



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

Bristol City Council Local Authority

30 June 2018

Report Cleared by: Sue Rogers, Service Director Education, Learning and Skills.

Date submitted: 29th June 2018

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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.

28/02/2018

- 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.

08/03/2018

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? | 1 | 4 | 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. 1.9, 1.47 and 1.15. | | | |
| vi. Further comment: please provide any comments on the determination of admission arrangements not covered above. When schools have determined their admissions arrangements, despite numerous reminders they fail to send a copy to the LA by 15 th March (1.47). | | | |

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 | | | ✓ | |
| iii. Year 7 | | | ✓ | |
| iv. Other relevant years of entry | | | ✓ | |
| v. Please give examples to illustrate your answer: The process of | | | | |

administering applications works well across the city. There is an issue with schools responding to requests for information in a timely fashion for the admissions brochures, promoting UTC and Studio Schools and determining admission arrangements.

C. Looked after and previously looked after children

- i. How well do admissions 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 admissions 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.

Good Practice:

- The SEND Casework Team converted all Statements of SEN to EHCPs by 31/03/18
- The SEND Casework Team Managers undertake 6 weekly place planning meetings to ensure that C/YP with EHCPs have 'school' places ready for 01 September
- C/YP with EHCPs who are CME/PME/NEET are monitored through active case working with Local Area colleagues and Local Authority Specialist Teams (Bristol Autism Team, Sensory Support Service etc.) to ensure barriers are removed as quickly as possible, attendance and engagement improves.

Challenges:

- Numbers and locations of special school places
- Home to school travel – high numbers of C/YP need to travel for extended periods (over 45 minutes) to get from North to South, South to North to attend school
- Parental preference – mainstream vs specialist education
- High levels of FTE of C/YP with SEMH as well as ASC needs
- School refusal of secondary/ Post 16 C/YP with higher functioning autism and associated anxiety/ sensory needs – parent carers choosing to withdraw C/YP if they feel a school is not meeting needs
- Parent carers requesting Independent Non-Maintained/ Independent Specialist settings
- Parent carers moving area and local authority
- C/YP placed out of authority at very short notice by Social Care (CiC status)
- High number of exclusions resulting in an increasing demand for SEMH places/ EHC Needs Assessment places

Improvements:

- Consultation letters – needs reformatting to ensure detailed, evaluated and costed responses to demonstrate that needs can be met
- Continuing to challenge mainstream education settings who do not provide sufficient detailed responses to or demonstrate inclusive practices.

- **C/YP with SEND & Bristol Fair Access Protocols**

Bristol has separate Primary and Secondary Fair Access Protocols, both agreed with the majority of Primary and Secondary Schools. A significant number of children referred to the LA under the Fair Access Protocol 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. Most referrals to Primary FAP have SEND with primary need identified as social emotional and mental health difficulties (SEMH) presenting as challenging or disruptive behaviour (behavioural difficulties), though many have had not these formally assessed. Some have ASD, SLCN, ADHD and literacy difficulties; many have not reached age related expectations. There are fewer secondary FAP referrals and fewer still are deemed hard to place with many leading to straightforward in-year admission.

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 | 3,336 | 455 |
| Number of in year admissions between 1/9/16 and 31/8/17 | 3,300 | 677 |
| 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? | Moving to Bristol and changing address within the City. Unhappy with current school for reasons such as perceived standards of education, or issues such as failure to resolve bullying. | Moving to Bristol and changing address within the City. Unhappy with current school for reasons such as perceived standards of education, or issues such as failure to resolve bullying. |

- a. 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.

Some schools carry out the above practice due to falling numbers on roll in certain year groups. Classes are mixed and/or the number of teaching groups reduced for financial reasons.

Other schools seek to refuse admission for other reasons such as the dynamics of the current cohort, the additional needs of the child(ren) seeking a place(s) and the school's capacity to accommodate additional pupils. Where necessary these cases are referred to Fair Access, or an appeal to an independent appeal panel is arranged where appropriate.

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?) Where own admission authority schools are dealing with their own in-year admissions directly, feedback from parents/carers is that they are not always being dealt with within the a published timescale. There is an element of drift and delay with parents not given the outcome of their application in writing. Parents are sometimes not given full information on their right of appeal. An alternative school place is not offered and children are risk of becoming children missing from education.

An advantage could be that in a limited number of cases the process can be quicker where a school has places available.

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)?

