



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

Luton Local Authority

30 June 2018

Report Cleared by (Name & Title): John Wrigglesworth, Service Director – Education, Support, Challenge and Intervention

Date submitted: Updated in July from the report submitted in June 2018

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Please email your completed report to: osa.team@osa.gsi.gov.uk by **30 June 2018 and earlier if possible**

Introduction

Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2018**.

The report to the Secretary of State for 2017 highlighted that at the normal points of admission the main admissions rounds for entry to schools work well. The Chief Adjudicator expressed less confidence that the needs of children who need a place outside the normal admissions rounds were so well met. In order to test this concern, local authorities are therefore asked to differentiate their answers in this year's report between the main admissions round and in year admissions¹. The order of this template for the annual report by local authorities reflects this.

Information requested

1. Normal point of admission

A. Determined arrangements

- i. Please specify the date your local authority determined its arrangements for admissions in 2019 for its voluntary controlled and community schools. Please state if this question is not applicable as there are no voluntary controlled or community schools in the local authority area.

08/01/18

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website. Say if not applicable.

January 2018

¹ By in year we mean admission at the start of any school year which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) and admission during the course of any school year.

iii. What proportion of arrangements for own admission schools was provided to the local authority by 15 March?

Not applicable None Minority Majority All

| | Primary including middle deemed primary | Secondary including middle deemed secondary | All through |
|---|---|---|-------------|
| iv. How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code? | Nil | Nil | n/a |
| v. If, when you considered arrangements for own admission authority schools for 2019, you had any concerns about Code compliance, please indicate which paragraphs of the Code you thought were mainly being breached. None. | | | |
| vi. Further comment: please provide any comments on the determination of admission arrangements not covered above. 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 admission authority school/academy has determined admission arrangements and that these comply with the Code. The determined admission arrangements are also placed on the Council's website. Luton has worked with own admission authority schools for a number of years to ensure compliance with the Admissions Code. Luton schools and academies usually seek the Council's advice prior to consulting on changes to their policies. | | | |
| vii. | | | |

B. Co-ordination

i. Provision of rankings: what proportion of own admission authority schools provided their rankings correctly undertaken by the agreed date?

Not applicable None Minority Majority All

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

C. Looked after and previously looked after children

i. How well do admission arrangements in your local authority area serve the interests of looked after children at normal points of admission?

Not at all Not well Well Very well Not applicable

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

Not at all Not well Well Very well Not applicable

iii. How well do admission arrangements in your local authority area serve the interests of previously looked after children at normal points of admission?

Not at all Not well Well Very well Not applicable

iv. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

D. Special educational needs and disabilities

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

Not at all Not well Well Very well Not applicable

- ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs at normal points of admission?

Not at all Not well Well Very well Not applicable

iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement.

Admission on medical grounds is a criterion used in the admission arrangements for the majority of Luton schools/academies. Children with an EHCP are admitted to the School named in their Plan.

2. In year admissions

- A. The number of in year admissions.** We are asking for two years' data for comparative purposes. If you do not have the data for the year 1/9/16 to 31/8/17 available, please still provide the data for 1/9/17 to 31/3/18.

| i. | Primary aged children | Secondary aged children |
|--|--|---|
| Number of in year admissions between 1/9/17 and 31/3/18 | 1855 (based on admissions to those schools where the LA co-ordinates admissions) | 702 (based on admissions to those schools where the LA co-ordinates admissions) |
| Number of in year admissions between 1/9/16 and 31/8/17 | 1775 (based on admissions to those schools where the LA co-ordinates admissions) | 791 (based on admissions to those schools where the LA co-ordinates admissions) |
| The reasons for children seeking in year admission will vary across the country. What do you consider to be the main reasons in your area? | Moving into Luton from abroad or from other LA areas (particularly London) | Moving into Luton from abroad or from other LA areas (particularly London) |

- ii. The Code requires the setting of a published admission number (PAN) for each normal year of entry. In the annual reports for 2017 several local authorities referred to problems in relation to in year admissions when schools which are their own admission authority refuse to admit applicants even if the year group concerned contains fewer children than the relevant

PAN suggested could be accommodated. This was referred to sometimes as 'capping' in-year admissions and local authorities observed that it reduced the number of places available below that anticipated by the local authority. Please comment on your experience as a local authority.

