



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From
Rotherham Local Authority

30 June 2017

Report Cleared by (Name & Title): Dean Fenton, Service Lead - School Planning, Admissions & Appeals

Date submitted: 29 June 2017

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Please email your completed report to: osa.team@osa.gsi.gov.uk

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:

Early years and Primary.

Regular meetings and correspondence with the Rotherham Metropolitan Borough Council admissions team. A plan is in place with the admissions team and the Virtual School Assistant Head (Early Years and Primary) to ensure all admissions and transitions are monitored and planned. The Virtual School are happy with the system put in place working together in partnership.

Secondary – Good practice:

Young person moving back into area, conversation with school and virtual school to arrange transition before Social Care complete admission forms. Planned transition and sharing of information allows for clearer planning and smoother transition and increased likelihood of success.

Secondary - Bad practice:

When a young person moves out of authority due to care placement breakdown and has a history of poor behaviour and engagement in learning linked to Social, Emotional and Mental Health issues (SEMH), it is often extremely difficult to access appropriate provision in the new authority as the Young Person (YP) requires specialist support but does not have an EHCP or a permanent exclusion so has to access mainstream although this may not be appropriate. Current agreement is that previous school completes Children Missing Education (CME) paperwork and this leaves YP not on roll and not in education for a period of time, this is an issue. However, if the YP is placed on the roll of a school but placed in Alternative provision there is no clear oversight and again this is unacceptable. The number currently sits at 10 YP who are not on the roll of an out of Authority school/struggling to receive a placement, but are now accessing an education. We also have 4 young people on the roll of a school but only receiving tuition funded solely through LAC PP.

Examples of the types outlined above have occurred in and out of authority although out of authority occur with greater regularity, although there are some excellent examples of good practise out of authority where complex young people are supported into education through partnership arrangements with alternative provision.

Most difficulties occur due to a lack of inclusive practise in schools and lack of provision available for SEMH young people. A lot of work is needed in improving this specific area as often there is just not the provision to meet the needs of the young person, or it requires an EHCP which the YP does not have.

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.

Examples

Low number of tribunals

Successful mediations

Increased numbers of referrals show some families/ school feel the need for a formal Plan rather than being happy with current resource

Special schools are Ofsted at least Good

Low numbers of schools of concerns in mainstream

Suggestions

Continued work with schools to develop skills and knowledge

Sufficiency work to enable more in Borough provision

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).
- Adverts in local press.
- Articles in local press.
- Posters in supermarkets, doctors' surgeries, early years health centres and similar
- Other (please specify)

Own admissions Authority Schools publish their Admissions policy on the Authority website. Other neighbouring Authorities also receive our Admission Consultation proposals.

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	
g. UTC			N/A	
h. Studio			N/A	

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.

All own admission authorities schools consult as part of the LA's co-ordinated consultation and submit documentation by the required deadline.

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	Yes	Yes
b. Service premium	Yes	Yes
c. Early years premium	Yes	N/A

d. If the local authority consulted on any of the pupil premiums please provide a summary of the responses received: After consideration by Local Elected Members, Scrutiny and the Local Admissions Forum, a decision was taken not to proceed to consultation at this stage as Rotherham consistently satisfies over 90 % of first preferences.

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): See d above.

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): No significant impact due to low numbers of service families being relocated to the Borough. See also box d above.

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):

See d above.

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	Nil	Nil
i. Service premium	Nil	Nil
j. Early years pupil premium	Nil	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	Nil	Nil	Nil	Nil	Nil
l. Foundation	Nil	Nil	Nil	Nil	Nil
m. Academy	Nil	Nil	Nil	Nil	Nil
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	Nil	Nil	Nil	Nil	Nil
r. Foundation	Nil	Nil	Nil	Nil	Nil
s. Academy	Nil	Nil	Nil	Nil	Nil
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
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to the above?
 Due to the high percentage of preferences satisfied, this is not considered a significant issue at this moment in time in Rotherham.

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?

