



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Suffolk County 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.

29/01/2019

- 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.

14/03/2019

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

<https://www.suffolk.gov.uk/children-families-and-learning/schools/school-places/admissions-to-schools-in-suffolk-for-the-20202021-school-year/>

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?	12	4

vi. Please provide any comments on the determination of admission arrangements not covered above.

Several schools sent through revised arrangements when they had not consulted to change them, many through not understanding the process, even though we advised all schools for which the local authority is not the admission authority of the consultation process and relevant dates. These schools did not realise there was a timescale or statutory process, most did not understand the impact of changing the content.

One primary school has included attendance at the school's nursery as an oversubscription criterion which could disadvantage parents and carers who do not want to or cannot send their child to the nursery, therefore leaving them with little or no chance of getting a place at the school. An objection has been sent to the Office of the Schools Adjudicator.

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:

Schools for which the Local Authority (LA) is not the Admissions Authority (AA) were taking into account information that had not been provided by the parents to rank applications. This was predominantly an issue with secondary schools ranking siblings. It appeared that the schools were running their own reports to identify sibling connections rather than using the sibling data provided by the parents on the application. However, it is important that all applicants are treated fairly and equally and therefore a school should only use the data provided through the co-ordinated arrangements. In response to this, the LA may offer to provide some training for schools for which the LA is not the AA.

Some schools for which the LA is not the AA did not understand their own oversubscription criteria which led to applications being ranked incorrectly. Where the LA found obvious errors, the schools were advised to re-rank their applications. However, the LA cannot be certain that AAs have ranked their applications correctly. It is not the LA's responsibility to check another AA's application rankings, however, we felt some level of responsibility in terms of ensuring fairness for all applicants.

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 – Years 3, 5 and 9			X	

vi. Please give examples to illustrate your answer:

Generally, the co-ordination worked well for primary and secondary transfers. However, lack of understanding of oversubscription criteria and not taking into

account information provided by the LA meant that rankings had to be revised, in some cases several times. This was time consuming and placed the LA at risk of not meeting key dates for co-ordination. It is the responsibility of schools for which the LA is not the AA to ensure they have ranked their applications correctly. However, once an error had been found, this places a layer of responsibility on the LA to check and have a basic understanding of every admissions policy and to pick up any anomalies.

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

- 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.

³ 'Not applicable' will only be appropriate if there are no children falling within this definition.

- 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.

We would always wish to support vulnerable children. However, the DfE's advice does not demonstrate how this could be applied or evidenced fairly, clearly and objectively – a fundamental principle of school admissions. It would therefore be open to challenge and could potentially disadvantage another vulnerable child.

We have decided to wait for changes to the School Admissions Code so that such a change to the oversubscription criteria has a legal basis.

- 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**:

The systems in place are effective and widely understood. All looked after and identified previously looked after children gain places at their preferred school at the normal point of admission.

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:

For children with EHC Plans, the LA is receiving greater numbers of responses to formal consultations required under the SEND Code of Practice 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. Whilst the LA challenges where appropriate to do so, in some cases where discussions have taken place between the schools and families, the families' confidence in the school's ability to meet their child's needs are lost and they then request an alternative, and or specialist placements. The requirements for schools to admit children with an EHC Plan as specified in the Children and Families Act 2014, and the emphasis on them to evidence that they cannot make reasonable adjustment needs to be reinforced.

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? (please specify)

- iii. Do you know the number of in year admissions to secondary schools in your area? Yes No

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.

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)

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

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

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

iii. Please provide any comments on the co-ordination of in year admissions if you wish.

Following the change to the School Admissions Code (SAC) which removed the requirement for LAs to co-ordinate in-year admissions, the LA stopped co-ordinating in-year admissions for schools for which it is not the AA from the 2015/2016 school year.

A number of issues have arisen since that time and the LA has some increasing concerns relating to how in-year admissions are managed by schools for which the LA is not the AA. These include:

- Schools making background checks and taking account of information from previous schools when determining an application which contradicts the SAC, paragraph 1.9 (g).
- Some schools for which the LA is not the AA do not provide the LA with details of all applications and their outcomes as set out in the SAC, para 2.22. We do not know the availability of places at some of these schools because they refuse to provide it and so we cannot comply fully with the SAC, para 2.21.
- 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. This is a safeguarding concern.
- Some schools do not operate fairly, consistently or transparently. The LA is concerned that schools for which it is not the AA turn parents away without providing the correct advice about applying for a place, even if they are 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 a safeguarding concern. Often these are the most vulnerable families who already find it difficult to engage with the education system.
- Some schools for which the LA is not the AA are increasingly 'capping' their in-year groups. Currently, this applies to 17 of Suffolk's 44 secondary schools which would traditionally have had places available for in-year applicants. 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.

AAs 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. 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 an academy's funding agreement. Parents can experience significant delays in securing an in-year school place for their child. In addition, there could be the unintended consequence of an increase to the LA's School Travel costs.

