



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Suffolk County Council Local Authority

to be provided by

30 June 2021

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**Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2021 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.

2. This template requests the same information as that set out in the revised template we sent on 15 April 2020:

- a) information about how admission arrangements in the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen;
- b) an assessment of the effectiveness of Fair Access Protocols and co-ordination in their area, including how many children were admitted to each school under them.

3. We should 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.

4. In the template last year we did not ask about the determination of admission arrangements because of continued constraints on local authorities. Again, we have not asked for that information this year, but we intend to return to this area in future years given the importance of determination and checking compliance of all admission authorities. It is a key role for the local authority's leadership to encourage schools to determine arrangements in line with the provisions in the Code.

5. 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.

6. 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.

7. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2021**.

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

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

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. However, there are a growing number of schools who are now using software that does not appear 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). This has meant that the schools have had to produce manual lists of oversubscription rankings instead. This has added to the workload of the Admissions Team at what is already a busy time, as they must enter this data manually – this also adds a layer of risk to the process if this was to be done incorrectly. To ensure the data is entered correctly there are checks put in place but again these are additional tasks that take time.

Secondary – Generally the co-ordination of the main admissions round worked well. However, several schools, with their own admissions policy, ranked their applications incorrectly and needed assistance to rectify this prior to the Local Authority (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 must be the responsibility of the own admission authority schools to check and validate their rankings.

Junior and Middle Schools – All schools were undersubscribed and due to the very small number it worked very well.

B. 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 2022 for adopted children previously in care abroad. 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. We will comply with the School Admissions Code (May 2021) that is currently laid before Parliament to include adopted children previously in care abroad from September 2021, subject to parliamentary procedure. We will amend our School Admissions Arrangements for 2022/2023 and, as this is a mandatory requirement of the Code, we note that we will not need to seek a variation from the Schools Adjudicator.

- vi. If you wish, please give any 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**:

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.

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

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.

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 continue to experience high numbers of requests for specialist placements for September 2021 including for those children of reception age in the new school year.

Section 2 - In-year⁴ admissions

A. Co-ordination of in-year admissions

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 (31 December) in normal years of admission.

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

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 Local Authority (LA) is not the admission authority do not provide the LA with details of all applications and their outcomes, as set out in the School Admissions Code (SAC), para 2.22. 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 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.

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 in a reasonable time 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).

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.

B. Looked after children and previously looked after children

i. How well 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 applicable⁵

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 applicable⁵

iii. How well 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 applicable⁵

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

Not at all Not well Well Very well Not applicable⁵

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 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 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 one case this required the process of seeking a direction to be taken to the point where the academy was directed. The school then accepted, and the process took 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,

⁵ 'Not applicable' will only be appropriate if there are no children falling within this definition.

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 Not well Well Very well Not applicable⁵

- 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 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.

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

D. Fair access protocol

- i. Has your fair access protocol been agreed⁶ 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 2020 and 31 March 2021?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	0	1
Foundation, voluntary aided and academies	1	13
Total	1	14

- 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 applicable⁷

v. Please make any relevant comment on the protocol not covered above if you wish:

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.

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

⁶ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

⁷ 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

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 2022.

We had issues with one of the boxes within the template and so made the font smaller on one of the replies.

Thank you for completing this template.

Please return to OSA.Team@schoolsadjudicator.gov.uk by 30 June 2021