



Office of  
the Schools  
Adjudicator

**LOCAL AUTHORITY REPORT**  
**TO**  
**THE SCHOOLS ADJUDICATOR**  
**FROM**  
**Nottinghamshire Local Authority**

**30 JUNE 2013**

**Report Cleared by: Anthony May**  
**Director of Children, Families and Cultural Services**

**Date submitted: 28 June 2013**

**Submitted by: Mary Kiely**  
**Interim lead for Admissions and Access**

**Contact email address: [mary.kiely@nottscc.gov.uk](mailto:mary.kiely@nottscc.gov.uk)**

**Telephone number: 0115 977 4274**

**[www.education.gov.uk/schoolsadjudicator/](http://www.education.gov.uk/schoolsadjudicator/)**

**Please email your completed report to: [OSA.TEAM@OSA.GSI.GOV.UK](mailto:OSA.TEAM@OSA.GSI.GOV.UK)**  
**Introduction**

1. Section 88P of the School Standards and Framework Act 1998 requires Local Authorities to make an annual report to the adjudicator.
2. The School Admissions Code (the Code) at paragraph 6 sets out the requirements for reports by local authorities. 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 local issues.
3. The remit letter from the Secretary of State for Education to the Chief Schools Adjudicator also makes reference to additional matters on which he wishes to have a report included in the Chief Adjudicator's annual report. Rather than undertake a separate exercise in which information is sought from local authorities, you are asked to include any relevant information in your report to the adjudicator.

### **Completing the Template**

**This template is designed to be completed electronically - boxes will expand as necessary.**

**Throughout this report, please include middle deemed primary schools as for pupils up to age 11 and middle deemed secondary schools as for pupils over 11.**

**Where type of school is given; foundation covers foundation schools and foundation schools with a foundation (trust schools). Academy covers all types of Academy schools (Academies, Free Schools, University Technical Colleges and Studio Schools).**

### **Local Authority school numbers**

Please give the total number of schools by type within your local authority as at 30 June 2013.

Type of School	Number of schools		
	Number of schools for pupils up to age 11	Number of schools for pupils over age 11	Total number of schools
<b>Community</b>	201	5	206
<b>Voluntary Controlled</b>	32	0	32
<b>Voluntary Aided</b>	35	2	37
<b>Foundation</b>	0	2	2
<b>Academy</b>	15	36	51
<b>Total</b>	283	45	328

## **Admission Arrangements for Admissions in September 2013**

Please provide details of how the admission arrangements for schools in your local authority serve the interests of the groups of children listed below. Please include details of any problems that have arisen for these children while allocating places for admissions in September 2013 [the Code paragraph 3.23 a) refers].

### **Looked after children:**

Once places have been allocated to pupils who have a statement of special educational needs which names the school, looked after children are given highest priority within the standard oversubscription criteria. There have been no difficulties with allocating places for looked after children for admissions in September 2013.

### **Previously looked after children:**

Once places have been allocated to pupils who have a statement of special educational needs which names the school, previously looked after children are given highest priority within the standard oversubscription criteria. Nottinghamshire's admission arrangements include the expanded definition of looked after children and previously looked after children, in line with the School Admissions Code 2012. In general, there have been no difficulties with allocating places for previously looked after children for admissions in September 2013. However, there have sometimes been difficulties in establishing the previously looked after status of individual children.

### **Children with disabilities:**

For Nottinghamshire community and voluntary controlled schools, children with disabilities are considered under "special circumstances". Parents are asked to provide, at the time of application, supporting evidence from a relevant professional giving reasons why the preferred school is the only one that could meet the child's needs. Requests for consideration under special circumstances are considered by designated officers and a place is allocated at the preferred school if that is judged to be the only school that could meet the child's needs. Admission under special circumstances has priority after places have been allocated to (i) children with a statement of special educational needs which names the school and (ii) looked after children. There have been no difficulties with allocating places for children with disabilities for admissions in September 2013.

### **Children who have special educational needs**

- i) **Have a statement of special needs that names a school:**  
Children who have a statement of special educational needs are given priority over all other children for admission to the school named in the statement. Before a school is named, there is consultation involving the parents, school, relevant professionals and the child (where appropriate). There have been no difficulties with allocating places for children with statements of special educational needs for admissions in September 2013.

