



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From
Haringey Local Authority

30 June 2018

**Report Cleared by (Name & Title): Eveleen Riordan, Joint Assistant Director
Schools and Learning**

Date submitted: 29 June 2018

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Please email your completed report to: 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 admissions¹. 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.

13/02/2018

- 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.

21/02/2018

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

Not applicable None Minority Majority All

¹ 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.

| | 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. There have been no concerns this year. A number of schools have been asked to update their websites in relation to the requirement set out in paragraph 1.47. These schools have either not published their admission arrangements on their website or do not display the correct up to date arrangements. | | | |
| vi. Further comment: please provide any comments on the determination of admission arrangements not covered above. | | | |

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 | | | | X |
| iii. Year 7 | | | | X |
| iv. Other relevant years of entry | | | | X |
| v. Please give examples to illustrate your answer: | | | | |

The Pan London co-ordinated process continues to work well and is successful in achieving its aims of eliminating multiple offers, simplifying the application process and increasing the number of pupils who receive an offer from one of their preferred schools.

The operation of national offer days for both primary/junior and secondary admissions provides significant benefits for applicants who wish to apply for local and out of borough schools, by providing a clear, streamlined approach for the application process and reducing the stress and anxiety of having to wait for results from different local authorities issued on different dates.

The Pan London co-ordinated process also provides an efficient way for local authorities to release and offer places in a timely manner following national offer day, encouraging local authorities to work collaboratively across borough boundaries to track pupils effectively through shared robust business processes.

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:

Highest priority is given to looked after and previously looked after children in the admission arrangements for all maintained schools and academies in the area. These children are typically offered their highest preference at normal points of admission. In a small number of cases, some are being disadvantaged because faith schools can give priority to children of the faith over looked-after and previously looked after children not of the faith. The Code should be revised to ensure that more looked-after and previously looked after children are able to access outstanding and good faith schools.

We have encountered difficulties with collecting information relating to the status of previously looked after children. Where a child is previously looked after we ask for a copy of the adoption, child arrangements or special guardianship order and documents or a letter showing that the child was previously in care. In some cases, parent/carers do not have access to these documents or the relevant local authority no longer retain any record of the child.

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.

Where children with an Education Health and Care Plan or a statement of special educational needs names the school, we will work with SEN colleagues to ensure that the child is admitted in line with the requirements of the Code at paragraph 1.6. For the secondary transfer phase, we have had difficulties in previous years with an academy admitting child(ren) with EHCPs where the academy is named as the school in the EHCP. The LA has previously written to the EFA on this matter.

Parent/carers of children who have disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs may apply for admission under the social/medical criterion. Parent/carers are asked to submit written professional evidence to confirm that there is an exceptional medical or social need and that the specified school is the only school that can meet the defined needs of the child. A panel of officers meet to determine whether the evidence provided is sufficiently compelling to meet the above requirements.

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 | We received in-year applications from 1256 children. We are unaware how many of these were admitted however we could undertake further analysis if you would like more in depth information on this | We received in-year applications from 798 children. We are unaware how many of these were admitted however we could undertake further analysis if you would like more in depth information on this |
| Number of in year admissions between 1/9/16 and 31/8/17 | We received in-year applications from 2092 children. We are unaware how many of these were admitted however we could undertake further analysis if you would like more in depth information on this | We received in-year applications from 1222 children. We are unaware how many of these were admitted however we could undertake further analysis if you would like more in depth information on this |
| 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? | With older secondary aged children especially, a large percentage of the reasons given for making an in-year application is due to the child being at risk of permanent exclusion at their current school. This is often couched in terms such as needing a "fresh start". We also find that bullying is a factor often cited by parents. | |

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.

We are aware of a small number of own admitting authority schools which have decided to restrict the number of children they wish to admit in-year despite previously setting a PAN which would suggest they can accommodate more children. They have referred to this as 'capping.'

These schools claim that it is legally permissible under the provisions of the Code, which only requires admission authorities to set a published admission number for the normal year of entry. More clarity on this from the DfE would be helpful as we have strong concerns that these own admission authorities *may not* be giving parents the right of appeal when refusing a place. This practice is also resulting in parents not being offered their first preference and other schools admitting a disproportionate number of children. For example, our roll returns for our all-through school reveals they have admitted only 9 Secondary and 1 Primary in-

year applicants since September 2017 despite consistently having many more vacancies through the year.

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)?
N/A

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

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

The process would be improved significantly if the LA were responsible for full coordination across all schools in our area. There are no disadvantages – whilst we have tried to minimise any confusion and frustration for parents choosing to apply for places at schools who have opted out of in-year co-ordination, it has still proved confusing due to the different application processes.

Also, whilst only a small number of own admission authority schools have decided not to participate in in-year co-ordination, it is still difficult for the LA to determine whether these schools are fulfilling their safeguarding and other duties of notifying the LA of any unplaced children who have been refused a place. Frequently the LA does not have sight of any unlawful practise taking place, however, there is anecdotal evidence to suggest ‘cherry picking’ and parents not being informed of the reasons for refusal or their right of appeal. In the small number of instances where we have become aware that this has happened, we have challenged schools and pointed to the relevant part of the Code and advised families of their right of appeal. However, we believe that a co-ordinated in-year process would significantly improve process and equity for our families.

C. Looked after children and previously looked after children

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:

Highest priority is given to looked after and previously looked after children in the admission arrangements for all maintained schools and academies in the area. Where an in-year application is received for a looked after child who is out of school and the school is full, we will ask the school to go over their planned admission number.

We will always try to meet the first preference for looked after and previously looked after children, to ensure the best possible outcomes, even if this means occasionally asking a primary school to exceed 30 pupils in an infant class.

