



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Nottinghamshire Local Authority

to be provided by

30 June 2019

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

**Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2019 and earlier if possible**

Contents

Section 1 – The normal admissions round

- A. Determined arrangements.
- B. Co-ordination.
- C. Looked after and previously looked after children.
- D. Special educational needs and disabilities.

Section 2 – In year admissions

- A. Number of in year admissions.
- B. Co-ordination of in year admissions.
- C. Looked after and previously looked after children.
- D. Special educational needs and disabilities.
- E. Other children.
- F. Fair access protocol

Section 3 – Directions

- A. Directions made by the local authority to voluntary aided and foundation schools.
- B. Directions made by the local authority to maintained schools in other local authorities' areas.
- C. Requests to the Education and Skills Funding Agency (ESFA) to direct an academy to admit a child.

Section 4 – Pupil, service and early years premiums

Section 5 – Electively home educated children

Section 6 – Other matters

Section 7 - Feedback

Introduction and guidance on completing the report

1. 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 matters. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2019**.
2. Please note that the specified date for returning this form by 30 June is a Code requirement; this is why some data are asked for by financial year.
3. We have made some changes to the information and categories of information sought this year:
 - a. we have removed references to “all through” schools and instead would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002², and
 - b. we have decided not to use the term “own admission authority schools” to mean those schools for which the local authority is not the admission authority (that is foundation, voluntary aided and academy schools). This is because a large number of arrangements are now determined by multi-academy trusts. We will therefore refer to ‘schools for which the local authority is not the admission authority’.
4. Local authorities will notice that we have not included this year a number of questions which have been asked in past years. This is because we judge that we are unlikely to receive much information that adds to the existing body of knowledge and do not wish to take up local authorities’ time unnecessarily. We have not asked:
 - a. for details of the particular provisions of admission arrangements determined by other admission authorities challenged by local authorities;
 - b. local authorities’ views of how well the interests of children with special educational needs or disabilities are met at the normal points of admission;
 - c. about the advantages and disadvantages of co-ordinating in year admissions;
 - d. about the reliance on paragraph 3.12 of the Code by other admission authorities in the local authority’s area;
 - e. for information about admission authorities’ approaches to deciding whether or not they had places available in year; or

¹ [Department for Education Statistical First Release](#)

² [The Education Middle School \(England\) Regulations 2002](#)

- f. for the number of children refused admission to a school under the fair access protocol.

Local authorities are, of course, free to comment on any of these matters if they wish to do so under section 6. The views expressed by local authorities in previous years also remain a matter of public record.

5. We are asking new questions this year about:

- a. the proportion of schools with other admission authorities in the local authority area for which the local authority ranks preferences for the schools concerned on the admission authorities' behalf;
- b. use of oversubscription criteria which give priority to children adopted having previously been in care abroad; and
- c. how well served are children who are looked after by another local authority but being educated in the area of the local authority submitting the report.

6. We continue to ask about the use of the premiums in admission arrangements but have provided further guidance on this in footnote 11. In particular, we ask local authorities to include in their responses schools using part of any of the premiums (such as free school meals eligibility). Please consider this footnote before answering the questions on this matter.

Information requested

Section 1 - Normal point of admission

A. Determined arrangements

- i. Please give the date your local authority determined arrangements for admission in 2020 to its voluntary controlled and community schools.

11/02/2019

- a. This local authority has no community or voluntary controlled primary schools (please tick box if this applies)
- b. This local authority has no community or voluntary controlled secondary schools (please tick box if this applies)

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website.

11/02/2019

- iii. Please provide a link to where the admission arrangements can be viewed on the local authority's website on publication.

<https://www.nottinghamshire.gov.uk/education/school-admissions/determined-admission-arrangements/2020-2021>

iv. What proportion of arrangements for schools for which the local authority is not the admission authority was provided to the local authority by 15 March 2019?

None Minority Majority All

	Primary	Secondary
v. How many sets of admission arrangements of schools for which the local authority is not the admission authority were queried directly by your local authority because they were considered not to comply with the Code?	98	42
vi. Please provide any comments on the determination of admission arrangements not covered above. <ul style="list-style-type: none">• 36 primary schools and 13 secondary schools did not send determined arrangements by 15 March 2019.		

B. Co-ordination

i. Provision of rankings:

a. What proportion of schools for which the local authority is not the admission authority provided their rankings correctly undertaken by the agreed date?

None Minority Majority All

b. For what proportion of schools with other admission authorities in the local authority's area did the local authority rank preferences expressed for those schools in 2019?

