



Office of
the Schools
Adjudicator

LOCAL AUTHORITY REPORT

TO

THE SCHOOLS ADJUDICATOR

FROM

Brighton & Hove Local Authority

30 JUNE 2013

Report Cleared by: Michael Nix

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Date submitted: 30 June 2013

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Please email your completed report to: OSA.TEAM@OSA.GSI.GOV.UK
Introduction

1. Section 88P of the School Standards and Framework Act 1998 requires Local Authorities to make an annual report to the adjudicator.
2. The School Admissions Code (the Code) at paragraph 6 sets out the requirements for reports by local authorities. 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 local issues.
3. The remit letter from the Secretary of State for Education to the Chief Schools Adjudicator also makes reference to additional matters on which he wishes to have a report included in the Chief Adjudicator's annual report. Rather than undertake a separate exercise in which information is sought from local authorities, you are asked to include any relevant information in your report to the adjudicator.

Completing the Template

This template is designed to be completed electronically - boxes will expand as necessary.

Throughout this report, please include middle deemed primary schools as for pupils up to age 11 and middle deemed secondary schools as for pupils over 11.

Where type of school is given; foundation covers foundation schools and foundation schools with a foundation (trust schools). Academy covers all types of Academy schools (Academies, Free Schools, University Technical Colleges and Studio Schools).

Local Authority school numbers

Please give the total number of schools by type within your local authority as at 30 June 2013.

Type of School	Number of schools		
	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Total number of Schools
Community	38	6	44
Voluntary Controlled	0	0	0
Voluntary Aided	15	1	16
Foundation	0	0	0
Academy	1	2	3
Total	54	9	63

Admission Arrangements for Admissions in September 2013

Please provide details of how the admission arrangements for schools in your local authority serve the interests of the groups of children listed below. Please include details of any problems that have arisen for these children while allocating places for admissions in September 2013 [the Code paragraph 3.23 a) refers].

Looked after children: The council gives the highest priority for children in care as required by the Admissions Code. Where necessary it has negotiated with schools to take pupils above the published admission number (PAN) for in year applications. This no longer results in the need to take qualifying measures in Key Stage 1 as the 2012 Admissions Code does not require this.

Previously looked after children: These children have been given the highest priority along with looked after children, as required by the new Admissions Code.

Children with disabilities: Where the nature of a disability , special educational need or medical condition makes a compelling case for admission to a particular school but there is no Statement of Special Educational Need then the council will give priority for admission under its exceptional circumstances admission priority. The council asks for independent evidence of the need for priority admission and can call upon the Consultant Community Paediatrician for advice on medical evidence, and on other professionals if the request for priority is not based on medical need. This priority does not apply to many voluntary aided schools in the area, although some do include a similar priority within their own published admission arrangements.

Children who have special educational needs

- i) Have a statement of special needs that names a school:
Children with statements have priority for admission as required in the Admissions Code and have been allocated places at preferred schools for 2013/14
- ii) Have special needs, but do not have a statement: as Children with disabilities above.

Fair Access Protocol

The Code at paragraph 3.9 requires each local authority to have a Fair Access Protocol agreed with the majority of schools in its area. Paragraph

3.11 of the Code requires that all admission authorities must participate in the Fair Access Protocol.

- a) Please confirm that your local authority has a Fair Access Protocol that has been agreed with the majority of schools in your area.

Tick as appropriate: Yes No

If **NO**, please explain:

- b) Although a majority of schools, and perhaps all, will have agreed the Fair Access Protocol, some may not have done so; please state how many schools have not agreed the Fair Access Protocol.

Type of School	Number of schools that have not agreed Fair Access Protocol	
	Schools for pupils up to age 11	Schools for pupils over age 11
Community	N/A	N/A
Voluntary Controlled	N/A	N/A
Voluntary Aided	N/A	N/A
Foundation	N/A	N/A
Academy	N/A	N/A
Total	N/A	N/A

- c) Where schools did not agree the Fair Access Protocol; please say why they did not agree.

