



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From

Kent County Council

30 June 2018

Report Cleared by: Keith Abbott - Director of Education Planning and Access

Date submitted: 28th June 2018

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

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.

24/01/2018

- 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.

20/02/2018

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

Not applicable None Minority Majority All

	Primary including middle deemed primary	Secondary including middle deemed secondary	All through

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.

<p>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?</p>	<p>4</p>	<p>4</p>	<p>0</p>
<p>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.</p> <p>Where schools interact with KCC in relation to their Admission Arrangements, as required by the Code, these are predominantly found to be in good order, with a good understanding of key requirements and restrictions. KCC has provided guidance and training to schools in relation to these areas of the Code for many years and so a good general level of understanding is present across the LA.</p> <p>Where issues arise, these tend to be limited to schools that have recently become their own admissions authority, or those few but unfortunately growing number of schools that take academisation as an opportunity to stop fulfilling their legal responsibilities and cease interacting with the LA. This often results in schools failing to notify the LA of changes to their arrangements and neglecting to provide versions of determined arrangements until very late in the process, if at all. In these few cases, arrangements tend to include illegal criteria, either expressly forbidden in the Code, or deemed unfair via adjudications.</p> <p>Where Kent identifies issues in these areas, they are resolved directly with the school and legal arrangements are quickly re-established, but this can often be after many parents have been informed of the changes by the schools themselves. This is an ongoing issue expressed by many LAs, and it is unclear if any changes in the Code could materially impact this practice, however, more stringent penalties for failing to consult or provide determined arrangements may help. If own admission authority schools are unable or unwilling to fulfil their responsibilities, it may be prudent to return this authority to the LA.</p> <p>The most prevalent issue in arrangements that KCC sees is in relation to paragraph 14 and the requirement for fair, clear and objective documents. Complex criteria can often be seen by own admissions authority schools as an indication of their popularity, and KCC even interacts with heavily undersubscribed schools that are considering adding more detailed requirements to their arrangements. When these schools are queried as to why they are intending to add to oversubscription criteria which may not even be used, they usually respond that they are doing so to target parents from a particular area that do not usually apply for the school, or a particular sub category of the wider pupil cohort. These are clearly marketing activities, that suggests that some schools view their criteria as more than a way to prioritise applicants.</p> <p>Another issue is that “fair, clear and objective” are subjective terms and this can lead to disagreements between admission authorities and the LA that have no obvious resolution beyond referral to the adjudicator. Where disagreements are minor, this</p>			

approach may be inappropriate, due to the potential it has to damage LA/School relations.

It may be helpful, therefore, for some further guidance on what constitutes unfair or unclear arrangements, so LAs are better placed to manage these conversations locally

Finally, Kent also notes that while arrangements may appear to be in line with the Code at determination, issues can arise where a school's intention does not directly align with their criteria's chosen wording. This can result in lengthy discussions during the small window for ranking, where schools have to be instructed to rank in line with what has been published to parents, rather than what they had intended, which in some instances was so poorly worded it meant something entirely different.

- vi. Further comment: please provide any comments on the determination of admission arrangements not covered above.

KCC continues to have concerns in relation to the timing of arrangements being made available by the ESFA for new schools that are opening during the co-ordinated admissions process with an expectation that they will open for that round's new school year.

The process for opening a new school has little if any regard to the co-ordinated admissions process and arrangements are often finalised after the application window has closed.

While this predominantly relates to new free schools, it can impact schools included in the co-ordinated process and in either case, parents are not given the necessary information in the expected timeframes.

There is no significant barrier for arrangements to be finalised while other work relating to the provision of a new school is ongoing and more attention should be given to statutory timescales.

It is also worrying that many arrangements that have been approved by the EFSA are later identified to have significant failings by Kent and do not meet the minimum requirements of the Code. The LA then faces significant opposition to any suggestions that the arrangements need to be amended, as admissions authorities understandably view them as having had DfE approval.

Earlier interaction with LAs could reduce the frequency of these issues and also allow for the application of local knowledge to ensure that the Code's requirements for fair arrangements are met.

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
<p>v. Please give examples to illustrate your answer:</p> <p>Kent has invested significant time and energy to ensure that the co-ordinated admissions processes run as smoothly as possible and yearly, cumulative changes have ensured that no real areas of concern remain.</p> <p>All Kent schools received yearly training to ensure that new features of the process are understood and this also offers LA representatives an opportunity to address any issues that have historically been resolved but are reappearing, usually as a result of staff turnover in schools.</p> <p>Over the past 24 months, KCC has implemented a new IT system which better supports Kent's Scheme. This system allows the LA to better monitor own admission authority ranking to ensure that arrangements are implemented correctly.</p> <p>In a small number of cases, where ranking issues have not been identified as a result of a lack of LA access to school SIFs and an issue has been identified shortly after National Offer Day, disadvantaged children have quickly been offered the correct school.</p> <p>Kent continues to receive admissions related information from a small number of neighbouring LAs later than would be preferred, but it is understood that this is likely as a result of internal limitations that these LAs have little control over.</p>				