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

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:

When a previously looked after child or looked after child is refused admission to an academy within our borders, the LA 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's Headteacher writes to the CEO of the academy giving notice of our intention to seek direction as per 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.

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.

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

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

- 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:

For children with EHC Plans, the LA are receiving greater numbers of responses to formal consultations required under the SEND Code of Practice 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. Whilst the LA challenges where appropriate to do so, in some cases where discussions have taken place between the schools and families, the families' confidence in the school's ability to meet their child's needs are lost and they then request an alternative, and or specialist placements. The requirements for schools to admit children with an EHC Plan as specified in the Children and Families Act 2014, and the emphasis on them to evidence that they cannot make reasonable adjustment needs to be reinforced.

When children are admitted, generally schools will work to support the children to the best of their ability. Where this is not the case, Suffolk has an 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 etc.

E Other children⁸

- i. How well served are other children when they need a new school place in year?

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

⁸ Other children are those not looked after, previously looked after or with special educational needs and/or disabilities.

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:

We do not co-ordinate in-year admissions and so do not have a clear oversight of how well schools for which the LA is not the AA manage their in-year admission arrangements.

We believe that most schools operate fair admissions procedures, particularly for pupils who do not have any additional needs or challenging behaviour, and that they accept and process admission applications in a reasonable time. However, parents contact us from time to time to raise concerns or seek our support.

Based on information received from parents, we understand that some families experience difficulties and delay in securing a school place:

- When a school is full it may turn a parent away without giving them an opportunity to apply. This means that the parent will not be given the right to appeal for a place.
- Some schools do not process all applications in a timely manner, if at all. This could lead to a child being out of school for longer than should be necessary and in some cases may lead to children missing education or safeguarding issues.
- Parents apply to individual schools separately and may be refused several places. If schools do not send us details of the application and its outcome, we are unlikely to be aware that the parent is seeking a school place and so are unable to intervene. This can be a particular issue for vulnerable families.
- The availability of school places in areas, particularly where schools have capped the size of some of their in-year year groups, may mean there are no local places available or significantly limit parental preference. This could also impact on the LA having to fund school travel to an alternative school some distance from the pupil's home.
- Some schools make background checks when they receive an application and may use this information to refuse a place even though they do not know the child and have places available in the year group. This does not comply with the School Admissions Code.
- Anecdotally we are aware some schools appear to engineer parents to electively home educate their child and then refuse to offer a place if the parent re-applies. These are some of our most vulnerable pupils who need to be supported by our education system and not let down by it.

A significant issue is that there would seem to be no simple recourse for parents who have been refused a school place unlawfully. We have raised this with the ESFA on a number of occasions on behalf of parents. However, the ESFA's response is that the parent should appeal. This is not good enough as making an appeal can be a daunting step for parents and they would not necessarily understand the complexities of school admissions to understand if their application had been dealt with correctly, or how to challenge this. Furthermore, vulnerable

families may not have the ability to take such action and this may lead to our most vulnerable children missing education.

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:

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	5	0
Foundation, voluntary aided and academies	3	10
Total	8	10

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.

The Fair Access Protocol is under review and schools are currently being consulted on proposed changes which have been co-produced with some school senior leaders.

Please see the response to question E: Other Children.

⁹ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

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

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. N/A				

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. N/A	

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	0	0	0	0

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

G. Any other comments on the admission of children in year not previously raised.
These have already been covered.

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	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
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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

tiebreaker) for admissions in 2020?			
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	N/A
Service premium	0	0	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	0	N/A

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	N/A
Service premium	0	0	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	0	N/A

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?

983

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

We believe challenging pupils are being encouraged to leave school before they are excluded on the pretext of being Electively Home Educated (EHE). However, our evidence suggests that several families did not understand what this would mean for them and have not been able to make adequate arrangements for learning and so have re-applied for a school place.

During the school year 2018/2019, 12% of cases involved those known to have been fixed term excluded, prior to becoming EHE. Of these cases 20.8% became EHE within a month of receiving their last fixed term exclusion. There are also cases where pupils have become EHE as their parents wish to avoid the risk of an exclusion. The EHE team are made aware of this when parents choose to communicate it with us. This team is currently reviewing and developing the way in which information linked to exclusions and EHE can be tracked to inform future actions to be taken.

The EHE team do not have an exact figure of the number of cases where parents did not feel they had all the information they required to make an informed choice about EHE. However, this is increasingly the case and during an EHE parental drop in this week, 75% of parents in attendance wished to identify a school to return their child to and had not been in a position to make an informed choice to EHE. Parents report that they find it extremely difficult to establish if an academy school has a place for their child or not and that travel to a school with a placement can be a barrier. The EHE team have increased training sessions being delivered to school leaders to ensure that they are providing parents with accurate information about EHE prior to roll removal. Again, the team are looking at ways in which they can capture the views of parents in order to inform practice.

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?

This has already been covered.

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