



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From
Luton Local Authority

30 June 2017

Report Cleared by (Name & Title): Sally Rowe, Corporate Director - People

Date submitted: 26/6/17

By (Name & Title): Debbie Craig, Senior Education Officer

Contact email address: Deborah.craig@luton.gov.uk

Telephone number: 01582 548015

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

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

Introduction

Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Schools Adjudicator (CA) then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2017**.

The questions have been revised for 2017 with the purpose of:

- a) making the information gathered statistically robust and as useful as possible to the local authorities which provide the information; that is: the Office of the Schools Adjudicator (OSA) which receives the information; the Department for Education (DfE) to which the CA provides her annual report; and the children and families for whom the Code is designed to make sure that places are allocated and offered in an open and fair way;
- b) minimising the work required by local authorities in providing information; and
- c) avoiding duplication of effort.

This revised format therefore, in addition to statutory requirements as described in the Code, explores: points raised by local authorities in previous reports and matters which have arisen in the CA's Annual Report and areas of interest to the DfE. If information is already collected elsewhere, such as the number and type of schools and data relating to appeals, then it is not asked for again here but will be available for inclusion in the CA's Annual Report.

Information requested

1. Looked after children and previously looked after children

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children.

- a. How well do admission arrangements in your local authority area serve the interests of looked after children?

Not at all Not well Well Very well

- b. How well do the admission arrangements in other local authority areas serve the interests of your looked after children?

Not at all Not well Well Very well

- c. How well do admission arrangements in your local authority area serve the interests of previously looked after children?

Not at all Not well Well Very well

We are experiencing difficulty in securing school placements for Luton LAC living in out of borough foster placements particularly if the pupil has challenging behaviour. In future we will be pursuing the directions route rather than protracted negotiations with other LAs.

2. Children with disabilities and children with special educational needs

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of children with children with disabilities and children with special educational needs.

- a. How well served are children who have disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school?

Not at all Not well Well Very well

- b. How well served are children who have disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs?

Not at all Not well Well Very well

Admission on medical grounds is a criterion used in admission arrangements for the majority of Luton schools/academies. Children with a Statement of Special Educational Needs/EHC Plan, due to the severity of their disability, will be admitted to the school named in their Statement/Plan.

3. Consultation

Paragraph 1.44 of the Code states who needs to be consulted if consultation on admission arrangements is required. The CA has noted that these requirements are not always fulfilled in the arrangements which come to the attention of the OSA and, in particular, consultation with parents is not always as full as it should be. The OSA therefore wishes to get a better understanding of the wider situation and provide examples of good practice.

- a. When did the local authority last consult on its arrangements?

Please provide the year.

The Council consulted in December 2015 for admission arrangements for 2017/18

b. Please describe the means by which the local authority consulted with parents. Highlight all those means used:

- Committee paper on the local authority's proposals on admissions on the council's website.
- Consultation paper designed for parents on the local authority's proposals on admissions on council's website.
- Request to all schools to provide information on the local authority's consultation on its admission arrangements to parents and providing support to make this possible such as posters, leaflets and links to the relevant information on council's website for the schools' newsletters.
- Request to all early years settings to make information on the local authority's consultation available to parents by providing support to make this possible such as posters, leaflets and links to the relevant information on the council's website for the settings' newsletters.
- Social media (please provide some detail).
- Adverts in local press.
- Articles in local press.
- Posters in supermarkets, doctors' surgeries, early years health centres and similar
- Other (please specify)

How confident are you that other admission authorities in your area are consulting parents properly as required by paragraph 1.44a of the Code?	Not at all confident	Many concerns	Few concerns	Completely confident
c. Voluntary aided			√	
d. Foundation			√	
e. Academy			√	
f. Free			√	
g. UTC			n/a	
h. Studio			n/a	

The Council annually circulates the relevant extracts of the Admissions Code to head teachers of all own admission authority schools and academies as a reminder of their responsibilities in this area.

The Admissions Manager checks every consultation document to ensure compliance with the Admissions Code and requests amendments/clarification where necessary. The Admissions Manager also checks that every own admissions authority school/academy has determined admission arrangements and that these comply with the Code and are visible on the School/Academy website. The determined admission arrangements are also placed on the Council's website.

The Council does not check the extent to which consultation has taken place with parents which is why the 'completely confident' box is not checked.