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:

Kent County Council continues to ensure that children in local authority care are afforded the highest possible priority in schools' oversubscription criteria. Kent Voluntary Controlled schools make no distinction in their oversubscription criteria between Looked After Children (LAC) in non-faith families, ranking them before any other criterion is applied. Some Voluntary Aided schools in Kent continue to exercise the right to rank LACs from non-faith families below faith applicants, but in practice, this rarely results in looked after children not being offered a place as they are still considered above all other non-faith children.

KCC has developed strong data sharing processes with all neighbouring LAs, which ensures sufficient evidence is sent and received to support all cross border LAC applications

Kent notes that some schools continue to return to old LAC wording when consulting on changes to their admissions arrangements, but it is expected that this is simply as a result of poor version control within school offices, as schools always return to required wording when prompted.

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

2. In year

iii. Please give examples of good or poor practice or difficulties which support your answer and provide any suggestions for improvement.

For disabled children without SEN or EHCP the admissions oversubscription criteria for the vast majority of schools in Kent afford some priority to children / parents with health and special access reasons where there is a special connection / need for the child to attend that particular school. Some schools which are their own admission authority have not retained this criterion but the LA is not aware of any specific issues that have arisen with disabled children being unable to secure school places.

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	2845	890
Number of in year admissions between 1/9/16 and 31/8/17	5119	1669
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?	There has been an increase in internal migration, developers are transforming old office spaces into accommodation and relaxation of planning law in regard to change of use to provide residential flats in town centres, is prevalent in some areas like Maidstone. Some of these are being bought up by other LA's as housing stock. This has meant there are many new young families moving into Kent without infrastructure funding or time to build the necessary provisions to meet anticipated demand.	

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.

Yes, Kent have experienced this particularly with schools who are undersubscribed in large numbers and have had to restructure class sizes to enable them to work within the confines of their budget.

This causes problems if they become the only remaining school in a district with places available, because they are not in a position staff wise to accept additional pupils.

Ramsgate Arts Primary refused to offer a place to a year 4 pupil, advising the parent that they were supporting too many SEN pupils. The school informed the In year Admissions team that they had reduced their PAN to 16 from 30 and it had been agreed by the Governors, however this had not been consulted upon and was challenged by the Area Education Officer for Thanet, the school had not consulted with the LA.

St Augustine's Academy Maidstone, have been identified as refusing admission, quoting the teaching groups are full although they have vacancies in year groups. This is challenged but parents are often left waiting for weeks until they find something else.

Meopham School (Gravesend) have been known to refuse admission They have a number of year groups below PAN and because of this they structure their classes to work within their budget. Where parents experienced difficulty in securing a school place in that locality, cases were referred to IYFA to ensure pupils were offered a school place whilst also ensuring a fair distribution of additional pupils across local schools. During the current academic year 2017-18, the issue continues in year 10 at Meopham School. Places are available, but the teaching groups are full. Although the school are known to have refused offering a place on casual admission applications, they do accept the pupil if he/she has Fair Access status

B.

C. 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

d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?

The advantage of schools administering their own casual admissions is that time frames between applications and offers are in the majority of instances reduced, as families apply directly to schools in their local area with an expectation that they will receive a response within 10 school days, in some instances immediately, and children can start without delay when schools have vacancies. As the schools hold their own waiting lists, they are able to inform families straight away of available places upon application.

As In Year school places are not co-ordinated or allocated by Kent County Council, parents can apply to any school of their choice, however the parent has to submit a separate application to each individual school. This provides an opportunity for the parent to view the school at the time if they submit the application in person.

The disadvantage is that not all schools follow the statutory guidance set out in the Schools Admissions Code. Kent have identified instances where applications have not been processed appropriately and forms are not returned to the LA advising of the outcome of the application for a school place. We know that some schools are reluctant to accept applications, often advising parents that they are full. This verbal refusal denies the family their right of appeal as they have not been provided with the opportunity to formally apply, leaving a family disadvantaged by the process. By not informing the LA of an outcome of an application, the child may remain unidentified and be missing education. Prior to the processing of In Year Admissions briefly becoming a legal duty on the LA, this worked well with schools seldom abusing this trust. It appears that since it's returned to schools outside of LA control, they are far more likely to mislead parents where they may have places.

It has also been reported that in some cases, the school where the parent has applied, has made enquiries with the previous school prior to making an offer. This further delays the process and, in some cases, where the information received depicts a negative picture of the child, has led to a child not being offered a place at the school applied for, despite the school having places available.

