



**Office of
the Schools
Adjudicator**

**LOCAL AUTHORITY REPORT
TO
THE SCHOOLS ADJUDICATOR
FROM
Brighton & Hove Local Authority**

30 JUNE 2014

Report Cleared by: Michael Nix

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Date submitted: 26 June 2014

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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. There are other matters concerning admissions, some suggested by local authorities, about which it would be useful to have a view. 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. For schools that have children of primary and secondary age and are not designated as a middle school please record them as all-through schools.

Where a type of school is given, foundation covers foundation schools and foundation schools with a foundation (trust schools). Academy schools should be recorded by the individual type of academy school, namely, academy, free school, UTC or studio school.

1. Local Authority school numbers

Please give the total number of schools by type within your local authority as at 30 June 2014.

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	37	6	0
Voluntary Controlled	0	0	0
Voluntary Aided	15	1	0
Foundation	0	0	0
Academy	1	2	0
Free School	1	1	0
UTC	N/A	0	0
Studio School	N/A	0	0

2. Admission Arrangements for Admissions in September 2014

The Code at paragraph 3.23 requires that each local authority must report on how well the admission arrangements for state-funded schools (of all types) in its local authority area 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 2014, for example any admission arrangements for own admission authority schools that could be interpreted as implying the school has some discretion over the admission of children who have a statement that names the school or looked after children and previously looked after children other than the permitted exceptions.

(a) How well are the interests of **looked after children** served?

Tick as appropriate: Fully In part Not satisfactorily

Comments: 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.

(b) How well are the interests of **previously looked after children** served?

Tick as appropriate: Fully In part Not satisfactorily

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

(c) How well are the interests of **children with disabilities** served?

Tick as appropriate: Fully In part Not satisfactorily

Comments: 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 case 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.

- (d) How well served are **children who have special educational needs and who have a statement of special needs** that names a school?

Tick as appropriate: Fully In part Not satisfactorily

Comments: Children with statements have priority for admission as required in the Admissions Code and have been allocated places at preferred schools for 2014/15

- (e) How well served are those **children who have special needs, but do not have a statement?**

Tick as appropriate: Fully In part Not satisfactorily

Comments: as Children with disabilities above.

3. Co-ordination of admissions

A) During the normal admissions round

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2014 in your local authority highlighting any particular strengths in the process and any problems.

Primary

- (a) How well has the first year of operating the national offer day for primary places worked compared with when there was no specified national offer day?

Tick as appropriate: Better The same Less well

- i) Any strengths of the new procedure?

Comments: Very similar to previous years as we have always tried to co-ordinate offer dates with neighbouring local authorities.

- ii) Any problems encountered this year?

Comments: National offer day fell in the Easter holidays, which created some additional time pressure in being able to inform schools of the children offered places before parents were told and in some cases meant that schools were unable to be advised of the children offered places until after parents had already been told.

Secondary

(b) How well has the operation of national offer day worked for secondary admissions this year?

Tick as appropriate: Better than last year
The same
Less well than last year

i) Any strengths?

Comments:

ii) Any problems?

Comments: There is some confusion about whether offers should be issued at the weekend where automated systems make this possible. In Brighton & Hove we took the view that offers should be issued on the first working day of March, however other authorities interpreted the code differently. Further clarification would be helpful.

(c) If you have any UTCs or studio schools in your area, do you co-ordinate admissions for entry at the relevant year group of entry to these schools?

Tick as appropriate: Yes No N/A

If **YES**, please explain how well the admissions process is working for these schools:

If **NO** do you have any evidence about how well the admission process is working for individual UTCs or studio schools?

Tick as appropriate: Yes No

If **YES**, please comment

B) In-year admissions

From September 2013 in-year admissions have not had to be co-ordinated by the local authority.

- (a) How many **pupils** have needed a school place because they do not have one or parents have applied for a place as an in-year admission for any other reason between 1 September 2013 and 15 June 2014?

For pupils up to age 11	For pupils over age 11	For Sixth Forms
1272	504	N/A

- (b) Did you discuss with community and voluntary controlled schools the option of continuing to co-ordinate in-year admissions?

Tick as appropriate: Yes No

Comments: In Brighton & Hove we consulted on continuing to co-ordinate in year admissions as we have always done this, and individual schools have never been staffed to take on this responsibility. We received no negative responses and have therefore continued to do so. We do not co-ordinate admissions for sixth forms.

- (c) Did you discuss with own admission authority schools the option of continuing to co-ordinate in-year admissions?

Tick as appropriate: Yes No

Comments: In Brighton & Hove we consulted on continuing to co-ordinate in year admissions as the requirements of the code for schools to report places available and to inform the Local Authority of any in-year offers made seemed to require a similar level of commitment from both parties as continuing to co-ordinate. All schools have continued to co-ordinate in-year admissions this year.

