



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Brent Local Authority

to be provided by

30 June 2019

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www.gov.uk/government/organisations/office-of-the-schools-adjudicator

**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.

14/01/2019

- 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.

28/02/2019

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

<https://www.brent.gov.uk/services-for-residents/education-and-schools/information-about-admissions/admissions-criteria/>

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?	0	0
vi. Please provide any comments on the determination of admission arrangements not covered above. The local authority made no objections to any admission arrangements consultations for Brent or other local authority schools for 2020.		

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:

Although not all schools met the ranking deadline, we were able to resolve any issues very quickly.

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				X

vi. Please give examples to illustrate your answer:

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. There are always minor issues that need to be investigated and/or resolved in every co-ordination round, however we have established protocols to deal with these eventualities.

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

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

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.

30

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.

N/A

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.

Although the local authority has introduced this priority in its community school arrangements for 2020, it would be helpful for parents, and avoid confusion, if the Admissions Code could be revised to make this a requirement for all schools to include.

- 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**:

It is sometimes difficult to clearly establish if children from other local authority areas meet the criteria of being looked after or previously looked after, however, regular discussions and agreements about information sharing are carried out at the tri-annual London Inter Authority Admissions Group (LIAAG) meetings.

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:

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.

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

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.

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

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

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

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

The local authority co-ordinates the in-year admissions for 8 out of 32 own admission authority primary schools and 8 out of 15 own admission authority secondary schools. From a safeguarding perspective, it would be better if the local authority was required to co-ordinate in year admissions for all schools to minimise the chances of children falling through the gaps in the admissions process.

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

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

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

- 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:

The local authority would welcome further clarification in the Admissions Code relating to in year arrangements for looked after and previously looked after children. Paragraph 2.14 suggests that these children must take precedence over those on a waiting list and paragraph 3.12 suggests that these children must be admitted if a school has vacancies, but there is no specific requirement that these children must be admitted in all circumstances. This can make negotiations with a school difficult where they may be refusing to admit a looked after or previously looked after child on the grounds that they are full.

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:

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.

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

E Other children⁸

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

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:

Some secondary schools are 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. This can cause delays to the admission of pupils arriving in the area.

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	0	0
Foundation, voluntary aided and academies	0	43
Total	0	43

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

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

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

Not at all
 Not well
 Well
 Very well
 Not applicable¹⁰

Please make any relevant comment on the protocol not covered above.

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

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.

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 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.

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

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 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?	0	0	0	0
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.				

<p>G. Any other comments on the admission of children in year not previously raised.</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"> • clarity that schools must admit when vacancies are available • 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 • 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.

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 tiebreaker) for admissions in 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	0	N/A	N/A
Pupil premium	0	N/A	N/A
Service 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 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	3	N/A	N/A
Pupil premium	2	0	N/A
Service premium	2	0	N/A

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

Total number of schools using at least one premium in their oversubscription criteria	3		
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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?

233

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

Due to the high proportion of electively home educated children being referred to the Fair Access panel, having only recently left a mainstream setting, our Fair Access Panel have agreed to place these children back in their previous school unless there are circumstances which would mean this would be inappropriate.

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?

The local authority would welcome a revised version of the School Admissions Code, particularly as a number of requests from the DfE (regarding summer born children and children adopted from state care outside England) are unsupported by legislation or the code, which creates a postcode lottery for parents

The local authority would also welcome further clarity and regarding in-year admissions in general and the requirement for schools to admit when there are vacancies, as well as clarity over the admission of looked after children and previously looked after children when a school is full, and whether they have a right to admission in the same way as a child with an education, health and care plan naming a school. This is particularly relevant as the current code only stipulates that looked after children should be prioritised ahead of children on a waiting list, suggesting they should not be included on a waiting list, (even though faith schools can give a lower priority for non-faith looked after applicants) and that they cannot be considered at fair access panels, suggesting that they should be admitted regardless of whether a school has vacancies or not.

Section 7 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2020.

No difficulty was encountered completing this report.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2019