



Office of
the Schools
Adjudicator

**Template for
Local Authority Report
to
The Schools Adjudicator
from**

Suffolk County Council Local Authority

to be provided by

31 October 2022

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**Please email your completed report to: [Office of the Schools Adjudicator](#) by
31 October 2022 and earlier if possible**

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Introduction

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 3.30 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. Paragraphs 6 and 3.30 of the Code require that each local authority publish its report locally. Local authorities do not have to include this introduction and guidance in their locally published report.
2. In 2020 and 2021, we asked far fewer questions than in previous years, asking only for the minimum information required by the Code. This was in response to the pressures on local authorities and others in the light of the Covid-19 pandemic. This year, we have again sought to keep the information requested to the minimum. We have, at the request of the Department for Education, asked a small number of additional questions relating to the impact of the new Code which came into force on 1 September 2021.
3. The new Code also changes the period to be covered by reports to the adjudicator and the deadline for submitting reports to the adjudicator. **This year's report must cover the 2021/2022 academic year and be submitted to the Office of the Schools Adjudicator by 31 October 2022.**

Guidance on completing the template

4. In a departure from previous practice, we have included all the guidance on completing specific parts of the template in this section. We hope that this will be helpful. This is in response to feedback that including guidance and definitions in the body of the template could make the report harder for readers to follow and less accessible. There is no requirement for local authorities to include the introduction and the guidance in their published reports, but they are free to do so if they wish.
5. We should be grateful if in completing questions which ask for information about primary and secondary schools and/or pupils, local authorities would follow the approach to classification of schools used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002².
6. Guidance on specific questions and/or meaning of specific terms in this report:
 - a. "in-year admissions": This means admission at the start of any school year to a year group 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

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

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

primary school) **and** admission during the course of any school year after the end of the statutory waiting list period (31 December) in normal years of admission.

b. Not applicable means at questions:

Section 1: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 1: B.v. that there were no schools for which the local authority was the admission authority at 1 September 2021.

Section 1: B.vi. that there were no schools in the local authority's area for which the local authority was not the admission authority at 1 September 2021.

Section 2: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 2: C.i. that there were no children falling within the definition.

Section 2: D.iv. that there were no hard to place children referred to the protocol.

7. We welcome all comments that local authorities make in the comment boxes and we aim to reflect those comments in the Annual Report, but we ask for the comments to be entered under the right headings. Section 3 invites comment on any other matters not specifically addressed in this template if local authorities wish to do so. The views expressed in previous years also remain a matter of public record.
8. We ask that where possible, you return the template in Word instead of PDF formatting. A number of you have commented on the formatting of the template and we have tried to make it as accessible as possible, but we are aware that some local authorities use different versions of Word.

Information requested

Section 1 - Normal point of admission

A. Co-ordination

i.	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	

ii. Please give examples to illustrate your answer if you wish:

Reception – Generally the co-ordination of the main admissions round worked well. Due to the issue experienced in the past with schools using different software that wasn't able to import the Admission Data Transfer (ADT) files or create files for the Admissions process from the School to the Local Authority (ASL files), we piloted the School Admissions Portal with a few primary and secondary schools. This enables schools to rank applications and data is shared seamlessly between schools and the Local Authority (LA) at relevant stages of the normal admission rounds. The School Admissions Portal will be implemented and rolled out to all schools for the 2023/2024 admission rounds. This will resolve the additional pressure and work arounds that had to be carried out manually in the past due to IT differences.

Secondary – This was the first year where we processed applications for the two remaining middle schools as part of the secondary transfer round. After the round was opened but before the National Offer Day, the Trust responsible for the two middle schools consulted on the proposal to close the middle schools in August 2023. We wrote to middle school parents to explain how we would process their application. Middle school places were offered because the result of the consultation was not known until after the National Offer Day. When the proposal was approved, we wrote to all applicants applying for a Year 5 middle school place advising that the offer had been withdrawn because there would no longer be an intake in September 2022. This caused additional work for the LA and concerns for several families.