These situations may not come to the attention of the LA until the parent contacts the admissions team for information on other schools with places. This practice is not only unlawful, it also has safeguarding concerns as it can lead to a number of children missing education, leaving the most vulnerable families isolated and deprived of their right to an education, without the Local Authority being aware of their existence.

Some schools continue to refuse to inform the LA of their roll numbers advising that the census data collected is a sufficient form of informing the LA of school place availability. Where schools do not update Kent County Council with their current roll numbers, families moving into the area cannot be informed of the correct number of places available in their local area. We continue to challenge schools on a monthly basis but they will often simply ignore requests. For example, the following schools have not provided up-to-date roll numbers since 2017 (see individual school for dates provided):

Primary:

John Wallis (Ashford) – 27th June 2017
Capel Primary (Tonbridge) – 1st December 2017
Cage Green (Tonbridge) – 20th July 2017
Cliftonville Primary (Thanet) - 20th July 2017
Hawkinge (Shepway) – 1st December 2017
Oaks Academy (Maidstone) – 20th July 2017
Joy Lane Primary (Canterbury) – 25th October 2017
Canterbury Primary (Canterbury) – 27th October 2017

Secondary:

Community College Whitstable (Canterbury) – 3rd March 2017
The Leigh Technology Academy (Dartford) – 6th March 2017
Brockhill Park Performing Arts (Shepway) – 20th July 2017
Folkestone Academy (Shepway) – 21st November 2017
King Ethelbert School (Thanet) – 26th June 2017
Ursuline College (Thanet) – 18th July 2017

d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?cont..

Schools may choose not to comply with the casual admissions process. Those identified are:

Primary examples:

Chantry Academy, who having offered a pupil a place on casual admission application and having offered the child and parent into the school for a tour and to purchase the uniform; they subsequently withdrew the place when they found out the pupil had previously attended a PRU. Chantry Academy were at the time the nearest school with places available in the child's year group; the school is within walking distance to the child's address. When the Senior Access to education Officer in Fair Access approached the head teacher seeking admission of the child concerned and to discuss support that may be available to assist with the child's integration to school, the head teacher directed my enquiry to the CEO of Greenacre Academy Trust. When approached, the CEO's response was that until KCC responded favourably to his demands for a new build there was no way the school would allow the child a place. Chantry Academy not only failed to adhere to the casual admission process but also left a vulnerable child out of school.

Joy Lane Primary School, declined to offer a school place to a parent, having been challenged by the LA as they had not offered the parent the right of appeal, it did go on to offer, advising the LA that a place had then become available.

Secondary examples:

Cornwallis Academy and New Line learning, both based in Maidstone have been identified as refusing admission if the Attendance of the CYP is considered to be low (this can be 79%) the letter they send to parents advises them to contact the LA. This process has meant a CYP could be out of education unidentified as a CME, for an unacceptable period of time as the LA are not informed that the application has been declined, which means the child's absence from school grows and they fall further behind their peers.

Wrotham school declined to admit Children because of previous poor attendance, advising they are accountable to Ofsted.

The Abbey School are often named as having vacancies by the IY team to parents but are very reticent in offering school places quickly, that said, this academic year, the in-year intake of casual admissions has been very high at this school and the area sees lots of migration which is a challenge for the school

C: All-through: Not applicable None Minority Majority All

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)?

Kent is experiencing an increase in internal migration, due to new housing developments and the change of use for town centre businesses which are being converted into living accommodation. Co-ordinating In Year Admissions would enable the LA to capture more expediently, the scale of the increase in pupil numbers in individual localities. The current process in Kent where school places are not available to these families in their immediate vicinity, is that they are advised to contact the LA directly. Where the nearest school with a space is not within a reasonable distance, LA officers work collaboratively with schools to secure school places through the Fair Access Protocol, providing transport where the parent is eligible. Coordinating In Year Admissions would significantly reduce the time children are out of school when moving to a new area.

Academies are increasingly resistant to enrolling pupils with attendance issues or a history of challenging behaviour. The concern about pupils being off-rolled to home educate or simply seeking to move schools for a fresh start being denied admissions warrants a change in stance on this policy area. KCC is capturing the data on these pupils and requesting that they are returned to their previous school, which becomes a revolving door process.

Historically KCC has delegated authority to its schools for admission decisions and this has reduced bureaucracy and enabled children to quickly secure education where there are vacancies. The coordination of in-year in the past caused significant difficulties due to poor response rates from schools when trying to establish if places could be offered. KCC are now of the view that with the greater shift to academy status and school autonomy, the need to coordinate In Year Admissions would be in the best interest of children and families because the issues caused by schools failing to act in accordance with procedures outweighs the negative aspects of the delays that were caused by processing applications.

