



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From
Cornwall Local Authority

30 June 2017

Report Cleared by (Name & Title): Sharon Hindley, Head of Education Access and Sufficiency

Date submitted: 22 June 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:

Admissions for children in care (CIC) are handled in accordance with the Admissions Code 2014 and no major problems have arisen in the allocation of places for September 2017 to date, although there have on occasion been protracted delays in admission from some schools, mainly academies. Cornwall Council School Admissions Team works in an inclusive and efficient manner with the Children in Care Education Support Service (CICESS) ensuring children in the care of the local authority receive timely access and admission to the appropriate school setting.

There can be occasional delays when children in care move out of county, this is resolved swiftly with communication between counties and a new school place allocated. There is a year on year improvement in cross border working and sharing of information across counties.

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

Admissions for SEN children with a Statement of SEN or EHC plan are undertaken in accordance with the SEND Code of Practice and relevant regulations.

All pupils with a statement of SEN or EHC plan have their needs identified in the statement/plan and the school is consulted about meeting an individual pupil's needs using the statement/plan. This supports the new school in understanding the pupil's needs and required provision in advance of the pupil arriving. Schools access training and advice relating to individuals and different types of need. This enables the receiving school to arrange a good transition in collaboration with the feeder school, pupil and their family.

Following the reconsideration of application processes for families reported last year

new simplified arrangements are in place and this has been successful, as confirmed by our Parent Carer Council.

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

- 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). LA Twitter & Facebook
- Adverts in local press.
- Articles in local press.
- Posters in supermarkets, doctors' surgeries, early years health centres and similar

Publicity on Council web pages –
Admissions and Council Consultation
Finder
Via Headteacher associations
Via Family Information Service

Other (please specify)

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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	N/A	N/A	N/A	N/A
g. UTC	N/A	N/A	N/A	N/A
h. Studio	N/A	N/A	N/A	N/A
<p>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.</p> <p>It is hard to establish in some cases what consultation has taken place, however most schools use their website to promote the consultation. Quality of consultation is inconsistent.</p>				

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: N/A

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;

Rapidly diminishing number of C/VC

- Lack of capacity; or
 i. Other (please explain):

schools that have not requested this change

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

Rapidly diminishing number of C/VC schools that have not requested this change

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):

Rapidly diminishing number of C/VC schools that have not requested this change

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	N/A	N/A
l. Foundation	0	0	0	0	0
m. Academy	0	0	0	0	0
n. Free	N/A	N/A	N/A	N/A	N/A
o. UTC	N/A	N/A	N/A	N/A	N/A
p. Studio	N/A	N/A	N/A	N/A	N/A

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	2	2	2	N/A	N/A
r. Foundation	0	0	0	0	0
s. Academy	2	1	1	0	0
t. Free	N/A	N/A	N/A	N/A	N/A
u. UTC	N/A	N/A	N/A	N/A	N/A
v. Studio	N/A	N/A	N/A	N/A	N/A

w. Do you have any further comments with regards to the pupil premiums in addition to the above? None

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?

23 February 2017

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

28 February 2017

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	Secondary including middle deemed secondary

	primary	
c. Voluntary aided	1	N/A
d. Foundation	1	0
e. Academy	8	2
f. Free	N/A	N/A
g. UTC	N/A	N/A
h. Studio	N/A	N/A
<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>14 – clarity 2.17 – stating how out of year group requests can be made</p>		

<p>j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above</p> <ul style="list-style-type: none"> • Many own admission authority schools struggle to understand their responsibilities and the requirements for determining arrangements. The LA provides guidance and example text to support schools each year but with the increasing numbers of own admission authority schools, this process and the process of reviewing and recording arrangements takes up a considerable amount of officer time. • Some multi-academy trusts have shared arrangements which makes checking the arrangements easier and also makes the process for updating the arrangements by the schools easier. • Many schools fail to display their admission arrangements on their website as required. It is not possible to check all schools' websites individually but schools are reminded to do this regularly and alerted where it is identified that they have not displayed them.

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)	n/a	n/a	n/a	n/a
<p>d. Please give examples to illustrate your answer:</p> <p>Where the national offer day falls immediately after a weekend/bank holiday as it did this year for New Reception, this means that we cannot send the allocation letters to arrive on the offer day as there would be a risk of some letters being received earlier if sent on the preceding Friday. This creates pressure with parents having to contact the team to check on their allocation on offer day where they didn't request to receive an email notification or they need more information, such as the reply form, which is only provided with the letter. Having the National Offer Day on a fixed day of the week in the same</p>				

way as the Census would help with this – e.g. the third Thursday in April.

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.