Generally, the co-ordination of the main admissions rounds works well. However, we continued to experience issues again this year with several schools, where they operate their own admissions policy, where they ranked their applications incorrectly and needed assistance to rectify this prior to the LA making and resolving offers. These were noticed when the Admissions Team were making routine checks. Any anomalies were queried with the individual schools and rectified where necessary. However, it is not always possible to pick these anomalies up and such errors must remain the responsibility of the own admission authority schools to check and validate their rankings.

Junior – All schools were undersubscribed and due to the very small number of applicants, it worked very well.

B. Looked after and previously looked after children

i. How 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 applicable

ii. How 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 applicable

iii. How 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 applicable

iv. How 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 applicable

v. Please confirm that your local authority has included children adopted from state care outside England in its definition of previously looked after children in admission arrangements for schools for which it is the admission authority

Yes No Not applicable

vi. How confident are you that all other admission authorities in your area have included children adopted from state care outside England in their definitions of previously looked after children in admission arrangements for schools for which they are the admission authority?

Confident all have Confident some have Not aware of whether all or some have Not applicable

vii If you wish, please give examples of any good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at **normal points of admission**:

Admission at the normal point of entry continues to be a strength in Suffolk with looked after and previously looked after children prioritised for places in accordance with the code of practice.

C. Special educational needs and/or disabilities

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

For children with an Education, Health and Care Plan (EHCP), where the LA considers a mainstream education could meet the special educational needs identified and deliver the provision specified, it is not uncommon to receive a response to formal consultations under the Children and Families Act 2014 from mainstream schools stating that they would not be a suitable school. The quality and detail of these responses are variable and there are very similar responses from groups of schools or schools within an academy trust.

Whilst the LA challenges where appropriate to do so, in some cases where discussions have taken place between the school and a family, the family has lost confidence in the school's ability to meet their child's needs. The family will then request an alternative, or specialist placements and in some cases, they pursue this through the SEND Tribunal process. We continued to experience high numbers of requests for specialist placements for September 2022 including for those children of reception age in the new school year.

Section 2 - In-year admissions

A. Effect of Code changes on in-year admissions

Please provide any comments you wish to make on the effect of the changes to the School Admissions Code's provisions for in-year admissions. It would be particularly helpful to have comments on whether you think the changes have made it easier or not for parents to secure places for children in-year?

It is helpful for parents to know that they will receive an outcome, no matter who they apply to, within 15 school days of receipt by the admissions authority. However, we are aware that some admission authorities are not adhering to this.

There is a concern that not all school staff, for which the LA is not the admission authority, involved with admissions are aware of the requirements placed upon them within the School Admissions Code and/or of the changes that have been made.

As a LA that does not co-ordinate in-year applications, there is much reliance on admission authorities providing notification of the outcome of every application in a timely manner and this does not always happen. This continues to be an area of challenge and a safeguarding concern if the child is without a local school place.

For it to be easier for parents/carers, the School Admissions Code needs to change, and in-year co-ordination needs to be a requirement and LA's need some power to enforce outcomes.

B. Looked after children and previously looked after children

- i. How does the **in-year admission** 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 applicable

- ii. How 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 applicable

- iii. How does your **in-year admission** 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 applicable

- iv. How does your **in-year admission** system serve the interests of previously looked after children?

Not at all Not well Well Very well Not applicable

- v. If you wish, please give examples of any good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for looked after and previously looked after children:

When a previously looked after child or looked after child is refused admission to an academy within our county borders, the Virtual School Head firstly makes checks that those making the application are doing so from an informed position and that the reasons for selecting the school are sound. Possible alternatives are explored. However, if this process ascertains the setting applied for is appropriate and alternatives are not viable the LA then writes to the academy giving notice of our intention to seek a direction as per the statutory guidance. In all cases where this action has been taken the academy in question has very swiftly accepted the pupil on to their roll without the need to progress the direction further.