KCC have recently invested in a substantive database; this significant change would allow Kent to better manage the large volumes of In Year applications that were previously an issue for large local authorities. The LA should also be empowered to make offers on behalf of schools with the need to seek agreement from their admissions authority.

D. 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:

Good practice:

Kent do not co-ordinate In Year Admissions, however Kent offer to facilitate applications for school places for children in care, ensuring that a school is advised of the difficulties that the CiC may have experienced in their previous school, sharing the background information that allows the school to identify strategies that they can put in place to ensure that the CiC is supported appropriately. Where OLA's have approached schools directly and not provided any background information with the school, these places are not successful and the CiC may experience further rejection. The Senior Access to Education Officers facilitate pre-admission meetings, inviting attendance from all the key professionals, where possible to include the previous school. This model of practice ensures the transition into the new school is well planned for the CiC and there is a joined up approach for the child. OLAs are required by Kent to comply with this approach and attend as corporate parent, this provides the school with links to the professionals who are responsible for the child in care and who will be the future point of contact. That said, sadly placing LAs do not always identify suitable education in advance and sometimes place pupils into very deprived and unsuitable areas, making children potentially more vulnerable. Urgent action is needed in this area. The system would benefit from closer monitoring (by Ofsted) of out of county placement practice, the involvement in Virtual school of any such placements and an evidence trail that demonstrates that education professionals were consulted prior to the moves, or indeed that appropriate actions were taken to review placement decisions made in an emergency; if it transpires the facilities needed to meet a child's needs are not available in the areas they have been placed.

Overall, the South Kent schools co-operate with Kent and OLA CiC admissions unless they consider that there is substantial evidence to suggest that the child would not be able to cope in a mainstream setting. The joined up approach between Virtual School Kent, Fair Access and South Kent schools continues to work well. OLAs placing in South Kent continue to seek advice from Kent's virtual school regarding suitability of schools before making contact with Fair Access.

Poor practice:

Placements are secured due to availability of carers and residential home capacity, with little or no regard to the pressures in a locality in terms of levels of deprivation and needs and lack of resources in the community and the capacity to have a positive impact of a vulnerable child.

Thanet continue to see the most challenging cases of CiC; for example, Greenwich applied directly to Northdown primary in Thanet for a school place. The school felt that they were under pressure to offer the place without being able to discuss the perceived needs of the CiC and were unable to plan for the required support for the child. However, the school offered the place immediately without the information they had requested, as they are conscious that they are required to do so and it quickly became obvious that the child was presenting with extreme need. This culminated in a potential PEX after an incident involving the child causing extreme damage to property and the assaulting of staff over a number of hours. During this time the police and Greenwich social services were called however the school felt very unsupported by Greenwich as they were unobtainable during what the school considered to be a crisis moment for other pupils the school and the child in their care. This may have been avoided if an informed pre-admission meeting had taken place facilitated by Fair Access.

Lewisham placed a Looked after year 11 with her 19 year old sister, boyfriend and newborn baby in a one bedroom flat in Thanet. The CiC had previously attended a single sex PRU due to her vulnerabilities around CSE and gang involvement. Lewisham requested she attend the local PRU, however it was felt that not only was the PRU at capacity but the mixed sex environment including some students who were involved in gangs was not an appropriate placement. The care placement had not been planned in advance and suitable education provision for this vulnerable girl was difficult to secure in the locality. Despite Lewisham providing a bespoke education package for this CiC, Kent were pressured into identifying an Education package, however to date the CiC has rarely engaged and has had a number of 'missing' episodes, placing her at further risk of CSE.

Brockhill Park Performing Arts School continue to refuse/push back both Kent and OLA CiC admission requests. The school refer all matters to their solicitors, which the LA considers to be a delay tactic, in the hope the authorities will find places elsewhere in the interim.

It is still the case that placing authorities identify mainstream education places for CiC who present as requiring more specialist support, decisions continue to be made by OLAs around funding as opposed to the needs of the child they are placing in Kent.

It has been identified that more authorities placing in Kent are delegating the task of identifying schools to the foster carers, rather than the home authority's Virtual school advising on the best place for the individual CiC. This has resulted in delays to Admission in some cases, as Fair Access are unaware that the CiC has been placed or a school approached. Evidence shows that a planned school place facilitated by Fair Access officers results in a successful transition to the new school.

Cornwallis & St Augustine's in Maidstone have this academic year refused to admit CiC both Kent and OLA as they consider these CYP require high level of resources with additional support staff/ time. Where CiCs are placed in schools, Senior management are required to attend meetings and PEP's for the child.