None Minority Majority All

ii. Please provide any comments you wish to make in respect of provision of rankings:

- Not all own admission authority schools have a good understanding of the process and applications are often ranked incorrectly according to their determined oversubscription criteria.

iii. Does the local authority charge schools for providing rank preferences?

Yes No

iv. Does the local authority rank preferences for other admission authorities in OTHER local authority areas and, if so, for how many schools?

NONE

v. 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
Reception			X	
Year 7			X	
Other relevant years of entry			X	

vi. Please give examples to illustrate your answer:

- Schools not ranking correctly impacted on the process.
- Neighbouring LAs not processing applications for children attending an infant school when preference is for year 3 in a primary school - this resulted in parents not receiving an outcome for that preference on National Offer Day.
- Neighbouring LAs working to a different closing date created delays in initial application file exchange.
- A number of OAAs requested to admit additional children **after** national offer day – this resulted in the LA not being able to administer its coordination duties effectively.

C. Looked after and previously looked after children

i. How well does the admissions system 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 applicable³

ii. How well do the admissions systems in other local authority areas serve the interests of children looked after by your local authority at **normal points of admission**?

Not at all Not well Well Very well Not applicable³

³ 'Not applicable' will only be appropriate if there are no children falling within this definition.

iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area **at normal points of admission**?

Not at all Not well Well Very well Not applicable³

iv. How well does the admissions system 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 applicable³

v. Priority in admission arrangements for 2020 for adopted children previously in care abroad.

a. Do the arrangements for any **community or voluntary controlled primary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled primary schools that include this priority.

All - 171

b. Do the arrangements for any **community or voluntary controlled secondary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled secondary schools that include this priority.

c. Do the arrangements for any primary schools for which the local authority is **not the admission authority** include this priority for 2020? Yes No

If yes please provide the number of primary schools for which the local authority is **not the admission authority** that include this priority.

14

d. Do the arrangements for any secondary schools for which the local authority is **not the admission authority** include this priority for 2020? Yes No

If yes please provide the number of secondary schools for which the local authority is **not the admission authority** that include this priority.

7

e. Please comment on the use of a priority in admission arrangements for a child adopted who was previously in care abroad if you wish.

vi. Please give any examples of good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at the **normal points of admission**:

- For looked after children admissions and the virtual school have good communication to prevent any drift or delay; this supports children being placed correctly.

D. Special educational needs and disabilities

i. Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at the normal points of admission:

- Nottinghamshire's Integrated Children's Disability Service (ICDS) works closely with mainstream schools to ensure appropriate placement. Schools are clear about the lawful reasons why children with EHCP's would not be placed with them and the process of placing children by statutory deadline is improving. Some difficulties in placing children who get an EHCP following national offer days when the named school is formally consulted and the placement results in the school admitting over PAN, some schools state they cannot meet need and this requires more detailed negotiation.

Section 2 - In year admissions⁴

A. The number of in year admissions

i. Do you know the number of in year admissions to primary schools in your local authority area? Yes No

ii. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

⁴ 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 after the end of the statutory waiting list period in normal years of admission.

- schools with other admission authorities are not complying with the requirement in paragraph 2.22 of the Code to notify the local authority of applications for places and the outcome;
- the local authority does not use the information provided by schools with other admission authorities to collect the numbers of in year admissions; and/or
- other?

The majority of own admission authority primary schools have opted in to NCC's in-year coordinated scheme but increasingly own admission authorities are choosing to manage their own in-year applications. The LA routinely reminds OAAs of the requirement to notify the LA of applications and outcomes but there are occasions where applications are not always processed correctly or reported to the LA in a timely manner. Individual OAAs are challenged when the LA is made aware of applications that have not been reported.

iii. Do you know the number of in year admissions to secondary schools in your area? Yes No

iv. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- schools with other admission authorities are not complying with paragraph 2.22 of the Code;
- the local authority does not use the information provided by schools with other admission authorities to collate the numbers of in year admissions; and/or
- other?

The majority of secondary schools manage their own in-year applications and the LA is not confident that these are always processed correctly or reported to the LA in a timely manner. The LA routinely reminds OAAs of the requirement to notify the LA of applications and outcomes. Parents are often advised schools are full and prevented from making an application. When the LA has been aware of this it has been raised directly with the individual academy/trust.

v. If the local authority does know the number of in year admissions to state funded schools in its area, please complete the following table.

