



**Office of
the Schools
Adjudicator**

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

30 JUNE 2016

Report Cleared by (Name): Colin Pettigrew

**(Title): Director
Children, Families and Cultural Services**

Date submitted: 21 June 2016

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www.gov.uk/government/organisations/office-of-the-schools-adjudicator

Please email your completed report to: 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. There are other matters concerning admissions, some suggested by local authorities themselves, about which it would be useful to have a view. 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. Please note that we will contact you if any data boxes have not been completed. However if there are any blank comment boxes we will presume that you have no comments to make.

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. For schools that have children of primary and secondary age and are not designated as a middle school please record them as all-through schools.

Where a type of school is given, foundation covers foundation schools and foundation schools with a foundation (trust schools). Academy schools should be recorded by the individual type of academy school, namely, academy, free school, UTC or studio school.

1. Local Authority school numbers

Please give the total number of schools by type within your local authority as at 30 June 2016.

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	186	2	0
Voluntary Controlled	27	0	0
Voluntary Aided	28	0	0
Foundation	0	0	0
Academy	41	41	1
Free School	0	0	0
UTC	N/A	0	0

Studio School	N/A	1	0
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2. Admission Arrangements for Admissions in September 2016

The Code at paragraph 3.23 requires that each local authority provides “*information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen*”.

Please include details of:

1. Any ways in which each of the following groups of children have been especially well served; and
2. Any difficulties that have arisen for each group of children while allocating places for admission in September 2016.

(a) How well are the interests of **looked after children** served?

Tick as appropriate: Fully In part Not satisfactory

Comments: Looked after children are given highest priority within Nottinghamshire County Council's standard oversubscription criteria, once places have been allocated to children who have a statement of special educational needs or an education, health and care plan (EHCP) that names the school. There have been no difficulties with allocating places for looked after children for admission in September 2016. As part of the annual consultation and determination cycle, the County Council checks admission arrangements for own admission authority schools. Any content implying discretion with respect to looked after and previously looked after children is always challenged and followed up to ensure compliance with the School Admissions Code 2014.

(b) How well are the interests of **previously looked after children** served?

Tick as appropriate: Fully In part Not satisfactory

Comments: Together with looked after children, previously looked after children are given highest priority within Nottinghamshire County Council's standard oversubscription criteria, once places have been allocated for children who have a statement of special educational needs or an education, health and care plan (EHCP) that names the school. There have been no difficulties with allocating places for previously looked after children for admission in September 2016.

(c) How well are the interests of **children with disabilities** served?

Tick as appropriate: Fully In part Not satisfactory

Comments: 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 that particular school is the only one that could meet the child's needs. Each request is considered by at least two designated officers and judgements are then moderated by team managers to ensure consistency of decision making across the County. Admission under special circumstances has priority after places have been allocated to (i) children with a statement of special educational needs or an education, health and care plan that names the school and (ii) looked after and previously looked after children. There have been no difficulties with allocating places for children with disabilities for admission in September 2016.

Some own admission authority schools in Nottinghamshire also include consideration under special circumstances within their arrangements.

- (d) How well served are **children who have special educational needs and who have a statement of special needs** that names a school (or an education health and care plan)?

Tick as appropriate: Fully In part Not satisfactory

Comments: Children who have a statement of special educational needs or an education, health and care plan that names the schools 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. In a few (very rare) circumstances, Nottinghamshire County Council has been required to name a school through the issuing of a statement, despite reservations held by the school. There have been no significant difficulties with allocating places for children with statements or education, health and care plans for admission in September 2016, although demand for places is high and the County Council is developing additional capacity in some special schools.

- (e) How well served are those **children who have special needs, but do not have a statement**?

Tick as appropriate: Fully In part Not satisfactory

Comments: Children who have special educational needs but do not have a statement or education, health and care plan 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 admission in September 2016. Over the last year, however, in a small number of cases, a school was reluctant to admit a child because of special educational needs or disability (SEND) issues. In such cases, the County

Council supported school staff with SEND planning, and engaged with school and parents to try to resolve issues and ensure that the child was admitted.

3. Co-ordination of admissions

A) During the normal admissions round

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2016 in your local authority, highlighting any particular strengths in the process or any problems that have arisen.

Primary

- (a) How well has the operation of national offer day worked for primary admissions this year compared with previous years?

Tick as appropriate: Better The same Less well

Comments: National Offer Day continues to be a positive factor. It is important that admission authorities do not send offers early when 1 March and 16 April fall within a weekend.

Secondary

- (b) How well has the operation of national offer day worked for secondary admissions this year compared with previous years?

Tick as appropriate: Better The same Less well

Comments: Nothing to note.

- (c) If you have any UTCs or studio schools in your area, do you co-ordinate admissions for entry at the relevant year group for entry to these schools?