There has been an increase in CiC's being placed on the Isle of Sheppey, where there is only one secondary school within a reasonable travelling distance, this places considerable pressures on a school that serves a community within a deprived area of Kent. Oasis Isle of Sheppey Academy is frequently named because the school has capacity in all year groups and as the only mainstream school on the Island. It has a large cohort of CIC on roll. Primary and Secondary provisions in Swale do their utmost to support CIC and those that excel in this field and gain a good reputation for being inclusive, are then victims of their own success. The school are named more regularly and admit greater numbers of CIC, moving into the area from both within Kent and from OLAs. Sittingbourne Community College and Minster-in-Sheppey Primary School are examples of this dilemma.

A possible solution is for a maximum percentage of the school population to be set for the admission of CIC; to enable schools to focus on the cohort of the most vulnerable. Many of these young people present with high level of need and the associated funding is totally inadequate to enable schools to appropriately support these most vulnerable of young people. It would be helpful for Ofsted to recognise and reward the positive practice of inclusive schools, this would ensure that **all** schools improve their practice and pastoral care to meet children's needs. Placing LAs are indifferent when it is explained that single schools can house in excess of 50 CiC. There should be protection in place for those schools that are trying to do right by these often challenging pupils, by removing the powers to direct where a certain proportion of children in the class are identified as vulnerable

Placing authorities are made aware that Alternative Curriculum provision in the District is limited as access to off-site placements within independent provisions do not exist. Due to the lack of opportunities or funding on the Island there is no local college provision and very few large companies to form partnerships with.

Schools are voicing concerns regarding the impact that admitting large numbers of children in care may have on key stage 4 results.

Schools are advising that they are experiencing severe behaviours from CIC, which impacts negatively on all pupils. The experience of the schools is that it proves difficult for the Corporate parent from Other local authorities to attend meetings, particularly when the journey to the meeting exceeds an hour, for example for Torbay social services placing a Child in Care in Kent meant a 10 hour return journey when the corporate parent was required to attend pre admission meeting.

Where the CiC presents with additional need, OLA's are reluctant to offer any additional funding that would enable the CIC to receive the support required for them to have a successful transition into the identified school and the ongoing support required to sustain the school place and allow the CiC to thrive.

E. 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:

F. 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:

A number of these cases have come to the attention of Kent, through the parent contacting our admissions team for advice, the majority however are referred by the schools themselves. Where it is evident the CYP will require substantive support outside of what the school would usually offer, or have a history of behaviour, attendance and exclusion they request that they are presented at IYFA. Kent's Senior Access to Education Officers will present the case at the local IYFA panel for a decision around the education provision to be made.

Examples below:

Ashford:

Towers - Year 10

John Wallis Academy – Year 9, Year 10

The North – 2 x Year 8's, Year 9 (letter sent from LA to admit) and Year 10

Homewood - Year 10 (letter sent from LA to admit)

Dover:

Dover Christ Church Academy - 2 x Year 11s

Astor College - 2 x Year 10s

Goodwin - Year 10, Year 11

St Edmunds - Year 11

Shepway:

Folkestone Academy - 2 x Year 8's, Year 10 and Year 11
Brockhill Park School – Year 8, Year 10 and Year 11

North Kent:

All schools will refer casual admission applications to the In Year Admissions team, when they identify that the young person meets the criteria as “hard to place”.

Thanet:

Hartdown have been supported to take referrals to IYFA panel throughout the last year. Hartdown do always ensure that the referrals fit the criteria for hard to place. The other Thanet Headteachers are supporting the school to share the number of hard to place admissions between all the schools whilst Hartdown have been going through a period of change.

Maidstone:

St Augustine's are known to decline to offer, they also do not inform LA to advise parents to contact the LA for assistance in securing a school place. They are known not to send a refusal letter or provide the right of appeal to parents unless challenged.

New Line Learning inform the LA every time they decline to offer and send a letter of refusal to the parent with an offer of appeal, however the school has vacancies

Cornwallis informs the LA every time they decline to offer and send a letter of refusal to the parent with an offer of appeal, however the school has vacancies

Swale primary schools are less likely to inform the LA of vulnerable “hard to place” children as often there has been no written application made so there can be a delay before the LA are aware of an issue.

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	9	10	0	0
Own admission authority schools	7	351	0	0
Total	16	361	0	0

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.

Primary FAP:
2 chose to EHE / 2 moved out of area / 4 identified as other

Secondary FAP:
3 were inappropriate referrals (1 learner secured a place via appeal, 1 was still on roll of a school so was referred on to the inclusion service and there were plans for the third learner to move to Kent but this did not proceed)
9 Moved out of area before taking up offer of a place
9 Chose to EHE
5 are being supported by CME to engage with the identified provision

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.

Kent updated the IYFA Protocol in 2018, it was in the main welcomed and received support from 358 of the 555 schools it was sent out to. However there has been challenge from one Secondary school. They have not raised any detailed issue with the protocol but take exception to it being revised without a formal consultation. The Schools Admissions Code does not require an authority to consult, only to secure agreement from the majority of schools in the local authority area, which has been comfortably secured.

