



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Kent Local Authority

to be provided by

30 June 2019

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

**Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2019 and earlier if possible**

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Introduction and guidance on completing the report

1. Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other matters. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2019**.
2. Please note that the specified date for returning this form by 30 June is a Code requirement; this is why some data are asked for by financial year.
3. We have made some changes to the information and categories of information sought this year:
 - a. we have removed references to “all through” schools and instead would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002², and
 - b. we have decided not to use the term “own admission authority schools” to mean those schools for which the local authority is not the admission authority (that is foundation, voluntary aided and academy schools). This is because a large number of arrangements are now determined by multi-academy trusts. We will therefore refer to ‘schools for which the local authority is not the admission authority’.
4. Local authorities will notice that we have not included this year a number of questions which have been asked in past years. This is because we judge that we are unlikely to receive much information that adds to the existing body of knowledge and do not wish to take up local authorities’ time unnecessarily. We have not asked:
 - a. for details of the particular provisions of admission arrangements determined by other admission authorities challenged by local authorities;
 - b. local authorities’ views of how well the interests of children with special educational needs or disabilities are met at the normal points of admission;
 - c. about the advantages and disadvantages of co-ordinating in year admissions;
 - d. about the reliance on paragraph 3.12 of the Code by other admission authorities in the local authority’s area;
 - e. for information about admission authorities’ approaches to deciding whether or not they had places available in year; or

¹ [Department for Education Statistical First Release](#)

² [The Education Middle School \(England\) Regulations 2002](#)

- f. for the number of children refused admission to a school under the fair access protocol.

Local authorities are, of course, free to comment on any of these matters if they wish to do so under section 6. The views expressed by local authorities in previous years also remain a matter of public record.

5. We are asking new questions this year about:

- a. the proportion of schools with other admission authorities in the local authority area for which the local authority ranks preferences for the schools concerned on the admission authorities' behalf;
- b. use of oversubscription criteria which give priority to children adopted having previously been in care abroad; and
- c. how well served are children who are looked after by another local authority but being educated in the area of the local authority submitting the report.

6. We continue to ask about the use of the premiums in admission arrangements but have provided further guidance on this in footnote 11. In particular, we ask local authorities to include in their responses schools using part of any of the premiums (such as free school meals eligibility). Please consider this footnote before answering the questions on this matter.

Information requested

Section 1 - Normal point of admission

A. Determined arrangements

- i. Please give the date your local authority determined arrangements for admission in 2020 to its voluntary controlled and community schools.

24/01/2019

- a. This local authority has no community or voluntary controlled primary schools (please tick box if this applies)
- b. This local authority has no community or voluntary controlled secondary schools (please tick box if this applies)

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website.

25/01/2019

- iii. Please provide a link to where the admission arrangements can be viewed on the local authority's website on publication.

Kent.gov.uk/admissionscriteria

iv. What proportion of arrangements for schools for which the local authority is not the admission authority was provided to the local authority by 15 March 2019?

None Minority Majority All

	Primary	Secondary
v. How many sets of admission arrangements of schools for which the local authority is not the admission authority were queried directly by your local authority because they were considered not to comply with the Code?	3	4

vi. Please provide any comments on the determination of admission arrangements not covered above.

vii.

In addition to the 7 schools above, KCC queried another 43 school arrangements for a variety of reasons, including omission of supplementary information forms for new criteria and making changes without consulting. This is a considerable increase on last year and likely a consequence of an increase in consultations across the county brought about by guidance released by Rt Hon Nick Gibb MP on children adopted from outside the UK.

KCC is also identifying a lot of schools which fail to provide copies of their admissions arrangements to the LA by the required time, if at all; often these schools are also neglecting their obligation to publish arrangements on their own website. Although conversations with schools usually resolve the matter, it is clear that some schools, usually recently converted academies, are not taking the matter seriously. As KCC have mentioned in previous reports, more stringent penalties for failing to comply with the Admissions Code requirements may strengthen the LAs position in dealing with these cases.

In addition, we would like to raise the following points that KCC have mentioned in previous reports:

Highlighted the need for clarification on paragraph 14 of the Admissions Code and the definition of “fair, clear and objective documents” as these are somewhat subjective terms.