An advantage of co-ordinated in-year admissions is that all applications are processed in accordance with the School Admissions Code within a defined timeframe. Unsuccessful applicants are made aware of their right of appeal; the process is clear and transparent. Parents/Carers make one application only rather than multiple applications. Unsuccessful applications are always offered an alternative school place to avoid unnecessary time out of school.

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

ii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement: A very small minority of schools in other LA's were not sure of their responsibilities to LAC and previously LAC and needed a gentle reminder from Bristol Virtual School. The process for in-year admissions within Bristol has been reviewed and improvements made to ensure The Bristol Virtual School is aware of all in-year applications made on behalf of LAC. The Bristol Virtual School is working with colleagues within the LA and schools to ensure the in-year admissions process is clear for all parties.

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:

Good practice:

- The LA consults with nearest most appropriate settings that can meet needs as well as parental preference
- The SEND Casework Team undertake 6 weekly place planning meetings with commissioners in line with capital planning
- Good relationships with special school head teachers who endeavour to accommodate requests for going over numbers when required

- Quality assured process and governance pathways for requests for INMs/ ISPs which meets procurement legislation
- Participation at SENCO Briefings and contributions to Head Teachers' Briefings in regard to Bristol schools' statutory duties for C/YP with EHCPs

Challenges:

- In year school places
- Parental preference – mainstream vs specialist education
- School refusal – parent carers choosing to withdraw C/YP if they feel a school is not meeting needs and then the need to set up personal education packages as an interim arrangement
- Parent carers requesting Independent Non-Maintained
- Parent carers moving area and local authority
- C/YP placed out of authority by Social Care (CiC status)
- Late requests for change of placement as an outcome of EHCP Annual Review
- High number of exclusions resulting in an increasing demand for SEMH places/ EHC Needs Assessment places

Improvements:

- Consultation letters – needs reformatting to ensure detailed, evaluated and costed responses
- SEMH Special Schools' panel to improve place planning to ensure C/YP with highest level needs are in the 'right' school
- Continuing to challenge education settings who do not provide sufficient detailed responses to or demonstrate inclusive practices

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: The majority of referrals brought to Panel via Primary and Secondary FAP are brought by the LA (Exclusions Team or Education Welfare Service). There are relatively few cases brought inappropriately by schools or admissions authorities.

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 | 17 | 0 | 0 | 0 |
| Own admission authority schools | 10 | 23 | 1 | 0 |
| Total | 27 | 23 | 1 | 0 |

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.

Occasionally pupils are placed into commissioned (state funded or jointly commissioned) alternative learning provision (pupil referral unit or similar early intervention base) pending further assessment, intervention work and where relevant statutory needs assessment for EHCP.

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. Where students / pupils are agreed (voted) as hard to place we are normally able to find a mainstream school place and identify appropriate support for them to transition to new

school setting. Where students / pupils are hard to place but not deemed ready to go into a mainstream school setting we find an alternative learning provision (pupil referral unit, resourced setting, AP setting) for education and preparation for onward transition to a more permanent educational setting.

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. It would be helpful to have guidance to assist Local Authorities making directions for the first time.

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 | 0 | 0 | 0 |

| | | | |
|---|---|---|---|
| children (not looked after) | | | |
| For primary aged looked after children | 0 | 0 | 0 |
| For secondary aged children (not looked after) | 0 | 0 | 0 |
| For secondary aged looked after children | 0 | 0 | 0 |
| F. Please add any comments on the authority's experiences of requesting directions. | | | |

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 | 1 |
| | Pupil | 1 | |
| | Service | 0 | |

C. Do you have any further comments on the use of premiums? Despite numerous requests the DfE have been unable to advise how an admission authority determines eligibility/receipt of the above funding at the current school within data protection regulations. Clear guidance on this matter is required to enable admission authorities to explore using above as an admissions criterion.

6. Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2018?

270

B. Any comments to make relating to admissions and children electively home educated?

There is an unwillingness of some schools, in particular own admission authority schools, to be the named school by way of a school attendance order. Academies appear to be exercising their discretion in failing to comply with LA requests to be the named school on a school attendance order.

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?

We would welcome the reintroduction of co-ordinated in-year admissions within the Local Authority Area to make the admissions process as straight forward as possible for parents and carers, ensuring compliance with the School Admissions Code.

The Authority is working with partners in schools and across other services to make the admissions process clearer for all parties. Processes with regarding to children in care and 'managed moves' have been reviewed this year to ensure best practice and clarity for all parties involved in the admissions process.

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