



Office of
the Schools
Adjudicator

Local Authority Report
to
The Schools Adjudicator
from

Suffolk County Council Local Authority
to be provided by
31 October 2023

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**Please email your completed report to: [Office of the Schools Adjudicator](#) by
31 October 2023 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 of 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.
2. **This year's report must cover the 2022/2023 academic year and be submitted to the Office of the Schools Adjudicator (OSA) by 31 October 2023.**
3. Please note that, in response to feedback on the draft template, changes have been made to section 2C of this template.
4. Please also note that the OSA and Department for Education are planning a small project to ensure that the report is as useful as possible to local authorities, the OSA, DfE and others. As a result of this, there are likely to be changes made to the template for the 2023/2024 academic year.

Guidance on completing the template

5. We have included all the guidance on completing specific parts of the template in this section. 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.
6. 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.
7. Guidance on specific questions and/or meaning of specific terms in this report:
 - a. "in-year admissions": This means admissions (that is children admitted to a school and not applications for places):
 - i. 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 primary school); and

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

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

- ii. after the end of the statutory waiting list period (31 December) to a year group which is a normal year of admission for the schools concerned (such as Year R and Year 7).

b. Not applicable means at questions:

- i. Section 1: B.i. - B.iv. that there were no children falling within the relevant definition.
- ii. Section 2: Ai - iv that there were no children falling within the relevant definition.
- iii. Section 2: B.i. that there were no children falling within the relevant definition.
- iv. Section 2: C.v. that there were no children falling within the relevant definition.

8. 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.

9. 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 points 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:

Generally, the co-ordination of the main admissions rounds works well.

However, we continued to experience issues with some schools that operate their own admissions policy, where they ranked their applications incorrectly and needed assistance to rectify this prior to the Local Authority (LA) making and resolving offers.

Year 8 – Due to the closure of Suffolk’s two remaining middle schools in August 2023, we ran an additional transfer group for those students attending one of these schools as they needed to transfer to another school for Year 8 in September 2023. This generated several applications with preferences for schools where Year 8 is not the normal intake year. As the year groups were already full, these applications were refused.

In June 2023, after the allocation of Year 7 places had been made to one of our secondary schools, the Academy Trust announced that the school will be closing in August 2024 and that they would not be accepting an intake into Year 7 from September 2023. We wrote to the small number of parents/carers who child/ren had been offered a Year 7 place asking them to reapply. All were offered alternative school places, but this had an impact on school travel and parents/carers competing for limited local places at such a late stage in the summer term.

Year 3 Junior – Only one of the four junior schools was oversubscribed. Due to the very small number of schools and applications the co-ordination worked 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. 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 & 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. We continue to work with mainstream settings to ensure they understand the statutory duties in respect of this.

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 placement 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 2023 including for those children of reception age in the new school year.

Section 2 - In-year admissions

A. 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 does 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 the **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:

Suffolk County Council only co-ordinates in-year admissions for community and voluntary controlled schools.

Problems arise when some own admission authority schools do not respond in a timely way to applications. By neither refusing or accepting the request, the Local Authority has no way of knowing that the application has been made and are unable to support. We now have several examples of where this has led to carers and adopters simply giving up on the application and making an application to another setting. This can arise for any applicant, not only 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.

These processes build in delay to in-year admissions for vulnerable children. We do not enter into protracted discussions and resolutions are as swift as possible. However, refusals of in-year admissions for looked after and previously looked after children are increasing and are impacting on placement stability. Carers expect the process of securing a school place to be easier than it is, and the additional challenge can add to what is already a highly challenging set of circumstances.

B. 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 continued to strengthen 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.

Children and young people with SEMH as their primary need continue to concern settings and some admissions have been delayed. We have introduced the Education Access Team, a team dedicated to the LAs statutory duties in relation to permanent exclusions, supporting the most appropriate next steps and the identification of suitable provision. Securing a mainstream placement for those who have SEND and have been permanently excluded remains a significant challenge. 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.

C. 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 2022 and 31 July 2023?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	0	4
Foundation, voluntary aided and academies	0	18

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Total	0*	22*

* School admission cases only.

- iv. If you have seen a change in the number of children referred to your Fair Access Protocol between 1 August 2022 and 31 July 2023 compared to the previous academic year please indicate what you consider the key reasons for this change to be?

There has been an increase in referrals due to the number of children being refused a place under paragraph 3.10 of the School Admissions Code. These children often have left a school to be electively home educated and are refused a place when they try to return to a school.