- (d) Will the local authority continue to co-ordinate in-year admissions for any schools?

Tick as appropriate: Yes No

If **YES**, for which schools will it co-ordinate in-year admissions?:

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	37	6	0
Voluntary Controlled	0	0	0
Voluntary Aided	15	1	0
Foundation	0	0	0

Academy	1	2	0
Free School	1	1	0
UTC	N/A	0	0
Studio School	N/A	0	0

- (e) If you have any information about how many schools parents approach before obtaining a place, please comment?

Comments: as we continue to co-ordinate this is not applicable.

- (f) How confident are you that the requirements of the Code at paragraph 2.22 for schools to keep the local authority informed about applications and the outcomes are being met?

Tick as appropriate: Very confident confident not confident

- (g) Across your local authority area how well have in-year admissions worked this year?

Tick as appropriate: Better than last year
The same as last year
Less well than last year

- (h) Please comment on the effectiveness overall of in-year admission arrangements across all types of schools in your local authority.

Comments: Arrangements remain effective, although hampered by lack of places in some areas of the city.

4. 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 for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	0	0	0
Voluntary Controlled	0	0	0
Voluntary Aided	0	0	0
Foundation	0	0	0
Academy	0	0	0
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	0	0

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

Comments: All agreed.

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

Tick as appropriate: Yes No

- e) If **NO**, do you plan to do so in 2014/15?

Tick as appropriate: Yes No

If **NO** please say why not:

- f) (i) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2013/14 in placing children without a school place in schools in a timely manner.

Tick as appropriate: Very well Mostly well Some difficulties

- (ii) What is your general assessment of the working of the protocol compared with last year?

Tick as appropriate: More effective as effective less effective

- (iii) How frequently has the protocol been used to place a child compared with last year?

Tick as appropriate: More frequently same frequency less frequently

- i) Have you had any specific problems in allocating a place through the protocol? For example, where a school has been reluctant to accept a child.

Tick as appropriate: Yes No

Comments: 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.

The primary school headteachers have adopted a similar model to try 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. However this is hampered by the lack of available places as the class size legislation cannot be breached. Furthermore, children at this age need to be placed with their siblings as they need to be accompanied to school by a parent. This leads to schools being unable to admit challenging children when they do not have space for their siblings. Despite this, 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 exists at primary school level but this meets less frequently and only includes representatives from a few primary schools due to the difficulties of covering staff absences at primary level.

- ii) Have you any examples of particularly effective collaboration and working? For example, placing children in year 6 of a primary school or years 10 and 11 of a secondary school.

Tick as appropriate: Yes No

Comments: All of our schools are happy to admit their fair share of pupils via the protocol.

- g) 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	Schools for pupils	All-through schools	Schools for pupils	Schools for pupils	All-through schools

	up to age 11	over age 11		up to age 11	over age 11	
Community	0	37	N/A	0	0	N/A
Voluntary Controlled	N/A	N/A	N/A	N/A	N/A	N/A
Voluntary Aided	0	6	N/A	0	0	N/A
Foundation	N/A	N/A	N/A	N/A	N/A	N/A
Academy	0	1	N/A	0	0	N/A
Free School	0	0	N/A	0	N/A	N/A
UTC	N/A	N/A	N/A	N/A	N/A	N/A
Studio School	N/A	N/A	N/A	N/A	N/A	N/A

- h) 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

- i) 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 EFA on behalf of the Secretary of State or after a referral to the Adjudicator?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community			
Voluntary Controlled			
Voluntary Aided			
Foundation			
Academy			
Free School			
UTC	N/A		
Studio School	N/A		

- j) 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 ([Link to advice](#)) and has it proved useful?

Comments:

5. Admission Appeals

- a) Please provide details about the number of appeals lodged for admissions in September 2014

Lodged	Settled (offered a	Withdrawn (no place	Appeals Heard	Appeals Upheld	Appeals Not

		place through a waiting list or other means - not continuing with appeal)	offered, but not proceeding with appeal)		(a place offered as a result of the appeal)	Upheld (appeal failed, no place offered)
Pupils up to age 11	97	7	N/A	N/A	N/A	N/A
Pupils age 11-16	150	17	5	105	26	79
Pupils over age 16	N/A					
Date up to which this information applies	17/6/14	17/6/14	17/6/14	17/6/14	17/6/14	17/6/14

Please note there will be an opportunity to update this data up until 31 August 2014 - the update form is attached as an appendix so that you can return it separately if you wish at the end of August.

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

Comments:

6. Other Issues

A. Publication of the local authority's report

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 how:

If the report is not published by 30 June please provide details of when and where the report will be published:

Comments:

B. Objections to admission arrangements

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”.

- a) How many sets of admission arrangements of schools were queried by the local authority with schools that are their own admission authority because they were considered not to comply with the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	0	0	
Foundation	N/A	N/A	
Academy	0	0	
Free School	0	0	
UTC	N/A		
Studio School	N/A		

- b) How confident are you that all community, voluntary controlled and own admission authority admission arrangements are now fully compliant with the Code?