- ii) **Have special needs, but do not have a statement:**  
 Children who have special needs but do not have a statement are considered under “special circumstances” as outlined above for children with disabilities. There have been no difficulties with allocating places for children with disabilities for admissions in September 2013.

### **Fair Access Protocol**

The Code at paragraph 3.9 requires each local authority to have a Fair Access Protocol agreed with the majority of schools in its area. Paragraph 3.11 of the Code requires that all admission authorities must participate in the Fair Access Protocol.

- a) Please confirm that your local authority has a Fair Access Protocol that has been agreed with the majority of schools in your area.

Tick as appropriate: **Yes** ✓

If **NO**, please explain: N/A

- b) Although a majority of schools, and perhaps all, will have agreed the Fair Access Protocol, some may not have done so; please state how many schools have not agreed the Fair Access Protocol.

Type of School	Number of schools that have not agreed Fair Access Protocol	
	Schools for pupils up to age 11	Schools for pupils over age 11
<b>Community</b>	N/A	N/A
<b>Voluntary Controlled</b>	N/A	N/A
<b>Voluntary Aided</b>	N/A	N/A
<b>Foundation</b>	N/A	N/A
<b>Academy</b>	N/A	N/A
<b>Total</b>	N/A	N/A

- c) Where schools did not agree the Fair Access Protocol; please say why they did not agree. **N/A**

d) Have you reviewed your Fair Access Protocol since the School Admissions Code 2012 was introduced?

Tick as appropriate: **Yes**✓

e) If YES, please briefly outline the process for the review and include any significant changes that have been made to your protocol.

Nottinghamshire County Council's protocol was reviewed and updated by the officer group for the admission of vulnerable children, in consultation with the School Admissions Forum. Views were also sought from headteachers and other stakeholders. The revised protocol was then included as an appendix to the admission arrangements within the annual statutory consultation on admissions. The admission arrangements were determined by the County Council in March 2013.

Key changes are:

- locality fair access panels are expected to meet monthly in order to reduce delays in the placement of children without a school place
- a default arrangement is included in the protocol to ensure that places can be allocated for children if a panel fails to meet
- guidance is included to clarify school responsibilities in relation to pupils placed on alternative provision
- admission arrangements for looked after children (LAC) and children with special educational needs and disabilities (SEND) have been appended, to ensure greater clarity about which processes should be followed.

d) If NO, do you plan to do so in 2013/14? **N/A**

Tick as appropriate: Yes  No

If **NO** explain why: **N/A**

e) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2012/13 in placing children without a school place in schools in a timely manner. Include details of i) any specific problems that have been encountered in applying the protocol; ii) examples of particularly effective collaboration and working.

**General Assessment:**

Overall, the fair access protocol (FAP) works well and there has been a significant reduction in the number of days taken to allocate places during the current academic year. Systems for monitoring and recording FAP applications have been improved, working relationships with schools are generally good and partnership working continues to develop. Presentations about Fair Access have been made at primary and secondary headteacher briefing sessions. Between September 2012 and June 2013, 373 children were placed through the fair access protocol.

**i) Any specific problems**

- Across the seven districts of Nottinghamshire, there are eight fair access panels, most of which collaborate effectively to place children within the locality. In an area where locality working is less well developed, schools are sometimes unwilling to place children; this can lead to protracted negotiations and the need for interim educational provision.
- Cross-border placements with neighbouring local authorities sometimes involve complicated negotiations.

**ii) Examples of particularly effective collaboration and working**

- The collaborative model in one district is particularly effective. Fair access meetings are attended by senior leaders from secondary schools, primary headteachers, local authority officers and a range of external professional partners. The panel has developed effective mechanisms for sharing information and works collaboratively to seek positive outcomes for vulnerable young people.

f) How many children have been admitted to each type of school in the area under the protocol? How many children have been refused admission to a school?