Ordinarily KCC would consult as a matter of course, however because there are 550 schools in Kent, drawing together 550 views about the updating of an existing document is not an effective approach. Instead a working group prepared updates to the FAP taking on board feedback gathered from panels across the county and looking at best practice in other LAs. This was shared with a group of Headteachers for comment and review before being issued to all schools to seek their agreement.

The vast majority of schools welcome the clarity the refined Protocol provides, praising the LA for making it clear and addressing some of the more complex issues, providing clear guidance for the panel and the panel chairs when applying the protocols. More than two thirds of all primary and secondary schools confirmed their agreement to the updated protocol. This has now been distributed as the new FAP for the county and following a period of transition will come into force from September 2018 (or with immediate effect where there is local agreement at the district panels).

District Breakdown

Thanet – The meeting is held every term and is chaired by one of the current Headteachers. The Headteachers work well together, through the year Thanet IYFA continues to have high numbers and during that time they have offered school places to all and are very successful at engaging with the families and getting the children back on roll. It is well attended by all the local Headteachers, including from the Grammar schools and local college. Their feedback was positive regarding the updated IYFA policy.

67 referrals have been offered education provision through Thanet IYFA. 25 who were previously home educated and have gone back into school.

There have been no primary IYFA in Thanet through the academic year.

Canterbury – IYFA numbers are lower in the Canterbury district than neighbouring districts like Thanet. It is held every 4 weeks and is well attended by all the Headteachers or Deputy Heads. The Grammar schools also have a representative who attends regularly. It has an independent chair who is well organised and understands the IYFA process well. The panel support the updated version of the IYFA protocol advising that it was a positive improvement as it was more detailed and gave them a clearer understanding of the protocol. Managed Moves and transition from the Canterbury Inclusion unit are also discussed at this meeting.

There have been 16 secondary IYFA referrals in Canterbury through the academic year. 8 of which were previously home educated.

There have been two primary IYFA in Canterbury due to permanent exclusions and they were well attended by schools. At 1, a school offered a place and the other a direction had to be made as no offer was made from any of the schools present.

Gravesham: The IYFA/ Inclusion Panel (GIFT – Gravesham Inclusion Forum Team) continues to be a good model of good practice and of collaboration amongst secondary schools in the district. It is chaired by the Senior Assistant Head Teacher of St John's Catholic Comprehensive. GIFT considers IYFA requests, managed moves, monitored transfers (as an alternative to permanent exclusion) and observed transfers (these are

normally triggered at request of the parent, where pupils wish to change schools for a variety of reasons other than behaviour – such as issues with peers, etc and need a fresh start at another school). All moves are tracked. Grammar schools also take part and attend the meeting on a need basis. The secondary schools in the district manage the movement from one school to another quite successfully which avoids parents going through the casual admission route. Requests for support from the PRU either for short term behaviour intervention (maximum of 12 weeks) for KS3 pupils or long term KS4 placements also go via GIFT.

Dartford: unlike the Gravesham Panel where schools have always been represented by their Deputy HT / Assistant HT, the Dartford Inclusion Forum (DIF) is mainly represented by head teachers. There is excellent collaboration amongst the Dartford secondary schools and a reasonably good success rate with managed moves. Grammar schools also take part where appropriate. Over the past year, DIF also included Observed Transfers in their Inclusion Policy as per the Gravesham model; with the aim of reducing the number of casual admission applications in respect of pupils who are already attending a local school. As DIF have capped the number of referrals to each meeting to a maximum of 3 pupils per school, I find that placing a cap on the number of observed transfers (which are mainly a parental request for a child to change schools), has not been conducive to reducing the number of casual admission applications. Whilst it is recognised parents can apply to any school they wish, the schools are seeking to address the growing concern of parents changing schools every time there is an issue rather than action be taken to manage behaviours. This impacts all schools and the child negatively.

Trinity School and Knole Academy, are the two secondary schools part of the West Kent Learning Federation and are fully engaged with the Fair Access / local inclusion protocol and they take their fair share of hard to place pupils

During the current academic year education provision has been identified for 90 pupils with Fair Access status (42 pupils in the Dartford district, 44 in Gravesham and 4 in Sevenoaks). These include 51 home educated pupils who were referred to Panel, either because pupils expressed their wish to return to school or because, having visited the home education had been deemed unsuitable by the Local Authority, they were considered Children missing education.

Primary IYFA across both Dartford & Gravesham districts works well and IYFA meetings held on a need basis in order to identify school placements for permanently excluded pupils. The LA keeps records of which schools that have admitted “hard to place” pupils in order to ensure a fair distribution of hard to place pupils amongst local schools.

