



Office of  
the Schools  
Adjudicator

**Local Authority Report**

**To**

**The Schools Adjudicator**

**From**

**Brent Local Authority**

**30 June 2018**

**Report Cleared by (Name & Title): Brian Grady, Operational Director,  
Safeguarding, Partnerships and Strategy**

**Date submitted: 29<sup>th</sup> June 2018**

**By (Name & Title): Michael Rollin, Admissions and School Organisation  
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**[www.gov.uk/government/organisations/office-of-the-schools-adjudicator](http://www.gov.uk/government/organisations/office-of-the-schools-adjudicator)**

Please email your completed report to: [osa.team@osa.gsi.gov.uk](mailto:osa.team@osa.gsi.gov.uk) by **30 June 2018 and earlier if possible**

## Introduction

Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief 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 issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2018**.

The report to the Secretary of State for 2017 highlighted that at the normal points of admission the main admissions rounds for entry to schools work well. The Chief Adjudicator expressed less confidence that the needs of children who need a place outside the normal admissions rounds were so well met. In order to test this concern, local authorities are therefore asked to differentiate their answers in this year's report between the main admissions round and in year admissions<sup>1</sup>. The order of this template for the annual report by local authorities reflects this.

## Information requested

### 1. Normal point of admission

#### A. Determined arrangements

- i. Please specify the date your local authority determined its arrangements for admissions in 2019 for its voluntary controlled and community schools. Please state if this question is not applicable as there are no voluntary controlled or community schools in the local authority area.

27/02/2018

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website. Say if not applicable.

28/02/2018

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<sup>1</sup> 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.

iii. What proportion of arrangements for own admission schools was provided to the local authority by 15 March?

Not applicable    None    Minority    Majority    All

	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
iv. How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	0	0	0
v. If, when you considered arrangements for own admission authority schools for 2019, you had any concerns about Code compliance, please indicate which paragraphs of the Code you thought were mainly being breached.			
vi. Further comment: please provide any comments on the determination of admission arrangements not covered above.  The local authority responded with queries to two own admission authority schools during the consultation phase of their admission arrangements.			

## B. Co-ordination

i. Provision of rankings: what proportion of own admission authority schools provided their rankings correctly undertaken by the agreed date?

Not applicable    None    Minority    Majority    All

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
ii. Reception				✓
iii. Year 7				✓
iv. Other relevant years of entry				✓

v. Please give examples to illustrate your answer:

Although not all schools met the ranking deadline, we were able to resolve any issues very quickly. Generally all schools in Brent are used to the main round allocation process, and we did not experience any major issues with co-ordination for 2019.

### C. Looked after and previously looked after children

i. How well do admission arrangements 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 well do the admission arrangements in other local authority areas serve the interests of your looked after children at normal points of admission?

Not at all    Not well    Well    Very well    Not applicable

iii. How well do admission arrangements 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

iv. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

All schools give priority to Looked After and Previously Looked After children and rank correctly to give these children the appropriate priority.

### D. Special educational needs and disabilities

i. How well served are children with disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school at normal points of admission?

Not at all    Not well    Well    Very well    Not applicable

ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs at normal points of admission?

Not at all    Not well    Well    Very well    Not applicable

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

Children with an EHCP receive support from the Special Education Needs Assessment Service (SENAS) in Brent to identify a school in the normal round of admissions. These children are outside of co-ordination but Brent's admissions team work closely with colleagues in SENAS to ensure that these children are placed appropriately, and to also ensure that an appropriate referral is made if a common application form is received for a child with an EHCP.

Children without an EHCP benefit from all community schools and some own admission authority schools having a social/medical criteria, which will give priority to a child if it is adequately demonstrated that a school is best equipped to meet their needs.

## 2. In year admissions

**A. The number of in year admissions.** We are asking for two years' data for comparative purposes. If you do not have the data for the year 1/9/16 to 31/8/17 available, please still provide the data for 1/9/17 to 31/3/18.

i.	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/3/18	617	234
Number of in year admissions between 1/9/16 and 31/8/17	967	370
The reasons for children seeking in year admission will vary across the country. What do you consider to be the main reasons in your area?	Children moving to the local authority from other areas within the country or from abroad.	Children moving to the local authority from other areas within the country or from abroad.

ii. The Code requires the setting of a published admission number (PAN) for each normal year of entry. In the annual reports for 2017 several local authorities referred to problems in relation to in year admissions when schools which are their own admission authority refuse to admit applicants even if the year group concerned contains fewer children than the relevant PAN suggested could be accommodated. This was referred to sometimes as 'capping' in-year admissions and local authorities observed that it reduced the number of places available below that anticipated by the local authority. Please comment on your experience as a local authority.

