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Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From
Shropshire Council Local Authority

30 June 2017

Report Cleared by (Name & Title): Mr Chris Mathews, Commissioner for Education Improvement and Efficiency

Date submitted: 29 June 2017

By (Name & Title): Carol Sneddon (Admissions Manager)

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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

Please give examples of good or bad practice or difficulties which support your answer and provide any suggestions for improvement:

In the 2017 secondary transfer group, 51 children were placed using the statutory oversubscription criterion for looked after children (LAC). Of those 51, 30 children were previously looked after children.

In the 2017 primary transfer group, 30 children were placed using the statutory oversubscription criterion for looked after children. Of those 30, 23 children were previously looked after children.

For Shropshire LAC, all schools, maintained and academy, are open and accepting. All schools in Shropshire process in-year admissions and schools report to the LA whether they will admit / refuse.

The Head of the Virtual school in Shropshire hosts a large number of children placed by other local authorities. Shropshire is the second highest net receiver of LAC nationally. The virtual school will support the process by liaising with Virtual schools and Shropshire schools. The Virtual school has a LAC admissions protocol that is in the process of consideration within the LA and the wider West Midlands Virtual Head Forum. Where schools are oversubscribed, Admissions will ask the school "Will you comply with the LAC Admissions protocol?" Some Headteachers report that, when challenged by unsuccessful applicants or with concerns about the admission of additional pupils, it is useful to quote the legal requirement to comply with the Code and the power of direction.

LAC with SEN may have to wait for a specialist placement, as private providers can decline to accept without any recourse.

The level of need of some children, without an EHCP but not immediately suitable for mainstream education, presents some issues and may require places to be commissioned. This is true for both Shropshire LAC and LAC coming into Shropshire.

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

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

a. Other LA data evidences that Shropshire pupils with an EHCP/Statement achieve better than in most other LA's.

b. Generally well. However, from scrutinising data for children at SEN support, it appears that some schools do not seek professional advice in order to support the young person with appropriate interventions to support their need.

Challenges are faced in two areas: It is notable that there is a high percentage of fixed-term and permanent exclusions for children with SEN; The SEN Team are sometimes involved in extended discussions with schools who indicate that they are unable to meet the needs of an SEN pupil.

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.

2016/2017

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).

Council Twitter feeds, Facebook page, Govdelivery email to school admission subscribers.
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Adverts in local press.

Articles in local press.

Posters in supermarkets, doctors' surgeries, early years health centres and similar

Other (please specify)

Articles in local press are not always taken up when requested.

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			X	
d. Foundation			X	
e. Academy		X		
f. Free			X	
g. UTC				
h. Studio				

Please give examples of good practice by schools that are their own admission authority. Examples of good practice in consulting with parents whose children are under compulsory school age will be particularly welcome.

Shropshire Council co-ordinates the main consultation on admission arrangements for all state-funded schools within the LA area. This means that parents need only check with the Council to see which of the 150 schools are proposing changes to admission arrangements, as opposed to checking individual school websites over a prolonged period from October to January. Any proposed changes are presented in a poster and distributed to all our schools, who are invited to promote the details with parents through newsletters, websites, parent notice boards etc. The poster is also shared with children's centres and early year's settings, but as many of these are voluntary providers, there is no compulsion on the settings to oblige. Informing parents of pre-school children is the most challenging requirement of the Code, although social media seems more successful than traditional means in this regard. Schools are also advised to advertise their proposed changes in shops, post offices, doctors' surgeries, village / community halls etc.

The local authority has recently objected about admission arrangements to the Office of the Schools Adjudicator. In the investigation of these objections, it became apparent that, despite comprehensive advice from the Admissions Team, admission arrangements by own admission authority schools, particularly converter academies, had not been through an adequate local consultation or correctly determined. It is this issue that has raised a few concerns on the effectiveness of consultation and the ability to reach parents of pre-school children at local level.

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:

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):

In Shropshire, 95%+ parents are offered their first preference school at entry to Reception and transfer to secondary. There is no evidence to indicate that pupils eligible for pupil premium are unable to secure a place at their first preference maintained school. No academies have proposed this addition.

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 explain):

In comparison to other local authority areas, Shropshire Council does not have a high proportion of service children. However, the availability of places in Shropshire (95%+ first preferences met) and the Council's firm commitment to negate any potential disadvantage to service children, means that the service premium is not necessary as an oversubscription criteria to accommodate children of service personnel.

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):

The number of pupils claiming early years' pupil premium (EYPP) is low in Shropshire compared nationally. Some of those who are believed to be eligible for the premium do not make a claim. If EYPP were to be used as admissions criteria, there is concern that those who do not make a claim would be further disadvantaged and unable to secure a place at their preferred school due to displacement by those claiming EYPP.

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	Primary including middle deemed primary	Secondary including middle deemed secondary

pupil premium oversubscription criterion for admissions in 2018?	Early years	Pupil	Service	Pupil	Service
k. Voluntary aided	0	0	0	0	0
l. Foundation	0	0	0	0	0
m. Academy	0	0	0	0	0
n. Free	0	0	0	N/A	N/A
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	1	1	1	N/A	N/A
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?