--

4. Pupil, service and early years pupil premiums

Has your local authority consulted for admissions in 2018 on using any of the pupil premiums as an oversubscription criterion in community or voluntary controlled schools?	For entry to reception year	For entry to year 7
a. Pupil premium	No	No
b. Service premium	No	No
c. Early years premium	No	N/A

d. If the local authority consulted on any of the pupil premiums please provide a summary of the responses received: N/A

e. If you did not consult on introducing the **pupil premium** please indicate up to three main reasons for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children displaced;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or

i. Other (please explain):

--

f. If you did not consult on introducing the **service premium** please indicate up to three main reason for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please

Service families are not based in close proximity to Luton.

explain):

g. If you did not consult on introducing **early years premium** please indicate up to three main reasons for not doing so:

- Application of early years' pupil premium priority for those attending a nursery at the school could unfairly disadvantage those who did not choose to use the nursery at the school;

- Application of early years' pupil premium priority for those attending a nursery at the school could affect the sustainability of other early years' provision;
- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please explain):

How many community or voluntary controlled schools in the local authority area will use pupil premium as an oversubscription criterion for admissions in 2018?	Primary including middle deemed primary	Secondary including middle deemed secondary
h. Pupil premium	0	0
i. Service premium	0	0
j. Early years pupil premium	0	N/A

How many own admission authority schools consulted you on the use of a pupil premium oversubscription criterion for admissions in 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
k. Voluntary aided	0	1	0	0	0
l. Foundation	0	0	0	0	0
m. Academy	0	0	0	0	0
n. Free	0	0	0	0	0
o. UTC	N/A	N/A	N/A	N/A	N/A
p. Studio	N/A	N/A	N/A	N/A	N/A

How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
q. Voluntary aided	0	0	0	0	0
r. Foundation	0	0	0	0	0
s. Academy	0	0	0	0	0
t. Free	0	0	0	0	0
u. UTC	N/A	N/A	N/A	N/A	N/A
v. Studio	N/A	N/A	N/A	N/A	N/A

w. Do you have any further comments with regards to the pupil premiums in addition to the above?

5. Determined arrangements

The OSA has noted that some admission authorities have not determined their arrangements as required by the Code and so seeks further information on this. Paragraph 3.2 of the Code requires local authorities to refer admission arrangements determined by other admission authorities to the Schools Adjudicator if they are of the view that they are unlawful.

a. On which date did your local authority determine its arrangements for admissions in 2018?

9 February 2017

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

17 February 2017

How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	Primary including middle deemed primary	Secondary including middle deemed secondary
c. Voluntary aided	0	0
d. Foundation	0	0
e. Academy	0	0
f. Free	0	N/A
g. UTC	N/A	N/A
h. Studio	N/A	N/A
i. Overall, in your consideration of the admission arrangements for 2018 determined by other admission authorities, which paragraphs of the Code gave you greatest concern because of possible non-compliance with requirements? None		

j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above

Luton schools and academies usually seek the Council's advice prior to consulting on changes to their policies.

6. Co-ordination

How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
a. Reception				√
b. Year 7				√
c. Other relevant years of entry (please specify)				
d. Please give examples to illustrate your answer: The Council has a good working relationship with own admission authority schools/academies in its area and neighbouring LAs.				

e. There has been an increase in the number of schools for which the governing body or academy trust is the admission authority. Please describe the effect of this on the admissions system in your area. The process for in-year admissions becomes more complex for parents where own admission authority schools or academies do not participate in Luton's in-year coordinated admissions schemes. Own admission authority schools / academies do not always understand the admissions legislation and are not familiar with the requirements set out in the Admissions Code. Difficulties have also arisen when an Academy has refused to expand to meet local demand.
--

To how many schools of each type does the local authority delegate responsibility for in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
f. Community	0	N/A
g. Voluntary controlled	N/A	N/A
h. What do you consider to be the advantages and disadvantages of this? The needs of families are best served when in-year admissions are co-ordinated as families make one application for up to three schools and are offered one school place. The more fragmented the system becomes the harder it is to track children missing education.		

For how many schools of each type does the local authority co-ordinate in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
i. Voluntary aided	1	0
j. Foundation	2	4

k. Academy	4	5
l. Free	1	n/a
m. UTC	N/A	n/a
n. Studio	N/A	n/a
o. What do you consider to be the advantages and disadvantages of this?		
<p>Co-ordinated in-year admissions make the process easier for parents, particularly given the limited supply of school places within Luton. Many of the families moving to Luton have EAL or need support in navigating the admissions process.</p> <p>Children out of school were more easily tracked when schools were obliged to participate in an in-year co-ordinated scheme.</p>		

7. Appeals

Information on the number of appeals lodged and the proportion upheld is collected separately so this information is not requested again. The information requested below is to add to that information.