Tick as appropriate: Yes No N/A

If **YES**, please comment on how well the admissions process is working for these schools:

For the 2015-2016 admission round, Nottinghamshire County Council co-ordinated admissions for entry. For admissions in 2016-2017, the studio school has notified its intention to manage its own admissions and has included this in its determined arrangements.

If **NO**, do you have any evidence about how well the admission process is working for individual UTCs or studio schools?

Tick as appropriate: Yes No

If YES, please comment: N/A

B) In-year admissions

The Code sets out that in-year admissions do not have to be co-ordinated by the local authority.

- (a) How many **pupils** have needed a school place because they do not have one or because parents have applied for a place as an in-year admission for any other reason between 1 September 2015 and 15 June 2016?

Number of pupils up to age 11	Number of pupils over age 11	Number of post-16 students
4650	1203	N/A

- (b) Does your local authority co-ordinate in-year admissions for all, some or none of the schools in your area?

Tick as appropriate: All Some None

If 'Some', please complete the table below as appropriate

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	186	2	0
Voluntary Controlled	27	0	0
Voluntary Aided	25	0	0
Foundation	0	0	0
Academy	40	21	1
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	0	0

- (c) Do you have any information about how many schools parents might approach before obtaining a place? Please comment on any issues that have come to your attention.

Comments: There is no detailed information about how many schools parents approach before obtaining a place.

There have, however, been examples where secondary age children have not been known to the local authority until they have been out of school for several weeks or months because they have approached own admissions authority schools and no information has been passed on. There is a particular issue if a family moves into the area and is told by one or more

academy that there are no places available. The parent does not then submit a formal application to the academy so therefore receives neither a formal refusal nor the right to independent appeal. The academy in turn does not inform the local authority because it considers that no application has been made. Further guidance from the DfE for all schools would be welcome.

The instances that come to light are relatively few in number but they are distressing for the families concerned and raise serious concerns about the safeguarding implications if children fall through the gaps when in-year admissions are not co-ordinated.

- (d) How confident are you that the requirements of the Code at paragraph 2.22, for schools to keep the local authority informed in a timely manner about applications and the outcomes, are being met? (If you co-ordinate all admissions for all schools then please tick not applicable.)

Tick as appropriate:

Very confident Confident Not confident Not applicable

- (e) Across your local authority, how well have in-year admissions worked this year?

Tick as appropriate: Better than last year The same as last year
Less well than last year

- (f) Please comment on the effectiveness overall of in-year admission arrangements across all types of schools in your local authority.

Comments: Most own admission authorities now provide information about applications promptly to the local authority, as far as we know, but the comments in response to question 3 B(c) above need to be taken into account.

Overall, the removal of in-year co-ordination has created confusion for many parents.

4. Fair Access Protocol

The Code at paragraph 3.9 requires each local authority to have agreed a Fair Access Protocol 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 No

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 your Fair Access Protocol.

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	0	0	N/A
Voluntary Controlled	0	0	N/A
Voluntary Aided	0	0	N/A
Foundation	0	0	N/A
Academy	0	0	0
Free School	0	0	N/A
UTC	N/A	0	N/A
Studio School	N/A	0	N/A

- (c) Where schools did not agree the Fair Access Protocol, please say why they did not agree.

Comments: All schools participate.

- (d) (i) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2015/16 in placing children without a school place in schools in a timely manner.

Tick as appropriate: Very well Mostly well Some difficulties

- (ii) What is your general assessment of the working of the protocol compared with last year?

Tick as appropriate: More effective As effective Less effective

- (iii) How frequently has the protocol been used to place a child compared with last year?

Tick as appropriate: More frequently Same frequency Less frequently

- (e) Have you any examples of particularly effective collaboration and working with individual schools, for example, placing children in year 6 of a primary school or years 10 and 11 of a secondary school?

Tick as appropriate: Yes No

Comments: Partnerships continue to spend considerable time identifying the best possible academic pathway for children in Key Stage 4.

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(f) Have you had specific problems in allocating a place through the protocol, for example, where a school has been reluctant to accept a child?

Tick as appropriate: Yes No

Comments: Fair access locality panels and school behaviour and attendance partnerships work hard to place children referred through fair access and to avoid permanent exclusions. Exclusions have been significantly reduced and most now come from a small number of schools. The pupils permanently excluded from high-excluding schools are the most difficult to place.

(g) How many children have been admitted under the protocol to each type of school in your area? 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	All-through schools	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools
Community	18	20	N/A	0	0	N/A
Voluntary Controlled	0	0	N/A	0	0	N/A
Voluntary Aided	2	9	N/A	0	0	N/A
Foundation	0	2	N/A	0	0	N/A
Academy	4	178	2	2	10	1
Free School	0	2	N/A	0	0	0
UTC	N/A	N/A	N/A	N/A	N/A	N/A
Studio School	N/A	N/A	N/A	N/A	N/A	N/A

(h) 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: Yes No N/A

(i) 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 EFA on behalf of the Secretary of State or after a referral to the Adjudicator?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	1	0	0
Voluntary Controlled	0	0	0

Voluntary Aided	0	0	0
Foundation	0	0	0
Academy	0	0	0
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	0	0

- (j) Please add any other relevant information you wish to include in sections g - i concerning Fair Access Protocols.