8 February 2017

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

6 March 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	2	
d. Foundation		

e. Academy	5	2
f. Free	1	
g. UTC	N/A	
h. Studio	N/A	
<p>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?</p> <p>Paragraph 1.46. The local authority does not have sight of the minutes of meetings where admission arrangements have been determined.</p> <p>As a consultee, admission authorities are required to notify the local authority of any proposed changes; if these are not notified by 20 December, sufficient consultation has clearly not taken place. This is easy to verify and so consultation can be monitored.</p> <p>Copies of determined arrangements must be published and sent to the local authority by 15 March, therefore it is clear where there is compliance with most parts of the Code. However, once arrangements have been published and copied to the local authority, there is no verification that determination has been correctly completed by governors and yet this is required before the School Adjudicator can investigate an objection.</p>		

<p>j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above</p>
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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			X	
b. Year 7			X	
c. Other relevant years of entry (please specify)				X (Year 3 infant to junior)
<p>d. Please give examples to illustrate your answer:</p> <p>Difficulties occurred in relation to a neighbouring authority's introduction of new software, which caused issues with the integration of data, otherwise co-ordination worked well.</p>				

- 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.

For parents, it can be very confusing that there is now a vast array of oversubscription criteria applicable to different schools. This can cause confusion for applicants when an application is considered differently by similar schools in the same area.

There is a slightly greater resistance to admit pupils with particular needs by own admission authority schools but the local authority is trying to work with schools to overcome this situation.

In general, schools that have recently converted need lots of support in order to correctly determine their admission arrangements. Despite guidance material, reminder emails and training sessions, there are still misunderstandings around the need to properly determine own admission arrangements, even if mirroring the local authority policy, and a misconception that admission authorities can do as they wish, regardless of the Code.

The number of schools that are required to rank order their applications to achieve co-ordination has increased. Some new admission authorities are under the impression that they are deciding who should be offered a place, rather than rank ordering their applications. This can cause delays in waiting for information to be returned by admission authorities. Delays can also be caused by governors not meeting at the appropriate time.

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	25	
g. Voluntary controlled	56	4
h. What do you consider to be the advantages and disadvantages of this?		
<p>(All schools)</p> <p>Many schools, particularly own admission authority schools, wanted to be able to offer a place without delay when parents approached their school with an application. Most parents contact schools directly to look around the school and did so even when applications were co-ordinated by the local authority. Looking at this from a parental perspective, the local authority considered it would be potentially confusing for parents to be told that Shropshire Council would process applications for some schools but parents must apply directly to others. It seemed much clearer to delegate responsibility for in-year admissions to all schools and for them to process the applications and inform the local authority of the outcome. This process is much simpler for parents to understand and potentially a much quicker route to secure a place.</p> <p>The disadvantage is that some parents may approach a school only to discover there are no places and without formally applying or learning of their right to appeal. They may also approach a number of different schools before securing a place. It is also of concern if schools have neglected to inform the local authority</p>		

of an application, as they are required to do by the Code. Some headteachers have expressed concern that parents are being discouraged from making application by a few schools. The Admissions Team challenges this practice whenever it is apparent.

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	N/A	N/A
j. Foundation	N/A	N/A
k. Academy	N/A	N/A
l. Free	N/A	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?		
None. See 6.h.		

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	6	0	0	0
Foundation	1	0	0	0
Academy	4	9	0	0
Free	1	N/A	0	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:				
No admission authority schools in Shropshire provide any aspects of the appeals process themselves other than drafting support documents for the presenting officer and occasional attendance by the headteacher at plenary sessions.				

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:

Own admission authority schools in the Shropshire Council area buy the services of our legal department for admission appeals. None of our admission authority schools arrange their own appeals. Shropshire Council's Legal Services are very experienced in arranging and administering appeals and ensure that the requirements of the School Admissions Code and School Admission Appeals Code are met (e.g. appropriate training).

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

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:

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	1	6		
Voluntary controlled	1	1		
Voluntary aided	11			
Foundation				
Academy	7	17		
Free				
UTC	N/A		N/A	
Studio	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.

Prior to the advent of many academies, the local authority used relevant teams to secure places for children requiring a place. This might have been through the Admissions Team, GRT teacher, the CME team, EWO, inclusion team etc. In recent years, more schools were declining requests to admit permanently excluded pupils, particularly where they were already oversubscribed or where a pupil required support. This would have meant that only schools with vacancies could admit such pupils which would not amount to a fair share. At this point the local authority utilised headteacher panels to determine Fair Access cases.

This process is still evolving and improving with each panel sitting, but the effect of using Headteacher panels to place permanently excluded pupils is perceived by schools to be fairer. All headteachers have the opportunity to participate in Fair Access panels and they perceive that this facilitates a fairer distribution of such pupils.

Where pupils have been permanently excluded, the Fair Access Protocol applies. However, the LA has received a few reports of 'grey exclusions' where schools have encouraged parents to move their child to a different school when the pupil may be under threat of permanent exclusion. If a child moves due to parental preference, the Fair Access Protocol does not apply, especially if an alternative school has vacancies; there is no consideration of fair share and the family do not receive the same level of support extended to permanently excluded pupils. Where this practice has been reported, the LA has investigated and challenged through appropriate action. This practice continues to be monitored.

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.

The LA enters into dialogue with schools where refusal to admit a child is inappropriate. In most cases, discussions between the LA and Shropshire schools brings matters to a conclusion. In some cases, the individual circumstances of a school could mean that an offer of a place would not be in a child's best interests. If this is so, and a refusal is in accordance with the Code, this would be supported. However, the local authority exercises its statutory duty to act as a champion for parents and families and this would lead to direction of the governing body if necessary and a referral to the adjudicator if required.

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.

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	N/A	N/A
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.

The LA enters into dialogue with schools where refusal to admit a child requires challenge. In most cases, discussions between the LA and Shropshire academies or free schools brings matters to a conclusion. As yet this has not required EFA involvement. Either there is evidence that the school's position should be supported or the school agrees to admit the child. However, the LA is aware of the avenue to request direction from the EFA if required, although this could potentially lead to delays in securing a place for the child.

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?

Thank you for completing this template.

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