Where schools in Brent start the academic year with a cohort more than one form of entry lower than the PAN in the normal round admission year, they often only staff to accommodate the number of children on roll. When this is

the case, schools can be reluctant to admit in-year for organisational reasons. In the primary phase, this can be because they do not have sufficient staff or have arranged class groups and do not want to disrupt children by establishing a new class. This is not a concern in Brent as there are sufficient spare primary places.

At secondary level, Brent works with schools with vacancies to assess likely in-year demand, so that they organise year groups with this in mind. However, there have been situations where schools have not agreed to take up to their admissions number once they deem year groups to be full, even though the number on roll is lower than PAN. This presents a challenge to the Local Authority and requires on-going negotiations. It can also mean that own-admission authority schools take a long time to admit children offered a place.

## B. Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools does the local authority delegate responsibility for in year admissions?

- a) Primary:     Not applicable     None    Minority     Majority    All  
b) Secondary:  Not applicable     None    Minority     Majority    All  
c) All-through:  Not applicable     None    Minority     Majority    All

d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?

Not applicable

ii. For what proportion of own admission authority schools does the local authority co-ordinate in year admissions?

- a) Primary:     Not applicable     None    Minority     Majority    All  
b) Secondary:  Not applicable     None    Minority     Majority    All  
c) All-through:  Not applicable     None    minority     Majority    All

### C. Looked after children and previously looked after children

d) What do you consider are the advantages and disadvantages of the local authority co-ordinating in year admissions (where applicable)?

Co-ordinating in-year admissions gives local authorities greater flexibility to make offers quickly, particularly where children cannot be placed at a preference school. It also allows authorities to better manage safeguarding responsibilities as they are immediately aware of when applicants do not have a current school, or when they reject an offer and remain as children missing education. On occasion, parents can be disadvantaged when a local authority co-ordinated offer has been made, but when a school has later advised that they will not admit the pupil on the grounds of poor behaviour.

i. How well do in year admission arrangements in your local authority area serve the interests of looked after children?

Not at all    Not well    Well    Very well    Not applicable

ii. How well do the in year admission arrangements 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 well do in year admission arrangements in your local authority area serve the interests of previously looked after children?

Not at all    Not well    Well    Very well    Not applicable

vii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

Schools in Brent and in other local authority areas are increasingly reluctant to place looked after children on roll where they do not have a vacancy, citing prejudice as the reason for refusing to admit. This creates delay and additional work for admission officers to secure a school place on behalf of a looked after child. The School Admissions Code could be clarified to make it clear that looked after children should be admitted via the in-year process regardless of whether the school is full or not.

### D. Children with disabilities and children with special educational needs

- i. How well served are children with disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school when they need to be admitted in year?

Not at all  Not well  Well  Very well  Not applicable

- ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs when they need to be admitted in year?

Not at all  Not well  Well  Very well  Not applicable

- iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

A minority of schools are reluctant to admit children with disabilities and/or special educational needs, but without an education health and care plan. The schools advise that they are not able to meet the needs of individual children, despite the SEND Code of Practice making clear that schools have a duty to make reasonable adjustments to accommodate all pupils with additional needs. This creates additional work for Admissions Officers to secure a school place on behalf of the child.

### E. Other children

- i. How well served are other children when they need to be admitted in year?

Not at all  Not well  Well  Very well  Not applicable

- ii. Paragraph 3.12 of the Code - several local authorities referred to paragraph 3.12 in their annual report for 2017 stating that this was being used "*inappropriately*" by some admission authorities. Please could you comment on your experience as a local authority:

Some secondary schools are increasingly reluctant to admit any pupils in-year until they have carried out a full background check, including gathering reports from previous schools on behaviour and attendance. Where a child has a history of fixed or permanent exclusions, schools can refuse to admit the children and have to be reminded that they have a duty to refer any refusals for consideration under the fair access panel.

