



Office of  
the Schools  
Adjudicator

**Local Authority Report**

to

**The Schools Adjudicator**

from

**Haringey Local Authority**

to be provided by

**30 June 2020**

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**Date submitted: 30 June 2020**

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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@schoolsadjudicator.gov.uk](mailto:osa.team@schoolsadjudicator.gov.uk)  
by 30 June 2020 and earlier if possible**

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## Introduction and guidance on completing the report – Revised April 2020

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. This is a revised template issued in the light of the Covid-19 pandemic.
2. This template requests local authorities only for:
  - a) information about how admission arrangements in the area of 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 would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release<sup>1</sup> and the Education Middle School (England) Regulations 2002<sup>2</sup>.
4. Local authorities are, of course, free to comment on any other matters not specifically addressed in this template if they wish to do so under section 3. The views expressed by local authorities in previous years also remain a matter of public record.
5. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2020**.

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<sup>1</sup> [Department for Education Statistical First Release](#)

<sup>2</sup> [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: <p>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.</p> <p>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.</p> <p>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.</p> <p>Each year there tends to be a small number of primary and secondary schools that don't submit their ranking list within the agreed date. This places an unnecessary burden on officers having to chase own admission authority schools for lists and also increased pressure in ensuring that rankings are entered before the iterative process begins. In some cases, there were also small inaccuracies in ranking this year, but these were quickly resolved with intervention from the LA following our compliance checks.</p>				

#### 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 applicable<sup>3</sup>

- 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 applicable

- 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 applicable<sup>3</sup>

- 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 applicable<sup>3</sup>

- v. Priority in admission arrangements for 2021 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.

Our admission arrangements for 2021 do not currently prioritise adopted children previously in care abroad. It has been Haringey's view, in line with many other LAs, that there is risk of challenge to admission authorities that introduce priority before a legislative change which clarifies exactly which children must receive priority and how such priority may be evidenced in order to ensure parity with those from the English care system and equitable treatment across all admission authorities.

The DfE are currently consulting on introducing a change to align the provisions within the Code applying to previously looked after children (PLAC), to those previously looked after in state care outside England. We are happy to update our admission arrangements to reflect this mandatory change if and when it takes effect.

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

- vi. If you wish to 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**:

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 very small number of cases, some will be disadvantaged because faith schools can give priority to children of the faith above 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 'Good or 'Outstanding' faith schools

We have encountered some 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's previously looked after status. We anticipate that we will encounter similar and perhaps even more pronounced difficulties with evidence gathering relating to previously looked after in state care outside England if this takes effect. We will be asking the DfE to provide absolute clarity on what evidence admission authorities can accept to meet this requirement.

### **C. 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:

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.

## **Section 2 - In-year<sup>4</sup> admissions**

### **A. Co-ordination of in-year admissions**

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

Co-ordination of in-year admissions would be improved significantly if it were mandatory for LAs to be responsible for full co-ordination across **all** schools. 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 still proves confusing due to the different application processes.

Whilst only a small number schools for which the Local authority is not the admission authority 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 centrally co-ordinated in-year process would significantly improve process and equity for families.

The proposed changes to the Code in the government consultation seek to clarify admission authority and local authority responsibilities in relation to managing the in-year admission and Fair Access Protocol (FAP) processes. Some of the changes put forward by the DfE are welcome, however, they don't go far enough to eradicate the issue above which only full central co-ordination will resolve.

### **B. 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 applicable<sup>5</sup>

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<sup>4</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 after the end of the statutory waiting list period (ie 31 December) in normal years of admission.

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

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 applicable<sup>6</sup>

iii. How well does your **in-year 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 applicable<sup>6</sup>

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 applicable<sup>6</sup>

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:

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 looked after or previously looked after 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 these children at such a late stage in KS4.

The needs of our looked after and previously looked after children are paramount and we do successfully manage to place them into an appropriate school or alternative provision. Furthermore, 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

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



suitable provision for Haringey looked after children living in their area. These cases are escalated to senior management and the issues tend to be resolved successfully following negotiations with the relevant local authority.

### 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 applicable<sup>6</sup>

- 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 about **in-year admissions** for children with special educational needs and/or disabilities:

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 meet the 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.

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

There have been a small number of cases where schools have refused to admit children with challenging behaviour, and we challenged these schools. These

cases are occasionally escalated to senior management and the issues tend to be resolved successfully following negotiations with the school.

#### D. Fair access protocol

i. Has your fair access protocol been agreed<sup>7</sup> 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 2019 and 31 March 2020?

Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	3	38
Foundation, voluntary aided and academies	0	85
Total	3	123

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 applicable<sup>8</sup>

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

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.

<sup>7</sup> An existing protocol remains binding on all schools up until the point at which a new one is adopted.

<sup>8</sup> 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

It is very rare for Haringey schools to refuse admission for pupils allocated a school place through the fair access protocol. In the one or two cases this has happened, we have sought a local resolution and where necessary met with the headteacher 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 delay, for whatever reason, we ask a representative from the relevant school to provide an update at the next fair access meeting. The sharing of data with headteachers has ensured the process is seen to be fair and open to scrutiny and challenge by peers.

The LA has continued to commission Alternative Provision for some Year 10 and 11 learners. A number of schools have also enabled Year 11 students who are new to the borough to join in Year 10 as it was determined that this was in the best educational interests of the child.

**E.** Any other comments on the admission of children **in-year** not previously raised if you wish.

### **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?

N/A

### **Section 4 - Feedback**

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2021.

Thank you for completing this template.

Please return to Lisa Short at [OSA.Team@schoolsadjudicator.gov.uk](mailto:OSA.Team@schoolsadjudicator.gov.uk) by 30 June 2020