Comments: The studio school now participates fully in the fair access process.

5. Admission Appeals

The Code requires data to be collected about appeals. In order to meet this requirement the DfE will use the latest published Statistical First Release: admission appeals for maintained and academy primary and secondary schools in England.

Taking into account comments reported in 2014, and data gathered for the first time in 2015, in response to the invitation to *“add any comments about the appeals process in your area”*, it would be helpful to gather views once again across all local authorities on the extent to which schools that are their own admission authority continue to use local authority services for admission appeals.

- (a) Do any own admission authority schools use any of your services as part of the appeals process?

Tick as appropriate: Yes No

- (b) If yes, please indicate the number of schools that use at least some of your services

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	3	0	0
Foundation	0	0	0
Academy	4	6	0
Free School	0	1	0
UTC	N/A	0	0
Studio School	N/A	0	0

- (c) Please indicate the services that are used :

Type of School	Schools for pupils up to age 11(Y/N)	Schools for pupils over age 11 (Y/N)	All- through schools (Y/N)
Full appeals process	Y	Y	N
Legal advice	N	N	N
Assistance in the preparation and presentation of case documentation	N	N	N

(d) Please add any other service related to appeals obtained from your local authority

Comment: N/A

(e) Please add comments about any aspects of the appeals process in your area that work well or that cause difficulties, as appropriate.

Comment: The quality and independence of the County Council's service have been noted by the schools for which the service is provided.

Parents sometimes report that an own admission authority school has indicated that there is no point in submitting an appeal because there are no places available and appeals are costly for the school. In these cases, the County Council contacts the relevant school for clarification. Through routine briefings, schools are reminded that parents have a right to go to appeal for any place that is refused and they should not be discouraged from exercising that right.

6. Other Issues

A. Objections to admission arrangements

Paragraph 3.2 in the Code 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*".

(a) How many sets of admission arrangements of schools were queried directly by your local authority with schools that are their own admission authority because they were considered not to comply with the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	20	0	0
Foundation	0	0	0

Academy	24	27	1
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	0	0

(b) How confident are you that own admission authority admission arrangements are now fully compliant with the Code?

Tick as appropriate: Very confident Confident Not confident

(c) How many schools did not send you a copy of their full admission arrangements, including any supplementary information form (or any such form by another name, for example, religious inquiry form) if one is used, by 15 March, as required by paragraph 1.47 of the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	13	0	0
Foundation	0	0	0
Academy	15	10	0
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	0	0

B. Fraudulent applications

(a) Is there any concern in your local authority about fraudulent applications?

Tick as appropriate: Yes No

(b) Did your local authority make any offers on national offer days that were subsequently withdrawn as a result of a fraudulent application?

Tick as appropriate: Yes No

(c) If **YES**, how many for each type of school?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	1	N/A	N/A
Voluntary Controlled	N/A	N/A	N/A
Voluntary Aided	N/A	N/A	N/A
Foundation	N/A	N/A	N/A
Academy	N/A	N/A	N/A
Free School	N/A	N/A	N/A
UTC	N/A	N/A	N/A

Studio School	N/A	N/A	N/A
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(d) What action is your LA taking to prevent fraudulent applications?

Comment: Nottinghamshire County Council randomly checks addresses and follows up any cases where it is reported that a fraudulent address may have been given. The composite prospectus informs parents that, where there are any doubts about information provided, the local authority will investigate.

C. Summer-born children, deferred entry and part-time attendance

The DfE issued revised guidance in December 2014 “Advice on the admission on summer-born children” for local authorities, school admission authorities and parents ([Link to Guidance](#)). The Code at paragraph 2.16 deals with deferred entry and/or part-time attendance for children in the year they reach compulsory school age. Paragraph 2.17, 2.17A and 2.17B refer to the admission of children outside their normal age group.

(a) Do you keep data for any schools on the number of requests from parents who ask that their child is admitted to a class outside their normal age group?

Tick as appropriate: Yes No

(i) For community and voluntary controlled schools: Yes No

(ii) For own admission authority schools: Yes No

If **YES** in answer to (a) above, please complete the tables:

Type of School	In 2015, how many requests for deferred admission to year R in 2016 were agreed for a child who will have reached the normal age for Year 1?
Community & Voluntary Controlled	N/A
Own Admission Authority	N/A

Type of School	How many requests to defer admission to year R in 2016 were received?	How many of those requests were subsequently agreed?
Community & Voluntary Controlled	N/A	N/A
Own Admission	N/A	N/A

Authority		
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(b) What reasons, if known, were given for seeking to defer the admission to year R of children for a full school year?