Opening of new schools during the coordinated admissions round, with little consideration of the legal timescales for publishing of admission arrangements and production of local authority prospectuses.

ESFA approved admissions arrangements not complying with the Admissions Code or containing overly complex oversubscription criteria. This can place LAs in the difficult position of having to query arrangements that Academy Trusts have good reason to believe are correct.

B. Co-ordination

i. Provision of rankings:

a. What proportion of schools for which the local authority is not the admission authority provided their rankings correctly undertaken by the agreed date?

None Minority Majority All

b. For what proportion of schools with other admission authorities in the local authority's area did the local authority rank preferences expressed for those schools in 2019?

None Minority Majority All

ii. Please provide any comments you wish to make in respect of provision of rankings:

Ensuring so many schools complete their rankings by the required deadline is often a challenge, but it appears the implementation of new ranking software, now in its third year for some schools, has resulted in a marked improvement.

However, a significant number of schools have written complex oversubscription criteria into their arrangements including; the use of banding, results of multiple grammar intake tests, parish/ward/ecclesiastical parish boundaries etc. This makes checking the accuracy of some ranking lists problematic. It does seem that some schools consider complex arrangements as way of increasing the profile of the school without considering the extra burden it adds to the admissions process nor do they appreciate the barrier it can create for parents to understand their child's chances of securing a place. Such burdens both increase the possibility of error and make it difficult for the LA to carry out its responsibility to ensure admissions arrangements are fair, clear and objective. It can be the case that it is not until the ranking phase of admissions, that it becomes clear to schools that overly complex arrangements cannot actually be implemented in the way they had intended.

We feel that admissions authorities should be given more restrictions on which criteria they can choose, especially given the fact that many of the offending schools in Kent are relatively new and whose arrangements were written on the basis of ESFA guidance which appears to have been produced without a broad understanding of how coordinated admission work.

iii. Does the local authority charge schools for providing rank preferences?

Yes No

iv. Does the local authority rank preferences for other admission authorities in OTHER local authority areas and, if so, for how many schools?

N/A

v. How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
Reception				X
Year 7			X	
Other relevant years of entry				X

vi. Please give examples to illustrate your answer:

KCC invests considerable effort each and every year to ensure that the co-ordination operates correctly and that offers are made with a high level of accuracy. County-wide training sessions, detailed multi-stage guidance and a broad suite of validation processes ensured that the reception round was completed with minimal problems. Where small mis-ranking issues resulted in a child failing to be offered a place a school they should otherwise have been offered, KCC ensured that any disadvantage was removed.

The same level of scrutiny is applied to the secondary round; however, an issue arose that required KCC to withdraw 10 offers that should not have been made. Two grammar schools in a neighbouring LA utilise selective exam results from the KCC-run Kent Test in addition to their own local exam. This requires KCC to provide results to these schools and unfortunately the dataset contained a number of inaccurate outcomes as a result of human error during the data matching process. These 10 pupils were not eligible for a place at a Grammar school through the Kent Test, however, the school were advised that they had scored on selective assessment in Kent in error; therefore, these places were appropriately withdrawn.

The outcome of this error did not become apparent until 6 weeks after National Offer day, so this exacerbated an already difficult situation. KCC ensured that all children were offered a place at the school they would have been offered on National Offer Day had the issue not occurred and provided additional support and assistance to ensure that their appeals could be considered without prejudice even though they were lodged after the advertised deadline. KCC worked directly with schools to ensure they were aware of the situation and that all parents of pupils were given a fair opportunity to present their cases.

KCC has implemented additional validation exercises to ensure that this issue will not occur again, however, it highlights the inherent risk of schools in other LAs relying on data for ranking purposes not covered by the DFE xml schema

C. Looked after and previously looked after children

i. How well does the admissions system in your local authority area serve the interests of looked after children at **normal points of admission**?

Not at all Not well Well Very well Not applicable³

ii. How well do the admissions systems in other local authority areas serve the interests of children looked after by your local authority at **normal points of admission**?