- d) Have you reviewed your Fair Access Protocol since the School Admissions Code 2012 was introduced?

Tick as appropriate: Yes No

- e) If YES, please briefly outline the process for the review and include any significant changes that have been made to your protocol.

The review is still underway and the new protocol has yet to be formally agreed although it is broadly similar to the previous protocol and encompasses more groups of students than before. It codifies the process more effectively but does not represent a substantial change as our protocol has worked well for a number of years now.

f) If NO, do you plan to do so in 2013/14?

Tick as appropriate: Yes No

If **NO** explain why:

g) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2012/13 in placing children without a school place in schools in a timely manner. Include details of i) any specific problems that have been encountered in applying the protocol; ii) examples of particularly effective collaboration and working.

General Assessment:
It has been particularly successful as a means of placing secondary age pupils moving into the area who would otherwise have difficulty in securing a local place. This has been achieved through the continuing co-operation of secondary headteachers in exceeding published admission numbers where necessary.

At the time of writing the primary school headteachers are considering adopting a model to ensure the equitable distribution of behaviour based managed moves and permanent exclusions similar to the model which is currently working successfully in our secondary schools. Schools continue to be supportive of the protocol and to fulfil their obligations under it. Far more secondary pupils are placed through the protocol than primary. Brighton & Hove operates a fortnightly secondary BAP group which includes representatives from each secondary school , a representative from the PRU and officers with responsibility for behaviour policy and school admissions. Its main function is to adjudicate on cases which cannot be resolved through established admission processes or which are unusually complex. It also examines measurable outcomes of pupil movement into and out of the city, and operates as an opportunity for peer review of behaviour policy and practice within schools. A similar model is in the process of being set up at primary school level.

i) Any specific problems.
At primary level the existence of the class size legislation is a barrier to equitable distribution of challenging children.

ii) Examples of particularly effective collaboration and working.
The secondary BAP group operating as above is very effective

h) How many children have been admitted to each type of school in the area under the protocol? How many children have been refused admission to a school?

Type of School	Number of children admitted		Number of children refused admission	
	Schools for pupils up to age 11	Schools for pupils over age 11	Schools for pupils up to age 11	Schools for pupils over age 11
Community	0	92	0	3
Voluntary Controlled	0	0	0	0
Voluntary Aided	0	21	0	0
Foundation	0	0	0	0
Academy	0	4	0	3
Total	0	117	0	6

i) If children have not been placed successfully in a school through the protocol, have you used the direction process to provide a place for a child?

Tick as appropriate: Yes No N/A

j) If YES, how many children have been placed and in which type of school as a result of a direction, including a direction via the Secretary of State or after a referral to the Adjudicator?

Type of School	Number of children placed	
	Schools for pupils up to age 11	Schools for pupils over age 11
Community		
Voluntary Controlled		
Voluntary Aided		
Foundation		
Academy		
Total		

k) Please add any other relevant information you wish to include in this section concerning Fair Access Protocols, for example, have you used the guidance issued by the Department for Education in November 2012 and has it proved useful?

Co-ordination of admissions

A) During the normal admissions round:

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2013 in your local authority highlighting any

particular strengths in the process and any problems.

Primary: As before the coordination arrangements in the LA have worked well, with inevitable minor issues on information exchange with some own admission authority schools, all of which were resolved satisfactorily. Arrangements for pupils living outside the city seeking Brighton & Hove places were conducted effectively with only minor issues which were all resolved. Good cooperation with neighbouring local authorities resulted in the timely allocation of out of city places where they could be offered.

Secondary: As above.

B) In-year admissions:

- a) How many requests for in-year admissions have been received since 1 September 2012?

Number of in-year admissions	
For pupils up to age 11	For pupils over age 11
1422	530

- b) Please comment on the effectiveness of in-year admission arrangements in your local authority.