In a very small number of cases placing a child in years 10 or 11 has been more challenging as a result of the shortage of school places across the borough and the complexities associated with integrating children at such a late stage in KS4. However, the needs of our looked after children are paramount in placing them into a school or appropriate setting efficiently and appropriately.

We have not had to use our powers to direct a school to admit a looked after or previously looked after child as our schools have always co-operated in admitting without delay.

We have, however, experienced some difficulties in placing Haringey looked after children in other local authority areas, where there is delay and drift in places being offered. In some cases this is related to children that require an alternative provision or a place in a PRU due to the lack of provision in their home authority. Some Local Authorities have told us that they do not have a suitable provision for Haringey Looked After children living in their area. These cases are escalated to a senior manager and the issues tend to be resolved successfully following negotiations with the relevant local authority.

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:

Where children with an Education Health and Care Plan or a statement of special educational needs names the school, we will work with SEN colleagues to ensure that the child is admitted in line with the requirements of the Code at paragraph 1.6.

Parent/carers of children who have disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs may apply for admission under the social/medical criterion. Parent/carers are asked to submit written professional evidence to confirm that there is an exceptional medical or social need and that the specified school is the only school that can meet the defined needs of the child. A panel of officers meet to determine whether the evidence provided is sufficiently compelling to the meet the above requirements.

The admission of these children to school also falls within the scope of our in-year fair access protocol (IYFAP). These children can be referred to the in-year fair access panel for allocation and take precedence over those on any waiting list.

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:

We have not experienced this as a local authority and we have challenged schools that have refused to admit children with challenging behaviour. These cases are escalated to a senior manager and the issues tend to be resolved successfully following negotiations with the school.

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 | 5 | 64 | 0 | 1 |
| Own admission authority schools | 2 | 132 plus 51 children placed into alternative provision placements via the panel | 0 | 0 |
| Total | 7 | 196 plus 51 children placed into alternative provision placements via the panel | 0 | 1 |

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.

If children are not placed into a school via the IYFAP panel then usually this will be because either the panel considered that the child's circumstances did not fall under the provisions of the IYFAP protocol and that they should continue attending their current school, or the panel considered that the child would be best served by allocating them a placement at an alternative provision. We have placed 51 children into alternative provisions between March 2017 and March 2018, and have a wide range of provisions available to suit the individual needs of each young person.

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.

Overall the application of the Fair Access Protocol has been very successful in ensuring that pupils without a school place are placed quickly. Our mechanisms for implementing our Fair Access Protocol have proved particularly effective this year, both at primary and secondary phase.

Where schools have sought to refuse admission Haringey has sought a local resolution and where necessary met with the head teacher of the school concerned to set out the provisions of the protocol, to illustrate the transparency and equity with which these young people are shared across all schools, and to work with the school concerned to secure admission.

We monitor the length of time it takes to admit pupils and where there is a significant delay, for whatever reason, we ask a representative from the relevant school to provide an update at the next meeting. The sharing of data with head teachers has ensured the process is seen to be fair and open to scrutiny and challenge by peers.

Our previous difficulties with a secondary Academy that refused to participate in the fair access protocol have now been largely resolved and this has resulted in improved representation at meetings from this Academy and a lower frequency of challenges against children allocated to the Academy by the panel.

The LA has continued to commission alternative provision for some Year 10 and 11 learners. A number of schools have also allowed Year 11 students who are new to the borough to join in Year 10, effectively allowing them to be educated out of their chronological age group as it was determined that this was in the best educational interests of the child.

We have occasionally had Haringey children come to IYFAP who have been "off rolled" from schools outside of the borough without having a school place to go to.

We challenge those schools (or the LA if it is a maintained school) where this occurs.

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. N/A | | | | |

| | |
|--|-----------------------------|
| 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. N/A | |

| | | | |
|--|---|--|---|
| E. | How many requests to the ESFA to direct an academy to admit a child did the local authority make between 31 March 2017 and 31 March 2018? | How many children were admitted to school as a result of the request for a direction by the local authority to the ESFA between 31 March 2017 and 31 March 2018? | How many requests were outstanding as at 31 March 2018? |
| For primary aged children (not looked after) | 0 | N/A | N/A |

| | | | |
|--|---|-----|-----|
| For primary aged looked after children | 0 | N/A | N/A |
| For secondary aged children (not looked after) | 0 | N/A | N/A |
| For secondary aged looked after children | 0 | N/A | N/A |
| F. Please add any comments on the authority's experiences of requesting directions. N/A | | | |

| |
|---|
| G. Any other comments on the admission of children in year. None |
|---|

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 |
|---|---|---|-------------|
| Pupil premium | 0 | 0 | 0 |
| Service premium | 0 | 0 | 0 |
| Early years pupil premium | 0 | N/A | 0 |
| Total number of schools using at least one premium in their oversubscription criteria | 0 | 0 | 0 |

| 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 |
|-------------|---|--|
| Early years | 0 | 0 |

| | | | |
|---|-------------|---|---|
| Primary including middle deemed primary | Pupil | 0 | |
| | Service | 0 | |
| Secondary including middle deemed secondary | Pupil | 0 | 0 |
| | Service | 0 | |
| All through | Early years | 0 | 0 |
| | Pupil | 0 | |
| | Service | | |
| 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?

204

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

The School Admissions Service and Elective Home Education co-ordinator work collaboratively to ensure that all electively home educated children are recorded as far as is possible. Our Elective Home Education co-ordinator has reported that parent/carers are choosing to home educate for several reasons –

- Not satisfied with the school (education/teachers).
- Not happy with the progress that their child is making.
- Some families take their children out of school to avoid permanent exclusion.
- Some families take their children out of school to avoid prosecution for failing to ensure regular attendance.

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?

None

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.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2018