	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/8/18	4649 known	1383 known
Number of in year admissions between 1/9/18 and 31/3/19	3539 known	1404 known

B Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools did the local authority delegate responsibility for in year admissions in the academic year 2018/19?

- a) Primary: Not applicable⁵ None Minority Majority All
b) Secondary: Not applicable⁵ None Minority Majority All

ii. For what proportion of schools for which the local authority is not the admission authority does the local authority co-ordinate in year admissions?

- a) Primary: None Minority Majority All
b) Secondary: None Minority Majority All

iii. Please provide any comments on the co-ordination of in year admissions if you wish.

- It would be preferable for the LA to manage all in-year admissions to assist with the tracking and safeguarding of children and to enable applications to be processed quickly. There are often delays in decisions from OAAs that participate in the in-year scheme which results in children new to the area being out of school for a lengthy period.

C Looked after children and previously looked after children

i. How well does the in year admissions system serve children who are looked after by your local authority and who are being educated in your area?

- Not at all Not well Well Very well Not applicable⁶

⁵ 'Not applicable' will only be appropriate if the local authority has no community or voluntary controlled primary/secondary schools.

⁶ 'Not applicable' will only be appropriate if there are no children falling within this definition.

ii. How well do the in year admission systems in other local authority areas serve the interests of your looked after children?

Not at all Not well Well Very well Not applicable⁶

iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area?

Not at all Not well Well Very well Not applicable⁶

iv. How well does your in year admissions system serve the interests of previously looked after children?

Not at all Not well Well Very well Not applicable⁶

v. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about looked after and previously looked after children:

- Only poor practice experienced is when looked after children are placed outside of the local authority – there are different systems that can cause delays in accessing appropriate education. However, this is not every local authority outside of Nottinghamshire.
- Other LAs making applications for schools in our area for children looked after to another area can report difficulties. LAs have differing practices which results in schools being contacted directly about admitting a child without consulting the LA virtual school or the admissions team. The greatest level of resistance from schools for which the LA is not the admission authority has been for children who have no EHCP but have presented with significant challenges in mainstream previously. Usually a resolution to this resistance is found through discussion between the LA and schools at school locality panels.
- Some schools for which the LA is not the admission authority have tried to refuse applications inappropriately for previously LAC under 3.12 SAC and this has been challenged when it has been brought to the attention of the LA.

D Children with special educational needs and/or disabilities

i. How well served are children with special educational needs and/or disabilities who have an education health and care plan that names a school when they need to be admitted in year?

Not at all Not well Well Very well Not applicable⁷

- ii. How well served are children with special educational needs and/or disabilities who do not have an education health and care plan when they need to be admitted in year?

Not at all Not well Well Very well Don't know

- iii. Please give examples of good or poor practice or difficulties which support or exemplify your answers:

- Many parents report not making a formal application to a school as they are told when they initially make contact to apply that the school is unable to meet their child's needs. There are instances where some schools have tried to use 3.12 SAC inappropriately to refuse applications for children with SEND but no challenging behaviour. The LA is finding increasing resistance from schools and academies to admit children with SEND and this is reported by them to be due to concerns regarding budget, number of SEND children already on roll and school accountability measures.
- Where applications are referred to the Fair Access Team the majority of schools work co-operatively with the LA to admit these students. The Fair Access team have recently worked very successfully with a primary academy to admit a child who arrived from abroad with significant SEND needs in order that the child could be assessed in a mainstream setting.
- Special Schools - these places are very sought after and are filled at the beginning of each autumn term, the LA has worked to increase capacity over the last 12 months to meet demand however the demand far outweighs the growth, most of these schools now have no further capacity to increase.
- Mainstream Schools- some are very inclusive and willing to work with the LA however this is not replicated across the county with schools concerned re. access to funding, the number of children with SEN already in their settings and the impact of the education of other pupils. Many schools have reduced support staff and no longer offer nurture groups, particularly in secondary schools due to reduced school budgets. Nottinghamshire has an average of 10 children, young people with EHCP's moving in each month and it is taking longer than we would hope to place them resulting in us having to fund alternative provision in some cases.

⁷ 'Not applicable' will only be appropriate if there are no children falling within this definition.

E Other children⁸

i. How well served are other children when they need a new school place in year?