One academy has 'capped' Years 8-11, however, this hasn't caused any problems, so far, as they have been able to admit all of the pupils who have requested admission or need a school place.

B. Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools does the local authority delegate responsibility for in year admissions?

- a) Primary: Not applicable None Minority Majority All
b) Secondary: Not applicable None Minority Majority All
c) All-through: Not applicable None Minority Majority All

d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?

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.

Children out of school were more easily tracked when schools were obliged to participate in an in-year co-ordinated scheme.

ii. For what proportion of own admission authority schools does the local authority co-ordinate in year admissions?

- a) Primary: Not applicable None Minority Majority All
b) Secondary: Not applicable None Minority Majority All
c) All-through: Not applicable None minority Majority All

d) What do you consider are the advantages and disadvantages of the local authority co-ordinating in year admissions (where applicable)?

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.

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 always familiar with the requirements set out in the Admissions Code.

C. Looked after children and previously looked after children

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

Not at all Not well Well Very well Not applicable

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

Not at all Not well Well Very well Not applicable

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

Not at all Not well Well Very well Not applicable

viii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

There is a high level of co-operation amongst Luton schools and academies with regard to the admission of Looked After Children and previously Looked After Children.

We are experiencing difficulty in securing school places for Luton LAC living in out of borough foster placements, particularly if the pupil has challenging behaviour.

A number of Luton LAC, placed out of borough, were refused admission to the preferred (most appropriate) school. It has been necessary to start the process of pursuing a direction, via the ESFA, to encourage the Academy to admit.

D. Children with disabilities and children with special educational needs

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

Not at all Not well Well Very well Not applicable

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

Not at all Not well Well Very well Not applicable

iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

It is always more difficult to secure preferred school(s) when applying in-year. Admission on medical grounds is a criterion used in the admission arrangements for the majority of Luton schools/academies. This does not always lead to a place at the preferred school.

E. Other children

i. How well served are other children when they need to be admitted in year?

Not at all Not well Well Very well Not applicable

ii. Paragraph 3.12 of the Code - several local authorities referred to paragraph 3.12 in their annual report for 2017 stating that this was being used "*inappropriately*" by some admission authorities. Please could you comment on your experience as a local authority:

Luton generally experiences good levels of co-operation amongst its schools and academies.

3. Fair Access Protocol

A. Has your Fair Access Protocol been agreed with the majority of state-funded mainstream schools in your area?

Yes for primary

Yes for secondary

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

C. How many children have been admitted or refused admission under the Fair Access Protocol to schools in your area between 31 March 2017 and 31 March 2018?

| Type of School | Number of children admitted | | Number of children refused admission | |
|------------------------------------|-----------------------------|----------------------|--------------------------------------|-------------------------|
| | Primary aged child | Secondary aged child | Primary aged children | Secondary aged children |
| Community and voluntary controlled | 0 | 71 | 0 | 0 |
| Own admission authority schools | 1 | 24 | 0 | 0 |
| Total | 1 | 95 | | |

D. If a number of children have not secured school places following the use of the protocol, please indicate what provision is made for these children.

Alternative provision / PRU placement is made for those students who are not able to cope in mainstream school due to the level of challenging behaviour they exhibit. Such cases are kept under constant review.

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

Not at all Not well Well Very well Not applicable

F. Please explain your answer giving examples of good and poor practice, successes and difficulties as appropriate.

The Secondary Protocol has a good level of engagement from all schools and academies. Behaviour leads from all secondary schools and the PRU meet with LA staff on a monthly basis to agree the placement of children with a high level of challenging behaviour.