Ashford:

The Ashford secondary IYFA panel maintains a reputation countywide for focusing on the needs of the child and putting them at the centre of all their decisions. Unfortunately of late the panel’s decision making has been skewed by boundary issues relating to a neighbouring school (in another district – The Lenham School) which no longer engages with the Ashford schools. There is a particular case in which a Year 9 child living in the Ashford district who was removed from the Lenham school to home educate, having a very poor attendance history, wanted to attend an Ashford school. The parent made a

casual admission to the North School who wanted the case discussed at IYFA. During the meeting the North school understood the protocols and were at the stage of offering when the panel majority determined The Lenham school as the last school she attended, and to where she should return, however this was not a school in the same district in which she was living and was at odds with the FAP.

The LA was left with no option but to formally instruct The North School to admit. The North School agreed to admit the child on 21 May 18 (23 days after the panel took place).

Dover:

In the March 2017 secondary IYFA panel meeting, Astor College agreed to dual roll a Year 10 child with the local PRU. In April 2018 it came to light that Astor had not put the child on their school roll despite him attending the local PRU during this time. The LA's attendance service challenged Astor College and the school agreed to put the child on their roll without the need for the request to be formalised. The schools work well together but it demonstrates the need to closely monitor what has been agreed.

Due to the local Dover high schools' commitment to collaboration there has not been the need for four IYFA meetings to be held this year.

Shepway:

There is still an outstanding decision for Brockhill Park Performing Arts School & The Marsh Academy from 2017. The ESFA instructed both schools to admit following a request for direction from the LA. Brockhill resolutely refuse to admit and The Marsh Academy will admit when Brockhill are made to take the assigned young person on to the school roll. These children remain in receipt of education but not on the roll of any school. Despite several communications with the ESFA, this has never been resolved.

Swale:

Swale's Secondary IYFA Panel sit regularly and identify provisions for Fair Access pupils, however the main focus of the Panel considers the impact on schools rather than discussion around the issues of the child. The needs of the local community are high and the day to day pressures indicate that schools merely comply with the Fair Access Panel because it is mandatory and very little thought is given to the best interests of the young person and whether the provision identified is appropriate. The Chair is employed by the panel and rather than be impartial is seen to be sympathetic to the schools' positions rather than championing on behalf for the young person/family.

Primary IYFA Panels in Swale are called on a need only basis and often result in an outcome where the level of need and pressures fall on the same schools as these are located where the most vulnerable families reside. The 5 nearest schools attend however their cohort will be similar to the excluding school and other neighbouring schools.

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	1
<p>B. Please add any comments on the authority's experiences of making directions.</p> <p>There is still an outstanding decision for Brockhill Park Performing Arts School & The Marsh Academy from 2017. The ESFA instructed both schools to admit following a request for direction from the LA. Brockhill resolutely refuse to admit and The Marsh Academy have agreed to admit when Brockhill are made to take the assigned young person on to their school roll.</p> <p>If the ESFA has no power to ensure an Academy abides by their instruction, how can the LA be expected to ensure schools follow and adhere to admissions legislation. This has been followed up time and time again with no action taken to our knowledge.</p> <p>Where the LA has had call to send letters to other schools advising of their intention to direct, this is usually sufficient to ensure that a school admits.</p> <p>Homewood School – Academy own Admission Authority:</p> <p>LA had to issue an intention to direct letter to Homewood School in relation to a Year 10 home educated child who wanted to return to mainstream education. This case was presented at the same panel meeting as the case above. Parent made a casual admission to the school and Homewood complied with the protocol by referring to IYFA due to child's poor behaviour history. Despite the casual admission to Homewood School, the panel did not meet their legal requirements ensuring a school place was secured, instead they identified a local employment and training provider. Homewood were challenged by the panel Chair after the meeting to admit, however the school stood firm in their decision.</p> <p>Following this an intention to direct letter was sent. After which. Homewood agreed to put the child on their school roll in order that he could access a programme of education to best suit his needs and the school is the accountable body responsible for monitoring progress.</p> <p>Thanet Ursuline College were directed to take a child in care by Wolverhampton</p>				

Ursuline College were sent an intention to direct for a child in care by Buckinghamshire the child was admitted at that stage of the process.

Ursuline College were sent an intention to direct or a child in care by Brighton & Hove the child was admitted at that stage of the process.

King Ethelbert school were directed to take a child in care, by Hackney LA this child is not yet been placed on roll as the school have contested this direction.

King Ethelbert School received an intention to direct for another child in care from Greenwich LA, however the residential placement broke down and the child returned to the home authority and the school place was no longer required.

Royal Harbour Academy were directed by Waltham Forest, the child was moved to another residential placement before the decision and the school place was no longer needed.