## 3. Fair Access Protocol



A. Has your Fair Access Protocol been agreed with the majority of state-funded mainstream schools in your area?

- Yes for primary  
 Yes for secondary

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

C. How many children have been admitted or refused admission under the Fair Access Protocol to schools in your area between 31 March 2017 and 31 March 2018?

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community and voluntary controlled	0	0	0	0
Own admission authority schools	0	22	0	6
Total				

D. If a number of children have not secured school places following the use of the protocol, please indicate what provision is made for these children.

The local authority commissions alternative provision for children who were not placed in a mainstream school following a Fair Access Panel discussion.

E. 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 applicable

F. Please explain your answer giving examples of good and poor practice, successes and difficulties as appropriate.

Brent's Fair Access Panel gives appropriate consideration for each child brought for discussion and identifies the most suitable provision based on need.

The local authority has been made aware of some pupils having a delayed

entry following an allocation and is working with individual schools to ensure that children are admitted as soon as possible.

#### 4. Directions

A. How many directions did the local authority make between 31 March 2017 and 31 March 2018 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.

The local authority would only seek a direction as a last resort and after all other avenues of communication have been exhausted in its attempt to secure a placement for a child.

C. How many directions did the local authority make between 31 March 2017 and 31 March 2018 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.

Not applicable

E.

How many requests to the ESFA to direct an academy to admit a child did the local authority	How many children were admitted to school as a result of the request for a direction by the local authority to	How many requests were outstanding as at 31 March 2018?

	make between 31 March 2017 and 31 March 2018?	the ESFA between 31 March 2017 and 31 March 2018?	
For primary aged children (not looked after)	0	0	0
For primary aged looked after children	0	0	0
For secondary aged children (not looked after)	0	0	0
For secondary aged looked after children	0	0	0
<p>F. Please add any comments on the authority's experiences of requesting directions.</p> <p>Not applicable</p>			

<p>G. Any other comments on the admission of children in year.</p> <p>The local authority would welcome clearer direction in the School Admissions Code relating to in-year admissions:</p> <ul style="list-style-type: none"> <li>• clarity that schools must admit when vacancies are available</li> <li>• clarity that schools cannot refuse to admit on the grounds that they are unable to meet the needs of a child with disability or special education needs</li> <li>• clarity that the published admission number for a normal year of entry is expected to continue through the school into later years for each cohort.</li> </ul>
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## 5. Pupil, service and early years pupil premiums (the premiums)

A. How many community or voluntary controlled schools in the local authority area will use a premium as an oversubscription criterion for admissions in 2019?	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
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Pupil premium	0	N/A	N/A
Service premium	0	N/A	N/A
Early years pupil premium	0	N/A	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	N/A	N/A

B.		How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2019?	Total number of own admission authority schools using at least one of the premiums in their oversubscription criteria for 2019
Primary including middle deemed primary	Early years	4	4
	Pupil	3	
	Service	3	
Secondary including middle deemed secondary	Pupil	0	0
	Service	0	
All through	Early years	0	0
	Pupil	0	
	Service	0	
C. Do you have any further comments on the use of premiums?			

## 6. Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2018?

236

B. Any comments to make relating to admissions and children electively home educated?

A number of parents choose elective home education when their children's behaviour has been raised as a concern by schools, often without a full understanding of how to provide home education. In some cases they apply for a new school place straight away. This places pressure on the admissions and fair access processes as schools are often reluctant to accept children who they deem should either be receiving support from their original school or a pupil referral unit.

## **7. Other matters**

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

The local authority would welcome a revised version of the School Admissions Code which addresses the government's previous announcement surrounding summer born admissions and clarifies how Looked After and Previously Looked After children should be treated, particularly for in-year admissions or when a school is full.

## **8. Feedback on the Local Authority Report template**

In previous years we have asked for feedback on the process of completing the template in the following November to inform what is asked in the following year. We are aware that it may be easier to provide feedback on providing information for the annual report at the time rather than later. We would therefore be grateful if you could provide any feedback on completing this report to inform our practice for 2019.

No difficulty was encountered completing this report.

Thank you for completing this template.

Please return to Lisa Short at [OSA.Team@osa.gsi.gov.uk](mailto:OSA.Team@osa.gsi.gov.uk) by 30 June 2018