When a previously looked after child or looked after child is refused admission to an academy in another LA following moving there, the Virtual School Head firstly makes checks that those making the application are doing so from an informed position and that the reasons for selecting the school are sound. Possible alternatives are explored. However, if this process ascertains the setting applied for is appropriate and alternatives are not viable, the Virtual School Head writes to the Chief Executive Officer of the academy giving notice of our intention to seek direction as per statutory guidance. In most cases where this action has been taken the academy in question has very swiftly accepted the pupil on to their roll without the need to progress the direction further. In very rare cases this has required the process of seeking a direction to be taken to the point where

the academy has been directed. The academy has then accepted, and the process has taken around 15 school days to complete.

Whilst these processes do build in some delay to in-year admissions for vulnerable children, we do not enter into protracted discussions and resolutions are relatively swift. For looked after and previously looked after children, resolutions are expedited with much less drift and delay than other vulnerable students who do not benefit from priority admissions status.

C. 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 well Not well Well Very well Not applicable

- 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 well Not well Well Very well Do not know

- iii. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for children with special educational needs and/or disabilities:

The LA has strengthened the advice and guidance to mainstream schools and ease of access to specialist education services offered by the LA through open referrals to services, SEND multi-agency consultation meetings, regular SEN Co-ordinator (SENCo) Forums and a daily SENCo Helpline. The LA also provides additional SEND funding for children and young people at SEN Support or with an EHCP. Children are served well where schools use the services and support available to them and access additional funding to further enhance the provision they make to support their special educational needs.

Behaviour that challenges is the primary need that concerns settings and some admissions have been delayed. Suffolk is consistent in its application of the Fair Access Protocol where this applies and will use the local Inclusion Pathway that will gather information on specific cases and challenge schools directly. This Pathway also has termly meetings with the Regional Schools Commissioner to share emerging concerns about schools' conduct with regards admissions, attendance, inclusion for example.

There is growing concern about the number of admission authorities who say they cannot meet a child's needs. Sometimes this is used to influence the outcome of an application or to discourage a parent/carer from applying.

iv. If you wish, please provide any comments about **in-year admissions** in respect of other children:

We do not co-ordinate in-year admissions in Suffolk and have several concerns because of this. One of our main concerns is around safeguarding. Some schools for which the LA is not the admission authority do not provide details of all applications and their outcomes, as set out in the School Admissions Code, paragraph 2.30. We do not know the availability of places at some of these schools because they refuse to provide the number of pupils on roll and so we cannot comply fully with the School Admissions Code, paragraph 2.27. Some schools do not share pupil data with the LA and so we may not be aware of which school a pupil is attending, or even if they are attending a school.

Some schools do not operate fairly, consistently, or transparently. The LA is concerned that schools for which it is not the admission authority turn parents away because they claim they 'cannot meet the needs of the child', even though the child does not have an Education, Health and Care Plan (EHCP). We are also concerned that they are not advising parents that they can still apply for a place, even if the year group is full. Therefore, parents are not given a right to appeal. In some circumstances, the LA may not be aware of these children, thus increasing the number of children missing education and again a safeguarding concern. Often these are the most vulnerable families who already find it difficult to engage with the education system.

We are concerned that some schools for which the LA is not the admission authority do not respond to applications made to their school within the 15 school days as required or at all. Often these are children who are without a local school place and are at risk if the LA is not made aware of them. Whilst the LA can have a conversation with the school, it has no power to ensure the applications are processed and all families are treated fairly and consistently within the law.

Some schools for which the LA is not the admission authority are continuing to 'cap' their in-year groups, often at a number that is less than the current number of pupils within the year group. We believe this is an attempt to stop or limit the number of in-year pupils a school receives, particularly in Years 10 and 11. This also makes it difficult for the LA to provide and ensure that there are sufficient places in a particular area to meet in-year demand to the extent that Key Stage 4 places, in particular, are not available in some parts of the county. It would appear, from collaborative talks with some of these schools, that they are 'protecting' themselves from the challenges that may be presented by in-year applicants, especially if it is a school that already feels 'saturated' with in-year admissions or challenging pupils.