Comments: Personal and family circumstances, and having read or heard press reports about the possibility of deferring.

(c) Do you have any other comments on the matter of admission of summer-born children, including requests to delay admissions made after the allocation of places in the normal admissions round?

Comments:
For September 2016 admission to year R, 20 requests to defer admission were received. Of these, 18 were agreed and 2 were refused because the children had already taken up a school place.

It was not possible to complete the boxes in Question C(a) above as the information is not held in relation to particular schools. Within the co-ordinated scheme, the request to defer is not for a particular school because it is impossible to know which school will be allocated. Nottinghamshire County Council considers requests for all community and voluntary controlled schools within the County but alerts parents to the fact that own admission authority schools and other local authorities may not agree the request,

The current situation is confusing for many parents. Further clarification in any revised School Admissions Code would be welcome. Some parents request to delay admission because they have not been allocated a place at their preferred school. In other cases, parents submit a request after the child has already taken up the allocated school place.

Where parents of summer born children are applying for schools in different local authority areas, deferral may be agreed by the home local authority but this does not have to be honoured by neighbouring authorities that have different policies about deferring admission. DfE guidance about consistency would be welcome.

Children who have been educated out of the normal year group throughout primary school should perhaps have the right to go into Year 7 with their adopted cohort at secondary transfer, as the current uncertainty is a cause of anxiety for some.

(d) Do you have any comments about paragraph 2.16c) in the Code concerning the offer and/or take-up of part-time attendance by children below compulsory school age?

Comments: Nothing to note.

D. Pupil, service and early years premium

The 2014 Code permits all schools to give priority for admission in 2016 to children eligible for the pupil, service or early years premium (paragraphs 1.39A and 1.39B). If admission authorities wish to introduce such a priority they must have consulted as required by the Code in paragraphs 1.42-1.45.

(a) Pupil and service premium

In respect of community and voluntary controlled schools:

Type of School	Has the LA considered giving priority to pupil/service premium? (Y/N)	If YES, have you consulted on this? (Y/N)	In response to consultation has the priority been implemented? (Y/N)
Community Primary	N	N/A	N/A
Voluntary Controlled Primary	N	N/A	N/A
Community Secondary	N	N/A	N/A
Voluntary Controlled Secondary	N	N/A	N/A

Comments: Nothing to note.

In respect of own admission authority schools:

Type of School	Has the LA been consulted by any own admission authority of the type shown below on giving priority to pupil/service premium? (Y/N)	If YES in response to consultation, for how many schools has the priority been implemented? (Please give the number)
Voluntary Aided Primary	N	N
Foundation Primary	N	N
Academy Primary	N	N
Free School Primary	N	N
Voluntary Aided Secondary	N	N
Foundation Secondary	N	N
Academy Secondary	N	N
Free School Secondary	N	N
UTC	N	N
Studio School	N	N

Comments: Nothing to note.

(b) Early years pupil premium - nursery priority

In respect of community and voluntary controlled schools:

Type of School	Has the LA considered giving priority to early years pupil premium? (Y/N)	If YES, have you consulted on this? (Y/N)	In response to consultation has the priority been implemented? (Y/N)
Community Primary	N	N	N
Voluntary Controlled Primary	N	N	N

Comments:

In respect of own admission authority schools:

Type of School	Has the LA been consulted by any own admission authority of the type shown below on giving priority to early years pupil premium? (Y/N)	If YES in response to consultation, for how many schools has the priority been implemented? (Please give the number)
Voluntary Aided Primary	N	N
Foundation Primary	N	N
Academy Primary	N	N
Free School Primary	N	N

Comments:

E. Local Authority Issues

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

Comments:

National exchange dates within co-ordinated schemes would enhance the positive effects of National Offer Day. One local authority did not adhere to set dates and this caused delays for neighbouring authorities.

There were instances this year where own admission authorities were able to

admit above the PAN but did not notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively. This resulted in families being issued with a refusal when a place was available. In addition, if the local authority had been aware that additional children could be allocated, a higher number of children would have been offered a school of their preference on national offer day thereby reducing the number of disappointed parents and the number of alternative (mandatory) offers being made to families where none of their preferences could be met.

In some cases, own admission authority decisions to admit over PAN after offer day were in part to accommodate from the waiting list children from families already known to the school. This could be considered as a form of selection, even when the actual allocations were made in line with waiting list order.

Some own admission authorities contacted parents before the application outcome was received from the home local authority. This resulted in confusion for parents.

Increasingly, own admission authorities are requesting admission of additional pupils over and above the PAN but then “holding” places in anticipation of successful appeals despite having agreed a higher admission number.

Thank you for completing this report

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