- v. How well do you consider children referred to the fair access protocol are served in in your area?

Not at all well Not well Well Very well Not applicable

- vi. Please provide any comments you wish on the protocol not covered above:

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.

Suffolk has three an In-year Fair Access Panels (IYFAP) that meet 4-weekly across three areas of the county to support hard to place vulnerable children.

Whilst Suffolk County Council understands the pressures schools face to support children with challenging behaviour, and the excellent work they do to manage this within school, it is fair to say that the IYFAP process is becoming more difficult to manage, particularly in respect of the growing number of students who have been permanently excluded. This has been exacerbated by some difficulties in securing places at pupil referral units in some areas.

Whilst students are discussed with school leaders at IYFAP and decisions are made by the Chair, some schools then decide after the meeting to refuse admission for the student. This can lead to some students being out of school for a significant period of time and the Local Authority then having to secure longer term alternative provision for the student.

D. Directions

How many directions did the local authority make between 1 August 2022 and 31 July 2023 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

E. Other points on in-year admissions

- i. For the schools for which the local authority co-ordinates in-year applications, in the year between 1 August 2022 and 31 July 2023 did you receive

- Significantly fewer applications than last year
- slightly fewer applications than last year
- about the same
- slightly more than last year
- significantly more than last year

- ii. For what proportion of schools in your area did the local authority co-ordinate in-year admissions during the 2022/2023 academic year

- None
- All
- Some but less than or equal to half
- More than half but less than all

- iii. If you wish, please provide any comments about how **well in-year admissions** works for children who are **not** looked after or previously looked after and/or do not have SEND:

We only co-ordinate in-year admissions in Suffolk for community and voluntary controlled schools.

The Local Authority's Admissions Team processes all in-year applications for community and voluntary-controlled schools within the 15 school days, as set out within the School Admissions Code (SAC), paragraph 2.30. This process works well.

Most schools for which the LA is not the admission authority provide the LA with details of all applications and their outcomes. However, it is still our experience that some do not provide this information which remains a safeguarding concern for us.

Most schools for which the LA is not the admission authority provide us with details of the number of places available at their schools. However, some schools continue to ignore the LA's requests for this information, or the LA experiences long delays and several requests have to be made before this information is received.

iv. If you wish, please provide any other comments on the admission of children **in-year** not previously raised (you may wish to include here any comments about cases where it has not proved possible to find places for children):

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. The LA, whilst we can have a conversation with the school, has no power to ensure the applications are processed and all families are treated fairly and consistently within the law.

Schools are continuing to make background checks and taking account of information from previous schools when determining an application which contradicts the School Admissions Code (SAC), paragraph 1.9 (g).

Many secondary 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. Some of these schools do not advise the LA of the number they are 'capping' at which makes it difficult for the LA to know the availability of places in these schools. This creates unnecessary delays in the process for a child who may be without a local school place. 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 the LA now has some parts of the county with no places in Years 9, 10 and 11. 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. School budget pressures may also be another reason for 'capping' in-year groups.

Admission Authorities must 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 have areas of the county where there are no school places, mostly at secondary level and in Years 9 to 11. This is because year groups are either full or they have been 'capped' to appear full. Some families moving into the county are struggling to find an in-year school place within a reasonable distance from their home and are often out of school for a significant period of time.

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

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?

Local authorities need more powers to challenge decisions made for schools which the LA are not the admissions authority. LAs should have powers to challenge and resolve unlawful practices, such as when an admission appeal is upheld and the school refuses to admit the student. Children should not be left without a school place because a school for which the LA is not the admission authority is not acting in accordance with their funding agreements or not compliant with the School Admissions Code and School Admissions Appeals Code. The process does not support the most vulnerable families who do not have the wherewithal to navigate what is a complex landscape.

We were notified in June 2023 that one of our secondary schools was closing in August 2024 and would not be accepting any in-year admissions in the 2023/2024 school year. Parents/carers of all students on roll in Years 8, 9 and 10 from September 2023, were written to and encouraged to apply for an alternative school place. Unfortunately, despite liaising closely with local schools/academy trusts, there are limited places at the local schools for all these children. This has caused families additional stress trying to apply and appeal for school places. The demand for local school places is also having an impact on the School Travel budget. We are working closely with the school that is closing to ensure that all families are supported through this process.

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2024.

Thank you for completing this template.

Please return to [Office of the Schools Adjudicator](#) by 31 October 2023