24th February 2017

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

1 March 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 primary	Secondary including middle deemed secondary
c. Voluntary aided	Nil	Nil
d. Foundation	Nil	Nil
e. Academy	Nil	Nil
f. Free	N/A	N/A
g. UTC	N/A	N/A
h. Studio	N/A	N/A
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? Please see our response in Section 10 Other Matters below.		

- j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above **N/A**
- k. Minor administrative issues in relation to prescribed deadlines. **N/A**

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)			X	
d. Please give examples to illustrate your answer: One neighbouring Authority sending electronic files (S2S) relating to cross border application offers two days before National Offer Day, thereby not fully complying with the Local Co-ordination agreement on data exchange.				

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.

A significant increase in children being declined places at undersubscribed schools using Section 3.12 of the Admissions Code. This increases the amount of time a child is missing their Education. As a result this had led to a significant increase in the number of in year admission appeals for schools that are below their admission number. Where a multi Academy trust controls more than one school in a particular area, the MAT are declining to offer a place at all of these schools. This leads to other schools in the same area following suit and declining admission.

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	Nil	Nil
g. Voluntary controlled	Nil	Nil
h. What do you consider to be the advantages and disadvantages of this? N/A		

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	4	1
j. Foundation	0	1
k. Academy	49	12
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?		

Where the Local Authority processes the admission requests, there is consistency on decisions and timelines. This results in more efficient and effective monitoring and tracking of children. It is particularly noticeable where parent's state more than one preference and the LA do not process all of these. Failure of the own admissions authority to notify the LA of the outcomes causes unnecessary delay.

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	4	1	Nil	Nil
Foundation	Nil	1	Nil	Nil
Academy	49	12	Nil	Nil
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: As all schools in the Authority use the LA appeals process, this provides a consistent system across the Authority. All maintained community schools also use the LA's process but this has not been requested above.				

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:

f. Please provide examples of good practice which have come to your attention:
All own admission Authority Schools currently use the independent Panels established by the Local Authority to conduct their appeals. The Panel members receive annual training facilitated by a solicitor commissioned through the LA.

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:

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	1	Nil	Nil	Nil
Voluntary controlled	Nil	Nil	Nil	Nil
Voluntary aided	Nil	Nil	Nil	Nil
Foundation	Nil	Nil	Nil	Nil
Academy	5	Nil	Nil	Nil
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.

All children are placed at fair access panel, however the LA has concerns regarding the disproportionate number of children referred to the LA for placement in alternative provision with a view to a managed move into mainstream in relation to placements agreed at the Secondary Fair Access Panel. There was one community case and six Academy cases, where they have been referred to the LA for placement in Alternative provision, with a managed move into mainstream. The Primary Fair Access Protocol is currently working extremely well, with all children who are referred being offered an appropriate school place.

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

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

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	Nil	Nil
e. Voluntary controlled	Nil	Nil
f. Voluntary aided	Nil	Nil
g. Foundation	Nil	Nil

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

As yet we have not been required to direct a school formally to take a child. This is down to work carried out in advance of the placement, with careful discussions with local Virtual School Head for advice and support in approaching the school that will best meet the YP's needs. This has meant that we have not needed to direct to date.

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	Nil	Nil	Nil	Nil
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. Having previously been instructed that a direction can only be sought where a school refuses to accept a child placed under the fair access protocol or by Appeal Panel, there appears to be little scope for seeking a direction as pupils are placed in Alternative provision by the Secondary Fair Access Panel.

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?

Ongoing concerns are:

Schools refusing to admit pupils when they are 'below published admission numbers' using Section 3:12 of the Admission Code – this needs to be strengthened, clarified or removed. Its vagueness is subject to interpretation by different admissions authorities. This results in too much onus being placed on Appeals Panels to determine whether refusals under Section 3:12 are reasonable within the parameters of the admissions code where the school is below PAN.

Limited grounds for being able to seek a direction.

Powers to hold own admissions authority schools to account are being eroded under the Admissions Code.

The Impact is that children are unnecessarily out of school for an extended period of time which can lead to safeguarding issues whilst a place is secured via Appeal/Fair Access. Summer born children – clarification on guidance within the Admissions Code is needed.

Thank you for completing this template.

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