Admission Authorities have to consult on reducing Published Admission Numbers and yet they can effectively undermine the in-year admissions process by reducing their in-year capacity because there is no requirement to consult. It is unclear if such in-year limit reductions are monitored or if the scale of this issue is known. It is also not clear if this affects or complies with an academy's funding agreement.

We continue to have a major issue in a town where there are a small number of secondary schools which are all academies, which are either full in some year

groups or year groups have been 'capped' to appear full. Families moving into this area, which is a socially and economically deprived area, are often out of school for a significant period of time whilst we try to seek a local solution. In addition, there could be the unintended consequence of an increase to the LA's School Travel costs and additional travelling time for pupils.

The fairness of in-year admissions has been undermined by a few schools and this has escalated into the issues we currently face. Admission authorities do not appear to make any provision for in-year admissions when planning their class organisation and timetables.

A further clarification in the School Admissions Code to remove any ambiguity in relation to capping in-year groups below an academy's funding agreement capacity and the need to plan for some in-year places available within a school's organisation would be welcome. Some schools are disregarding their civic duty to provide places for local children, and the School Admissions Code is ineffective in this respect.

When a school place is refused, the LA advises the applicant of the nearest school with a place available so that they can apply for a place at that or another preferred school. Whilst the School Admissions Code, paragraph 2.30, requires a school to notify the LA of every application and outcome within two school days, this does not necessarily provide the number of places available in the year group. The in-year admissions process would be much fairer for parents and more efficient to administer if schools were required to publish and maintain data on the number of pupils in each year group and the number of places available on their website. In the meantime, the current situation is placing an additional burden on LA staff as it can take a significant amount of time to identify the nearest school with a place available to advise parents.

It has been particularly difficult for the LA to manage the influx of in-year applications that had been refused by own admission authorities, particularly for those children who did not have a school place and the LA was not aware that an application had been made. This situation has been exacerbated because the number of pupils on roll at a school and the number of places available have not been available or provided by over 100 of the LA's schools within two days of any request (School Admissions Code, paragraph 2.27) and required many phone calls to be made to seek this information.

The return of mandatory In-year Co-ordination would be welcomed, though LAs would require some additional powers to achieve a system that is fair for pupils and schools.

D. Fair access protocol

- i. Do you have a fair access protocol agreed with the majority of state-funded mainstream schools in your area?

- Yes for primary
- Yes for secondary

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

iii. How many children were admitted to schools in your area under the fair access protocol between 1 August 2021 and 31 July 2022?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	3	1
Foundation, voluntary aided and academies	0	12
Total	3*	13*

*Admission application cases only

iv. How well do you consider hard to place children are served by the fair access protocol in your area?

- Not at all well applicable
 Not well
 Well
 Very well
 Not applicable

v. Please provide any comments you wish on the protocol not covered above. It would be particularly helpful to have any comments on the impact of the Code changes on the operation of the FAP in your area and the ability to secure places for vulnerable children:

Whilst the Fair Access Protocol works effectively across most of Suffolk, there are some areas of the county where schools are reluctant to accept pupils through the protocol and this can result in children being out of school for long periods of time.

The Fair Access Protocol has been applied in the 2021/2022 school year to place Ukrainian Refugees when a reasonable school place could not be secured. Overall, this has worked well and been accepted by schools.

E. Directions

How many directions did the local authority make between 1 August 2021 and 31 July 2022 to maintained schools for which the local authority is not the admission authority to admit children (including children looked after by the local authority but resident in another area)?

Total Number of children	Of which, looked after	Of which, not looked after
0	0	0

F. If you wish, please provide any other comments on the admission of children **in-year** not previously raised:

Section 3 - Other matters

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

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2023.



Thank you for completing this template.

Please return to [Office of the Schools Adjudicator](#) by 31 October 2022