Canterbury

At a Primary IYFA (due to a PEX) no schools offered a place. St Peter’s primary was identified by the Head of Fair Access and a letter of intention to direct was sent and the school offered a place. The parent subsequently advised the CYP would be Home Educated and as following a visit by the LA, there was no evidence of education a school attendance order has been raised naming St Peters.

Community College Whitstable were directed to take a Kent child in care. This was due to their continuing delay to place the child on roll.

Swale

Greenwich LA sent an intention to direct letter to Westlands School for a CiC and as a result a place was offered.

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

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

How many children were admitted to school as a result of the request for a

How many requests were

	a child did the local authority make between 31 March 2017 and 31 March 2018?	direction by the local authority to the ESFA between 31 March 2017 and 31 March 2018?	outstanding as at 31 March 2018?
For primary aged children (not looked after)	0	0	0
For primary aged looked after children	0	0	0
For secondary aged children (not looked after)	0	0	0
For secondary aged looked after children	0	0	0
F. Please add any comments on the authority's experiences of requesting directions.			

G. Any other comments on the admission of children in year.

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	3	N/A
Service premium	0	0	N/A
Early years pupil premium	0	N/A	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	3	N/A

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 over subscription criteria for 2019
Primary including middle deemed primary	Early years	0	6
	Pupil	1	
	Service	5	
Secondary including middle deemed secondary	Pupil	23	24
	Service	3	
All through	Early years	0	0
	Pupil	0	
	Service	0	
<p>C. Do you have any further comments on the use of premiums? While KCC is able to confirm Pupil Premium eligibility for Kent residents, many schools along our boarder also receive requests from out of county children under this criterion. As KCC has no mechanism to confirm the validity of such requests for non-Kent residents, Supplementary Information Forms must be used to collect this additional information. This presents an unhelpful barrier to these families, who also appear to have a higher frequency of issues interacting with the co-ordinated admissions process. The DfE may wish to consider making this a required check for home LAs, with admissions transfer files being amended to allow this additional confirmation to be sent to receiving LAs alongside other admissions related data.</p>			

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?

2268

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

Area	
Ashford (S)	190
Canterbury (E)	210
Dartford (N)	172
Dover (S)	138
Gravesend (N)	149
Maidstone (W)	270
Sevenoaks (N)	167
Shepway (S)	160
Swale (E)	325
Thanet (E)	223
Tonbridge and Malling (W)	139
Tunbridge Wells (W)	125
Total	2268

Kent have received 1019 new registrations to date this academic year. The numbers are increasing year on year and many of these are instantly identifiable as inappropriate. Our Support & Advice Officers work well with families helping those who genuinely wish to try to EHE and actively support returning those to school through IYFA where there is no intention or desire to EHE. It would be helpful to LA's if there was a requirement for every CYP who is home educated to be registered with the LA. As with other years EHE option is used by parents in high numbers in Kent to avoid sanctions for their child and prosecution for non-attendance.

There continues to be evidence as in previous years with regard to families being encouraged to EHE by some schools and academies, as a means of avoiding permanent exclusions and to tackle attendance issues.

Between 01/09/2017 – 31/03/2018, the biggest of numbers of pupils have come out of the following schools

- Oasis Academy – 36
- Community College Whitstable – 19
- Hartsdown Academy – 17
- Mascalls Academy – 15
- Cornwallis Academy – 14

Referral numbers were the highest in Maidstone, Swale and Thanet.

Referrals gradually increase in each year group however they spike in Y7 (transition) and then are on a par for Y10 & Y11 pupils.

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?

Appeals Schools that have been identified and challenged by the LA for not providing the parent a response to their application for a school place which includes the right of appeal.

St Augustine's
Cornwallis on occasion (but will for some parents)
Abbey school
Joy Lane Primary

Overall

- It is difficult to encourage change of practice as the lack of availability of a range of suitable sponsors for new Academies are limited so those Academy Trusts that have poor practice are given further schools to manage so there are no financial implications to deter future poor practice.
- Publishing of School Adjudicator Report outcomes nationally as with Ofsted reports may affect practice so the data collected could be shared more widely and outcomes from the annual collection of information could truly monitor and in turn become more effective.
- Inclusion & Attendance Service are informed of cases where a school has off rolled inappropriately this appears to be an issue in primary schools where attendance and engagement with families is poor.

Following the DfE's late request last year for schools to add priority for out of country adoptions a number of concerns were highlighted about the implementation of the request, relating to how arrangements should be amended and how these requests are to be evidenced. While Kent is minded to add this priority at the next available opportunity, it could only do so if these issues are resolved.

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.

KCC notes that previous feedback has been actioned and the form is no longer as restrictive, making it much easier to complete and allowing for additional information to be added as needed. This amendment is appreciated.

It would be helpful if future versions of the form allowed spelling mistakes to be highlighted within the text by Word's internal spell checker, as this function appears to have been suppressed.

Thank you for completing this template.

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