Type of School	Number of children admitted		Number of children refused admission	
	Schools for pupils up to age 11	Schools for pupils over age 11	Schools for pupils up to age 11	Schools for pupils over age 11
<b>Community</b>	51	32	1	2
<b>Voluntary controlled</b>	7	0		
<b>Voluntary aided</b>	7	8		
<b>Foundation</b>	1	4		
<b>Academy</b>	3	142	1	29
<b>Total</b>	69	186	2	31

g) If children have not been placed successfully in a school through the protocol, have you used the direction process to provide a place for a child? Tick as appropriate: **No** ✓

All panels have been informed that Nottinghamshire County Council is prepared to follow the direction process if negotiations fail to secure a school place for a vulnerable child. In three cases, letters were sent to specific schools informing them that the Council was minded to follow the direction process. In each case this resulted in a resolution being reached by the offer of a place for the child.

h) If YES, how many children have been placed and in which type of school as a result of a direction, including a direction via the Secretary of State or after a referral to the Adjudicator? **N/A**

Type of School	Number of children placed	
	Schools for pupils up to age 11	Schools for pupils over age 11
<b>Community</b>	N/A	N/A
<b>Voluntary Controlled</b>	N/A	N/A
<b>Voluntary Aided</b>	N/A	N/A
<b>Foundation</b>	N/A	N/A
<b>Academy</b>	N/A	N/A
<b>Total</b>	N/A	N/A

i) Please add any other relevant information you wish to include in this section concerning Fair Access Protocols, for example, have you used the guidance issued by the Department for Education in November 2012 and has it proved useful?

In addition to school places allocated within Nottinghamshire in the current academic year

- 10 pupils were placed in special schools outside Nottinghamshire
- 28 pupils were placed in Education Other than at School (EOTAS) mainly via the learning centre
- 41 pupils were placed in schools in neighbouring local authority areas
- 6 children were transferred by parents to elective home education.

The revised Fair Access Protocol and the Department for Education guidance were presented to primary and secondary headteachers at briefings in the Spring term and an update session is planned. The guidance has proved useful.

## **Co-ordination of admissions**

### A) During the normal admissions round:

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2013 in your local authority highlighting any particular strengths in the process and any problems.

**Primary:** The coordination of primary admissions for September 2013 has been effective overall. However, some difficulties occurred with cross-border allocations, when the number of preferences differed and dates for exchange of information were not consistent. Nottinghamshire coordinates admissions with seven neighbouring authorities. On offer day, 90.6% of intake applicants were offered their first preference.

**Secondary:** The coordination of secondary admissions for September 2013 has been effective overall. However, some difficulties occurred with cross-border allocations, when the number of preferences differed and dates for exchange of information were not consistent. Nottinghamshire coordinates admissions with seven neighbouring authorities. On offer day, 94.6% of applicants were offered their first preference.

### B) In-year admissions:

- a) How many requests for in-year admissions have been received since 1 September 2012?

<b>Number of in-year admissions</b>	
<b>For pupils up to age 11</b>	<b>For pupils over age 11</b>
3177	1282

- b) Please comment on the effectiveness of in-year admission arrangements in your local authority.

For community and voluntary controlled schools, in-year coordination works effectively but it is becoming more difficult to manage in relation to the increasing number of own admission authorities that delay considering applications and offering places for children.

- c) From September 2013 in-year admission arrangements do not have to be co-ordinated by the local authority. Have you discussed with the own admission authority schools in your area the option of continuing to co-ordinate in-year admissions?

Tick as appropriate:      **Yes** ✓



- d) Will the local authority continue to co-ordinate in-year admissions for all schools in your area?

Tick as appropriate: **No** ✓

- e) If NO, how many own admission authority schools have elected to manage their own in-year admissions?

From September 2013, Nottinghamshire will continue to coordinate in-year admissions for all community and voluntary controlled schools in the area. 56 own admission authorities have elected to join the coordinated scheme on a voluntary basis and 15 have elected to manage their own in-year admissions. Responses are still due from 21 own admission authorities.

### **Admission Appeals**

- a) Please provide details about the number of appeals lodged for admissions in September 2013.

	Number of appeals					
	Lodged	Settled	Withdrawn	Heard	Upheld	Not Upheld
<b>Pupils up to age 11</b>	293	1	4	7	2	5
<b>Pupils age 11-16</b>	37	1	3	15	5	10
<b>Pupils over age 16</b>	0					
<b>Date up to which this information applies</b>	17/05/2013	17/05/2013	17/05/2013	17/05/2013	17/05/2013	17/05/2013

***Please note there will be an opportunity to update this data up until 31 August 2013 - the update form is attached as an appendix so that you can return separately if you wish at the end of August.***

- b) Please add any comments about the appeals process in your area.

Within Nottinghamshire, there are continuing concerns about the consistency of appeals arrangements and procedures for own admission authority schools.