In year admissions are managed very effectively in Brighton & Hove to ensure that all children requiring a place outside the normal admission rounds are placed as quickly as possible.

- c) From September 2013 in-year admission arrangements do not have to be co-ordinated by the local authority. Have you discussed with the own admission authority schools in your area the option of continuing to co-ordinate in-year admissions?

Tick as appropriate: Yes No

- d) Will the local authority continue to co-ordinate in-year admissions for all schools in your area?

Tick as appropriate: Yes No

- e) If NO, how many own admission authority schools have elected to manage their own in-year admissions?

As yet, none, although discussions are ongoing.

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Admission Appeals

a) Please provide details about the number of appeals lodged for admissions in September 2013.

	Number of Appeals					
	Lodged	Settled	Withdrawn	Heard	Upheld	Not Upheld
Pupils up to age 11	58	2	4	17	0	17
Pupils age 11-16	136	15	8	111	29	82
Pupils over age 16						
Date up to which this information applies	25/6/13	25/6/13	25/6/13	25/6/13	25/6/13	25/6/13

Please note there will be an opportunity to update this data up until 31 August 2013 - the update form is attached as an appendix so that you can return separately if you wish at the end of August.

b) Please add any comments about the appeals process in your area.

These figures include only community schools. Sixth form admissions are managed by the schools themselves and figures are not held centrally. There remain 35 appeals to be heard for primary schools and 2 for secondary as at 25/6/13

Other Issues

Paragraph 3.23 of the Code requires each local authority to publish a copy of its report locally by 30 June.

a) Please indicate where or how a copy of the report can be obtained by a member of the public:

Tick as appropriate: Local authority website Hard copy Other

If other please state:

If not published by 30 June please provide details of when and where the report will be published:
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b) Paragraph 3.2 says “local authorities **must** refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are **unlawful**”. Please describe the process that the local authority uses to assess whether the admission arrangements of own authority schools comply with the Code.

These are reviewed by senior officers with many years experience of School Admissions, and legal advice sought where needed.

c) If any arrangements were thought not to be compliant, what action has the local authority taken to ensure own admission authority schools have admission arrangements that comply with the Code?

Dialogue with the schools as part of the consultation process has, we believe, ensured compliance from all schools in the local authority area.

d) Are there any secondary schools in your area that give priority for attending named feeder primary schools?

Tick as appropriate: Yes No

e) If YES, are you satisfied that attendance at the named primary school(s) does not introduce what is in effect a pre-condition for gaining a place at the secondary school?

Tick as appropriate: Yes No

Please comment if appropriate:

Local Authority Issues

Please provide details of any other issues that you would like to raise and comment on that are not already covered in this report.

Remit Letter from the Secretary of State for Education to the Chief Adjudicator

The Secretary of State has asked that the Chief Adjudicator's annual report includes an assessment of the impact in local areas of having more own admission authorities and any implications for parental choice.

Does the local authority carry out any investigations into the impact for parents of having many or most or all schools in an area that are their own admission authority?

Tick as appropriate: Yes No

If **YES**, what was the outcome of the investigation: As part of our reviews of admissions and school places we have looked at the potential impact schools which are their own admission authority have on the distribution of places within the city. Three CE Schools take a proportion of local children and we are pursuing this approach with others as we look to expand in the Hove area.

If **NO**, are there any plans to monitor the impact for parents of having an increasing number of own admission authority schools:

If the admission arrangements of individual schools are all considered to be lawful, is there any difficulty for parents in securing a place at a local school?

Tick as appropriate: Yes No

If **YES**, has the local authority considered what might be done to overcome any difficulties: There is significant demographic change in the central parts of the city, in particular in Hove. Despite the provision of over 12 forms of entry in primary school places since 2013 and plans for a further 5 fe in 2014, we anticipate that there will continue to be challenges for the local authority to guarantee a place at a local school for all children aged 4+ in the areas of highest demand.

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