	0
	Pupil	0	
	Service	0	

C. Do you have any further comments on the use of premiums?

6. Electively home educated children

1331 - 0.7% the school population
(Number of EHE children expressed as a percentage of the number of children on roll in Hampshire schools)

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?

- 47% rise in EHE registered children from 2013-14 academic year to March 2018
- Hampshire Education Inclusion Service and Admissions Team work together offering support to parents applying for admission to school when parents request help to reintegrate an EHE child.

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