	a. How many schools of each type engage the local authority to provide all aspects of the appeals process?		b. How many schools of each type engage the local authority to provide some aspects of the appeals process?	
	Primary including middle deemed primary	Secondary including middle deemed secondary	Primary including middle deemed primary	Secondary including middle deemed secondary
Voluntary aided	2	N/A	N/A	N/A
Foundation	2	4	N/A	N/A
Academy	6	6	N/A	N/A
Free	N/A	N/A	N/A	N/A
Studio	N/A	N/A	N/A	N/A
UTC	N/A	N/A	N/A	N/A
c. Any comments related to this:				
<p>The LA only offer a service which covers all aspects of the appeals process.</p>				

d. How confident are you that admission appeals for schools which are their own admission authorities meet the requirements of the School Admission Appeals Code?

Not at all confident many doubts a few doubts Very confident

e. Please describe your areas of concern, if any:

The Council cannot accurately answer the above question as it has no jurisdiction over the appeals process for own admission authority schools.

It would be helpful if the DfE or EFA develop an oversight system to ensure that appeals run by own admission authority schools and academies comply with the requirements set out in the Appeals Code.

f. Please provide examples of good practice which have come to your attention:

The Council's Access to Education Team will support parents to make an appeal and guide them through the process.

8. Fair Access Protocol

a. Do you have a Fair Access Protocol agreed with the majority of state-funded mainstream schools in your area?

Yes No

b. If no, please explain why:

N/A

c. How many children have been admitted or refused admission under the Fair Access Protocol to each type of school in your area?

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community	0	N/A	0	0
Voluntary controlled	N/A	N/A	N/A	N/A
Voluntary aided	0	N/A	0	N/A
Foundation	0	22	0	0
Academy	0	37	0	0
Free	0	N/A	0	N/A
UTC	N/A	N/A	N/A	N/A
Studio	N/A	N/A	N/A	N/A

d. How well do you consider hard to place children are served by the Fair Access Protocol in your area?

Not at all Not well Well Very well

e. Please explain your answer giving examples of good and bad practice; successes and difficulties as appropriate.

- The above information represents pupils placed via the Protocol between 5 September 2016 and 13 June 2017
- The 'refused admission' data has been interpreted as a school refusing to admit a pupil via the Fair Access Protocol, when asked, without reasonable grounds to do so.
- The Fair Access Protocol was revised in March 2017 to ensure that all schools and academies are represented in the decision making forum. The new Protocol is working well.

9. Directions

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for children in the local authority area?

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
a. Voluntary aided	0	0	0	0
b. Foundation	0	0	0	0

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

All Luton schools and academies support the admission of LAC (and previous LAC) above their admissions limit and only refuse when there is a genuine concern that the admission would not be appropriate (such action is very rare and alternative options are developed).

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for looked after children in another local authority area?

	For primary aged child	For secondary aged child
d. Community	0	0
e. Voluntary controlled	0	0
f. Voluntary aided	0	0
g. Foundation	0	0

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

We will be using this as our preferred approach in the future as negotiations with other LAs are becoming more protracted, especially if the pupil is of secondary school age and has exhibited challenging behaviour.

How many requests for directions did the local authority make to the EFA between 31 March 2016 and 31 March 2017?

	For primary aged children (not looked after)	For primary aged looked after children	For secondary aged children (not looked after)	For secondary aged looked after children
i. Academy	0	0	0	0
j. Free	0	0	0	0
k. Studio	N/A	N/A	n/a	n/a
l. UTC	N/A	N/A	n/a	n/a

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

This has not been an easy process in the past and we have used the appeal route on two occasions as a quicker alternative to using the Directions Process.

10. Other matters

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

Admission of Summer Born Pupils where parents apply to enter the Reception Year one year later - The system is particularly hard to administer where a number of different admission authorities feature on a parent's application form (particularly when the admission authorities concerned do not agree). This complexity is compounded if the parent is unlikely to gain a place (via the normal admissions oversubscription process) at their preferred schools. It would be helpful if the DfE and LA reps worked together to produce clear guidance that is practical to administer. Such guidance needs to extend to cases where parents with summer born pupils, currently attending school in the Reception Year, wish to reapply for the following year's Reception Year. It also needs to be clear that parents must relinquish their place for the forthcoming Reception Year, if they are given permission to apply for a subsequent Year R intake. The removal of the requirement for LAs to co-ordinate in-year admissions is a backward step for parents. The admissions process is complex and lack of co-ordination further confuses parents and increases the likelihood of children being out of school for longer.

It would be helpful if there were a national media campaign to publicise the admissions round for the Year R intake. This would reduce the number of late applications and aid school place planning.

Thank you for completing this template.

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