- Checking and collating the admission arrangements for the large number of own admission authority schools is becoming increasingly challenging and there is much more pressure in relation to deadlines. It becomes increasingly challenging to review arrangements thoroughly due to capacity.
- The many variations in admission arrangements and responsibilities can make the system difficult for parents/carers to understand.
- Responsibilities being passed to schools also mean that there is a risk that parents/carers and their children are missing out – for example where schools are putting parents off appealing or refusing to supply appeal papers.
- Delays can often occur with co-ordinating in-year admissions for own admission authority schools, particularly academies. Some schools can be very slow to respond and appear to be taking to time to gather information before saying whether or not they will accept the pupil. Difficulties with placements due to behaviour concerns occur but reference to the Fair Access Protocol generally works to resolve this, with the exception of a few cases.
- There have been protracted discussions with one academy secondary school regarding a number of placements, one for a child with health needs. Despite having spaces available, the school has caused significant delays by setting provisos on placement and requiring specific information that should not be required in order to confirm that a place is available.

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	0	0
g. Voluntary controlled	0	0
h. What do you consider to be the advantages and disadvantages of this?		

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
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i. Voluntary aided	ALL	N/A
j. Foundation	ALL	ALL
k. Academy	ALL	ALL
l. Free	N/A	N/A
m. UTC	N/A	N/A
n. Studio	N/A	N/A
o. What do you consider to be the advantages and disadvantages of this?		
<p>Cornwall Council continues to co-ordinate in-year admissions to all schools as this is considered to be the best outcome for children and their families, as agreed with schools through Schools Forum. It ensures a consistent and fair approach and means that the LA can identify and act upon any concerns and work to reduce the risk of children missing out on education. However, one academy secondary school has consulted on and determined a change so that they will handle their own in-year admissions from 2018. This was despite concerns raised by the Local Authority during the consultation of the impact on the most vulnerable pupils and the potential negative impact on partnership working between the local schools.</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	0	N/A	11	N/A
Foundation	35	8	0	0
Academy	4	1	151	19
Free	N/A	N/A	N/A	N/A
Studio	N/A	N/A	N/A	N/A
UTC	N/A	N/A	N/A	N/A
c. Any comments related to this:				

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:

Although the LA is confident that the conduct of appeals meets the requirements of the Appeals Code as all schools engage the LA for this, the LA is aware that a number of schools actively discourage parents from appealing or are slow or even refuse to provide appeals papers. The LA intervenes where it is aware of this happening.

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	4	2	1	0
Voluntary controlled	0	N/A	0	N/A
Voluntary aided	0	N/A	0	N/A
Foundation	2	6	1	0
Academy	18	18	4	2
Free	N/A	N/A	N/A	N/A
UTC	N/A	N/A	N/A	N/A
Studio	N/A	N/A	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.

Cornwall's Fair Access Protocol is reviewed each year with a schools' representative /

advisory board and through this all schools are signed up to the Protocol. However the LA has encountered difficulties with some schools who agree initially to take pupils via the placement panels, but then do not put them on roll / refuse to accept them. These incidents occur across a small minority of schools, both maintained and academies, and do inevitably mean that some children are not placed quickly enough in school. The LA robustly challenges these situations and has advised maintained schools that it intends to issue direction (although this has not happened as schools have then taken pupils) and called non-maintained schools to meetings with the Service Director to register concern and to advise of intent to involve the Secretary of State - this approach has had varying levels of success.

Fair Access placements of permanently excluded pupils to primary schools prove particularly problematic, partly because of place pressures but also because primary schools are regularly able to cite concerns in relation to resources and the safety of the school community. Some schools are very accepting, however a small number refuse admission. This can lead to protracted negotiations and a significant delay in identifying a mainstream school place for these pupils. The LA has tried to improve the process with better information sharing and an increased offer of reintegration funding but this has not yet improved results.

Although the LA may believe that a school should be taking a child under the Protocol, the requirement that a direction can only be pursued when the child has been refused admission to all schools within a reasonable distance means that placement is almost certainly likely to be protracted. With increasing numbers of own admission authority schools, the LA's powers are significantly decreased and therefore the principle of 'swift and appropriate placement' for vulnerable pupils is very difficult to implement.

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	N/A	N/A
b. Foundation	0	0	0	2

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

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	N/A
f. Voluntary aided	0	N/A
g. Foundation	0	N/A

h. Please add any comment with regard to strengths or difficulties relating to 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	N/A	N/A	N/A	N/A
k. Studio	N/A	N/A	N/A	N/A
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?

The LA continues to be concerned about the lack of clarity around summer-born children and delayed entry to reception. It is difficult to advise parents/carers and the response they receive from schools is inconsistent.

Thank you for completing this template.

Please return to Lisa Short at by 30 June 2017