



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Dorset Council Local Authority

to be provided by

30 June 2019

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

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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.

25/02/2019

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

<https://www.dorsetcouncil.gov.uk/education-and-training/schools-and-learning/policies/school-admissions-policies/school-admissions-policies.aspx>

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?	4	2
vi. Please provide any comments on the determination of admission arrangements not covered above. Generally the process was fairly smooth. Most of the discrepancies with the Admissions Code were either highlighted in time to allow a timely consultation of the arrangements or schools have reverted to previous years admissions code and will re-consult for 2021.		

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:

The situation has been significantly improved this year, with the majority of schools purchasing a Service Level Agreement with the Local Authority to undertake the ranking, and those few schools that undertake their own, provided quality data in a timely fashion.

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?

No

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:

The main challenge Dorset LA had was with other Local Authorities having very late dates in their co-ordinated schemes for exchanges with other LA's. This has been raised and hope to be corrected going forward.

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.

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.

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.

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.

There remains uncertainty as to the thresholds of evidence required to ensure an equitable and transparent system. As a Local Authority we are awaiting further statutory guidance prior to formal adoption of the overseas criteria. Virtual School is also looking for guidance on the definition of previously looked after coming from abroad and whether or not Virtual School has a duty to them.

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**:

There is good co-ordination between Virtual School and the Admissions Team. There is a fundamental ethos of putting LAC and PLAC at the forefront of any process.

There is an inconsistent approach across other local authorities and their admissions processes.

There is an inconsistent approach by Own Admissions Authority Schools in Dorset to the prioritisation of LAC and PLAC.

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:

Dorset has a small number of schools who are reticent to admit pupils who have their school named in Section I of their EHCP – either due to the volume of EHCP's currently in the setting or through perceived lack of funding. We actively challenge any school found to be participating in the practice of recommending alternative like for like schools.

When challenged by the LA it is often found that reasonable steps can be taken by the LA to support the school to prevent the use of 'incompatible with the efficient education of others' and we have insisted on schools attending SENDIST tribunals to substantiate their claims. As an LA we ensure that the parental / child's legal rights to a mainstream school are enforced.

We do have a number of schools that due to their open approach are very welcoming towards parents and as a result of their welcoming approach, at times are a victim of their own success in being oversubscribed with high numbers of EHCP's.

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:

- 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?

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.

The Local Authority does not collate specific details on in year admissions. The LA is able to identify, based on the census returns, starters and leavers within date ranges for each school if required.

Not all Own Admission Authority Schools provide details of each application and its outcome, and the LA continues to pressure schools to use the provided IT mechanism to keep on roll figures up to date. This is not always the case.

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?

(please specify)

The Local Authority does not collate specific details on in year admissions. The LA is able to identify, based on the census returns, starters and leavers within date ranges for each school if required.

Not all Own Admission Authority Schools provide details of each application and its outcome, and the LA continues to pressure schools to use the provided IT mechanism to keep on roll figures up to date. This is not always the case despite requests.

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		
Number of in year admissions between 1/9/18 and 31/3/19		

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.

The LA is not satisfied that all own admission authorities that do not use the LA in year admissions services are treating all applications in a fair and transparent manner:

a. Families being informed of a school being full verbally but not then being formally refused and being given their right to appeal,

b. Refusals being given, the family approach the LA for an alternative, while the LA is informed by the school that other children have been admitted.

c. There is evidence that written appeal statements at 'non co-ordinated' independent appeal panels are incorrect and could be seen to prejudice the family case.

d. It should also be noted that the majority of Own Admission Authorities that use LA in year admissions services do work collaboratively with the LA, though there are still instances where they are reluctant to confirm a place to offered until they have met the family. The LA challenge these practices where possible though the ability to offer a place at an own admission authority school without their consent is very limited/non-existent.

e. Some schools for which the LA is the admission authority try to insist on a visit prior to an allocation, secondary especially, but the LA again resists such practices.

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

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

- 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:

The challenge for the LA is the number of Local Authorities (35 at the current count) that have to be engaged to serve Dorset LAC and PLAC from an Admissions perspective.

For non-Dorset LAC and PLAC looking for places in Dorset, the challenge is around sufficient information to make suitable and sustainable decisions of their education.

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

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

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

- 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:

Due to the increase pressure on school resources and the way schools are funded, it is, at times, a challenging process to name a preferred mainstream school within an EHCP. Too often we are quoted that they are 'full' or have 'too many EHCP's'; however we do follow in our duty to challenge these schools to ensure that all reasonable adjustments and steps are taken to ensure a child accesses a mainstream education if appropriate in the eyes of the LA.

It is worth noting that we do have schools that admit children with EHCP's with no difficulty at all and work in a cooperative way with the LA to ensure IYA is completed as smoothly as possible

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:

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:

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.

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	18	17
Foundation, voluntary aided and academies	35	59
Total	53	76

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 continues to be concerns around Year 11 admissions – though there may be a slight improvement in the period September to January – but after this date it is very challenging to get provision for these children. The most challenging scenario are children and young people from overseas, applying for places in Year 11. The Local Authority will not place in a Learning Centre as places are restricted for Permanent Exclusions and Medical Referrals.

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 is often required to threaten a direction in order to progress a case, which is time consuming and means the child or young person is out of education

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

unnecessarily. This tends to be more prevalent with Academies than with other Own Admission Authorities.

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.

The LA is often required to threaten a direction in order to progress a case, which is time consuming and means the child or young person is out of education unnecessarily. This tends to be more prevalent with Academies than with other Own Admission Authorities.

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	0
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?	n/a	n/a	n/a	n/a

How many requests were outstanding as at 31 March 2019?	0	0	0	0
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F. Please add any comments on the authority's experiences of requesting directions in these circumstances.

See comments above

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	0	0
Service premium	0	0	0

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

Total number of schools using at least one premium in their oversubscription criteria	0	0	0
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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 (including the tiebreaker) for 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	0
Service premium	0	0	0
Total number of schools using at least one premium in their oversubscription criteria	0	0	0

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?

503

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

The LA has had significant concerns in the number of children that are going EHE with encouragement, overt or otherwise, from their school, only to make a fresh application for a new school place. The IYFA policy automatically places them back in their original school but children and young people are out of school for periods of time as the new application is processed.

Most schools accept the return of students from EHE if the period of time is modest. Schools are very reluctant to accept EHE back during Year 11 and these applications are time critical and IYFA is by its nature a slower process than a straight admission.

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?

The Local Authority is also very concerned at a growing overt trend where schools are actively discouraging families from pursuing a place at their school:

1. Promotion of zero tolerance policies at parent orientation evenings from point of entry – school being open about the number of children that are unable to adhere and engage with their behaviour and curriculum
2. Where families are discouraged from applying in-year by suggesting a child with EHCP/ other SEND will not be best suited to their school or their school is not suited to their needs
3. Where, after an IYFA decision, the family engage with the school and get a very negative welcome.

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