## Other Issues

Paragraph 3.23 of the Code requires each local authority to publish a copy of its report locally by 30 June.

a) Please indicate where or how a copy of the report can be obtained by a member of the public:

Tick as appropriate: **Local authority website** ✓

If other please state: N/A
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If not published by 30 June please provide details of when and where the report will be published: N/A
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b) Paragraph 3.2 says “local authorities **must** refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful”. Please describe the process that the local authority uses to assess whether the admission arrangements of own authority schools comply with the Code.

Nottinghamshire County Council designated officers ensure that copies of admission arrangements are received from all admission authorities in the area – following up with repeated requests to own admission authorities if necessary. For each admission authority, officers also check that consultation has been carried out if required, and that arrangements are determined annually even if there have been no changes requiring consultation.
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c) If any arrangements were thought not to be compliant, what action has the local authority taken to ensure own admission authority schools have admission arrangements that comply with the Code?

<b>Actions taken to ensure compliance</b>
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1) Training sessions were offered for own admission authorities covering the annual cycle for consultation and determination, including compliance.
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2) Any issues of non-compliance were raised with the relevant admission authority both in writing and by discussion. A revised copy of the admission arrangements was then requested, checked again and any outstanding issues followed up again with the own admission authority. This process sometimes had to be repeated several times to ensure full compliance as own admission authorities, especially new ones, did not appear to understand their responsibilities within the School Admissions Code.
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3) In addition, visits were made to some own admission authorities to discuss their admission arrangements.
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### **Referral of an academy to the OSA**

A separate referral has been made to the Office of the Schools Adjudicator about the use of a supplementary form by one academy.

d) Are there any secondary schools in your area that give priority for attending named feeder primary schools?

Tick as appropriate: **Yes** ✓

e) If YES, are you satisfied that attendance at the named primary school(s) does not introduce what is in effect a pre-condition for gaining a place at the secondary school?

Tick as appropriate: **Yes** ✓

Please comment if appropriate:

### **Local Authority Issues**

Please provide details of any other issues that you would like to raise and comment on that are not already covered in this report.

#### **1) In-year admissions from September 2013:**

There are concerns about the safeguarding of children when in-year coordination becomes optional from September 2013. If own admission authorities that elect not to participate in the County's scheme do not forward information promptly about applications and outcomes, there is a risk that children may fall through the net and/or be out of education for extended periods. This applies particularly to vulnerable children and those moving into the area.

Parents will face a wide range of different practices and procedures in respect of in-year applications. This may cause confusion and result in some children receiving multiple offers while others are left without a school place.

If own admission authorities do not return information about numbers on roll at regular intervals as requested in the County's protocol, it will be difficult for the local authority to help parents make realistic preferences for school places.

There are also concerns that, if a place is not available in the requested year group, some own admission authorities may not allow parents to make an application, and this in turn will deny parents their right to request an independent appeal when a place is refused.

## 2) Decisions of independent appeals panels

- There are concerns about panels allocating places in infant class size appeals.
- For non-infant class size appeals, there are concerns about the tendency of panels to admit children into primary schools where classes are already very large (for example, up to 40) even when the prejudice case has been accepted at Part 1.

## **Remit Letter from the Secretary of State for Education to the Chief Adjudicator**

The Secretary of State has asked that the Chief Adjudicator's annual report includes an assessment of the impact in local areas of having more own admission authorities and any implications for parental choice.

Does the local authority carry out any investigations into the impact for parents of having many or most or all schools in an area that are their own admission authority?

Tick as appropriate: **No** ✓

**If YES, what was the outcome of the investigation:**

N/A

**If NO, are there any plans to monitor the impact for parents of having an increasing number of own admission authority schools:**

There are no plans at present to do this but it is something that the local authority may consider for the future. Some information is available indirectly though the local authority's improved monitoring of fair access applications and their outcome.

If the admission arrangements of individual schools are all considered to be lawful, is there any difficulty for parents in securing a place at a local school?

Tick as appropriate: **Yes** ✓ **(sometimes)**

If **YES**, has the local authority considered what might be done to overcome any difficulties:

The difficulties generally relate to the increasing population, in line with reports of increasing demands at a national level. Nottinghamshire regularly updates projections data and is striving to provide additional places as far as Basic Need funding allows. For all parents to secure a place at the local school of their choice, there would need to be more spare capacity in the system.

**Please email your completed report to: [OSA.TEAM@OSA.GSI.GOV.UK](mailto:OSA.TEAM@OSA.GSI.GOV.UK)**