Tick as appropriate: very confident confident not confident

- c) How many schools did not send the local authority a copy of their full admission arrangements, including the supplementary information form (or the form by any other name, for example religious inquiry form) if one is used, by 1 May, as specified in paragraph 1.47 of the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	0	0	
Foundation	N/A	N/A	
Academy	0	0	
Free School	0	0	
UTC	N/A		
Studio School	N/A		

C. Fraudulent applications

- (a) Is there any concern in your local authority about fraudulent applications?

Tick as appropriate: Yes No

(b) Did the local authority make any offers on national offer days that were subsequently withdrawn as a result of a fraudulent application?

Tick as appropriate: Yes No

(c) If **YES**, how many for each type of school?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community			
Voluntary Controlled			
Voluntary Aided			
Foundation			
Academy			
Free School			
UTC	N/A		
Studio School	N/A		

(d) What action is the LA taking to prevent fraudulent applications?

Comment: We carry out address checks where necessary and where an allegation is received. Other information is also checked where relevant to the application. We have not identified a major problem; however we have in the past withdrawn offers of places made as a result of erroneous or misleading applications. To date this has not happened this year.

D. Summer born children

The DfE issued guidance in July 2013 “Advice on the admission of summer born children” for local authorities, school admission authorities and parents ([Link to advice](#)). The School Admissions Code at paragraph 2.16 deals with deferred entry and/or part-time attendance for children in the year they reach compulsory school age. Paragraph 2.17 refers to the admission of children outside their normal age group.

(a) Do you keep data for any schools on the number of requests from parents who ask that their child is admitted to a class outside their normal age group?

Tick as appropriate: Yes No

(i) For community and voluntary controlled schools: Yes No

If **YES**, how many requests did you receive for admission to a Reception class for a child who had reached the normal age for Year 1?

Number:

How many were subsequently agreed?

Number:

(ii) For own admission authority schools: Yes No

If **YES**, how many requests were received for admission to the Reception Year for a child who had reached the normal age for Year 1?

Number:

How many were subsequently agreed?

Number:

(b) What reasons, if known, were given for seeking to delay the admission to reception of the child for a full school year?

Comments: We do not keep statistics regarding these requests; however, each case is managed on an individual basis in consultation with the school at which a place has been sought.

Reasons cited by parents include: child born in late August wishing to join younger year group, speech and language delay, unsuccessful in securing a place at preferred school in normal year of entry.

(c) Any other comments the local authority has on the matter of admission of summer born children.

Comments: The guidance has been misinterpreted by parents who believe that they have the right to place their child out of year group if they choose. Although it suggests factors to be considered, no mention is made in this section of the long term implications of placing a child out of year group - particularly the fact that the child will be legally entitled to leave school before the end of their formal education, and the fact that other admission authorities may reach a different decision later on in the child's education. These things are referred to later in the document but only in passing, the implication being that they are unlikely to present a problem.

Deferring admission until Easter in Reception year is also problematic as the children are not on roll at either the October or the January census and consequently do not attract funding which leaves the school out of pocket - schools therefore may try to convince parents to enrol their children earlier than they would wish.

E. Composite prospectus – admission to sixth form

The School Information (England) Regulations 2008, regulation 5 requires the local authority to publish no later than 12 September in the offer year a composite prospectus for primary and secondary schools. Regulation 6 deals with the manner of the publication of the prospectuses and schedule 2 to the regulations details the information to be included in a prospectus.

Schedule 2, paragraph 14 says of what is to be included: *“The determined admission arrangements for the school in relation to each relevant age group at the school (including ages above and below the compulsory school age) and, where the arrangements include a supplementary information form a copy of that form.”*

(a) How were the admission arrangements for admission to the sixth form of schools that admit students new to the school to year 12 included in a composite prospectus for admissions in September 2014?

(i) With the admission arrangements for each school admission to the earlier relevant age group (for example Year 7) for admission?

Tick as appropriate: Yes No

or

(ii) In a separate composite prospectus for the sixth form?

Tick as appropriate: Yes No

or

(iii) Other, please describe how the requirements of the regulations are met.

Comments: Sixth form admissions are advertised on each schools website at the moment.

(b) If the requirements of the regulations were not met for admissions in 2014, how will they be met for admissions in 2015?

Comments: Our composite prospectus will include links to the websites where this information can be found.

F. Admission Forum

(a) Does your local authority still have an admission forum?

Tick as appropriate: Yes No

If **YES**, which groups, (types of schools and other bodies) are represented on the Admission Forum?

Comments:

How often does this forum meet?

Comments:

What do you see as the key benefits arising from this forum?

Comments:

G. Local Authority Issues

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

Comments:

Thank you for completing this report

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