Not at all Not well Well Very well Don't know

ii. Please provide any comments you wish to make in respect of other children:

- The LA follows up all known applications to ensure that no child is left without a school place for an unreasonable amount of time and referrals are made to the Fair Access Team when a school place cannot be identified.
- There is still concern that some schools for which the LA is not the admissions authority are not reporting back applications and their outcomes so there are children without a school place that the LA is not made aware of, which presents a safeguarding concern. This is challenged with individual schools where the LA becomes aware.

F Fair access protocol

i. Has your fair access protocol been agreed⁹ with the majority of state-funded mainstream schools in your area?

Yes for primary
 Yes for secondary

ii. If you have not been able to tick both boxes above, please explain why:

iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2018 and 31 March 2019?

Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	4	0
Foundation, voluntary aided and academies	8	84
Total	12	84

⁸ Other children are those not looked after, previously looked after or with special educational needs and/or disabilities.

⁹ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

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iv. 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 applicable¹⁰

Please make any relevant comment on the protocol not covered above.

- There are 9 locality panels operating in Nottinghamshire where schools work collaboratively to find solutions for challenging students where admission is proving difficult.
- The majority of these panels work well although for children in certain areas there remains difficulty securing a school place, particularly where the majority of schools are oversubscribed or the working of the panel is impacted on by Multi Academy Trusts.
- There has been concern in some areas that panels have been using 3.12 SAC to try and inappropriately refuse or delay admissions, which leads to children being out of school longer than is necessary.

Section 3 - Directions

A. How many directions did the local authority make between 1 April 2018 and 31 March 2019 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 in these circumstances.

The LA has not had to make a direction as difficulties with admission of vulnerable children have been resolved locally with schools or panels of schools.

¹⁰ 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

C. How many directions did the local authority make between 1 April 2018 and 31 March 2019 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 in these circumstances.

E.	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
How many requests to the ESFA to direct an academy to admit a child did the local authority make between 1 April 2018 and 31 March 2019?	0	0	0	1
How many children were admitted to an academy school as a result of the request for a direction by the local authority to the ESFA between 1 April 2018 and 31 March 2019?	0	0	0	1
How many requests were outstanding as at 31 March 2019?	0	0	0	none

F. Please add any comments on the authority's experiences of requesting directions in these circumstances.

G. Any other comments on the admission of children in year not previously raised.

Section 4 - Pupil, service and early years pupil premiums (the premiums)¹¹

A. How many community or voluntary controlled schools in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	0	N/A	N/A
Pupil premium	0	N/A	N/A
Service premium	0	N/A	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	N/A	N/A

B. How many schools for which the local authority is NOT the admission authority in your area will use each premium as an oversubscription criterion	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
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¹¹ Please include in these figures all schools whose arrangements give priority on the basis of eligibility for one or more of the premiums or part thereof except where the only sub-group is looked after and previously looked after children as all schools must give first priority to these children.

Admission authorities can limit priority to specific sub-groups of those who attract a premium. Examples are:

- children of parents who are currently serving in the UK regular armed forces (rather than all children who attract the service premium); or
- children who are eligible for free school meals at the time of application (rather than all children who attract the pupil premium).

If such sub-groups have priority at any point within the oversubscription criteria, they should be included in the totals for this table even if there is no specific use of the terms, 'pupil premium,' 'early years premium' or 'service premium' in the arrangements. Paragraphs 1.39A and 1.39B of the Code provide the relevant exceptions to paragraph 1.9f (which prohibits giving a priority to a child according to the occupational or financial status of parents applying).

¹² Do not include use in post 16 arrangements

(including the tiebreaker) for 2020?			
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	N/A
Service premium	0	1	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	1	N/A

Section 5 - Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2019?

834

B. Any comments to make relating to admissions and children electively home educated that you have not previously raised?

- The admission back to school of children who have previously been electively home educated is becoming increasingly challenging, stretching school budgets to provide necessary support and impacting on school performance.
- When the LA deems home education unsuitable, many children have been out of school for a substantial length of time during which they may have received little or no education.
- There have been a number of cases over the past year where the LA has become aware of the unsuitable elective home education of children with significant social, emotional and mental health needs. Due to the complexity of these needs, and past school experience, the LA has had no option but to make alternative provision for these pupils, as a return to school has not been possible. In many of these cases, parents had reported removing children from a school roll as they felt that school was unable to meet their child's needs.
- It has also been necessary to make alternative provision for a number of students who needed to return to school part way through year 11, as EHE was deemed unsuitable, but who had not accessed any school-based curriculum for a number of years.

Section 6 - Other matters

Are there any other matters that the local authority would like to raise that have not been covered by the questions above?

Section 7 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2020.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2019