A new Primary In Year Fair Access Protocol has been agreed from September 2018; this is likely to result in more primary pupils being placed via this process.

4. Directions

A. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for children in the local authority area?

| | Primary aged children (not looked after) | Primary aged looked after children | Secondary aged children (not looked after) | Secondary aged looked after children |
|-------------------------------|--|------------------------------------|--|--------------------------------------|
| Voluntary aided or foundation | Nil | Nil | Nil | Nil |

B. Please add any comments on the authority's experiences of making directions.

There is a good level of cooperation from Luton schools and academies in respect of LAC admissions.

C. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for a maintained school in another local authority area to admit a looked after child?

| For primary aged children | For secondary aged children |
|---------------------------|-----------------------------|
| Nil | Nil |

D. Please add any comments on the authority's experiences of making directions.

Problems tend to occur in out of Borough academies as opposed to maintained schools.

E.

| How many requests to the ESFA to direct an academy to admit a child did the local authority make between 31 March 2017 and 31 March 2018? | How many children were admitted to school as a result of the request for a direction by the local authority to the ESFA between 31 March 2017 and 31 March 2018? | How many requests were outstanding as at 31 March 2018? |
|---|--|---|
| | | |

| | | | |
|--|-----------|-----------|-----|
| For primary aged children (not looked after) | Nil | Nil | Nil |
| For primary aged looked after children | Nil | Nil | Nil |
| For secondary aged children (not looked after) | Nil | Nil | Nil |
| For secondary aged looked after children | 2 (twins) | 2 (twins) | 0 |

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

The Council has commenced the direction process for a number of cases since March 2018 as negotiations with academies, outside of Luton, have become more protracted. This is an area of significant concern to the LA.

In many cases academies only explain their reasons for refusing admission after the LA has referred the case to the ESFA for direction. This elongates the process. Academies should respond promptly, and in full, to the LA's consultation letter to prevent drift and delay, thus reducing the amount of time a LAC pupil spends out of school.

The Council has sent seven pre-direction letters to out of Borough academies and made two requests (one case involved twins) to the ESFA for direction. One case was settled quite quickly after submitting the request and the ESFA directed the other academy to admit.

G. Any other comments on the admission of children in year.

5. Pupil, service and early years pupil premiums (the premiums)

| A. How many community or voluntary controlled schools in the local authority area will use a premium as an oversubscription criterion for admissions in 2019? | Primary including middle deemed primary | Secondary including middle deemed secondary | All through |
|---|---|---|-------------|
| Pupil premium | None | n/a | n/a |

| | | | |
|---|------|-----|-----|
| Service premium | None | n/a | n/a |
| Early years pupil premium | None | n/a | n/a |
| Total number of schools using at least one premium in their oversubscription criteria | None | n/a | n/a |

| | | | |
|---|-------------|---|--|
| B. | | How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2019? | Total number of own admission authority schools using at least one of the premiums in their oversubscription criteria for 2019 |
| Primary including middle deemed primary | Early years | None | None |
| | Pupil | None | |
| | Service | None | |
| Secondary including middle deemed secondary | Pupil | None | None |
| | Service | None | |
| All through | Early years | n/a | n/a |
| | Pupil | n/a | |
| | Service | n/a | |
| C. Do you have any further comments on the use of premiums? | | | |

6. Electively home educated children

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

201

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

The figure above reflects the number of children where the Elective Home Education Officer was informed of home educated children. There may be additional unknown children as the law does not currently require parents to register EHE with the LA.

The LA has challenged practice where there is a concern that a pupil has been encouraged to opt for home education to avoid permanent exclusion. The legal framework is too weak and does not support robust monitoring of EHE.

7. Other matters

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

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 deferred 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.

8. Feedback on the Local Authority Report template

In previous years we have asked for feedback on the process of completing the template in the following November to inform what is asked in the following year. We are aware that it may be easier to provide feedback on providing information for the annual report at the time rather than later. We would therefore be grateful if you could provide any feedback on completing this report to inform our practice for 2019.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2018