Not at all Not well Well Very well Not applicable³

iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area **at normal points of admission**?

Not at all Not well Well Very well Not applicable³

iv. How well does the admissions system in your local authority area serve the interests of previously looked after children at **normal points of admission**?

Not at all Not well Well Very well Not applicable³

v. Priority in admission arrangements for 2020 for adopted children previously in care abroad.

a. Do the arrangements for any **community or voluntary controlled primary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled primary schools that include this priority.

b. Do the arrangements for any **community or voluntary controlled secondary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled secondary schools that include this priority.

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

- c. Do the arrangements for any primary schools for which the local authority is **not the admission authority** include this priority for 2020?
 Yes No

If yes please provide the number of primary schools for which the local authority is **not the admission authority** that include this priority.

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- d. Do the arrangements for any secondary schools for which the local authority is **not the admission authority** include this priority for 2020?
 Yes No

If yes please provide the number of secondary schools for which the local authority is **not the admission authority** that include this priority.

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e. Please comment on the use of a priority in admission arrangements for a child adopted who was previously in care abroad if you wish.

Following the request from Rt Hon Nick Gibb MP, Kent County Council consulted on including this priority for both primary and secondary schools for which KCC is the admissions authority. We also communicated with own admissions authority schools in Kent explaining this course of action in case they wanted to follow suit in the interests of a uniform approach across the county.

The responses to our consultation were, however, overwhelmingly resistant with the vast majority of respondents disagreeing with the inclusion of adopted children outside of England criterion. The decision to not include the new criterion was made by KCC and this decision was communicated to own-admissions authority schools who had also consulted to include it in their admissions arrangements. Schools were advised that there would not be the intended uniform approach across the county, but they could still choose to include this in their admissions arrangements. A number of schools, determined their arrangements with the criterion included. Confusion around guidance, where some schools interpreted it as a direction, rather than an option, appears to have played a part in this.

The number of determined arrangements with this criterion detailed above is subject to change as the LA is still chasing the final arrangements from a number of schools.

- vi. Please give any examples of good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at the **normal points of admission**:

Kent County Council's admissions arrangements for Voluntary Controlled and Community schools give the highest priority to Looked After Children (LAC) irrespective of faith. While some Voluntary Aided schools continue to split their LAC applicants by faith this rarely results in an offer not being available as the non-faith LAC criterion is still positioned higher than other non-faith applicants.

KCC ensure, wherever possible, that LAC applicants are given the opportunity to be included in the first round of offers. This is to ensure our procedure reflects the unplanned or unexpected changes in circumstances for Looked After Children that can occur during the admissions round.

D. Special educational needs and disabilities

- i. Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at the normal points of admission:

Kent County Council' admissions team acts as an intermediary between colleagues in Special Education Needs and schools to ensure EHCP placements are correctly communicated prior to national offer day. This can be complicated by EHCP statutory deadlines differing from those of admissions and the lack of an agreed framework for cross border EHCP placements.

Section 2 - In year admissions⁴

A. The number of in year admissions

⁴ By in year we mean admission at the start of any school year which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) and admission during the course of any school year after the end of the statutory waiting list period in normal years of admission.

i. Do you know the number of in year admissions to primary schools in your local authority area? Yes No

ii. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- schools with other admission authorities are not complying with the requirement in paragraph 2.22 of the Code to notify the local authority of applications for places and the outcome;
- the local authority does not use the information provided by schools with other admission authorities to collect the numbers of in year admissions; and/or

other?

The LA will find out eventually, however, there are some schools who fail to adhere to the agreed in year admission scheme, which casts doubt on the accuracy of the information we hold at any one time relating to applications schools have received and whether an offer has been made. The numbers identified in the report below are therefore the ones that we know about.

iii. Do you know the number of in year admissions to secondary schools in your area? Yes No

iv. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- schools with other admission authorities are not complying with paragraph 2.22 of the Code;
- the local authority does not use the information provided by schools with other admission authorities to collate the numbers of in year admissions; and/or

other?

(please specify) The information held is reliant on schools returning a copy of the in year casual admission form to the LA this is not always consistent despite being set out in the scheme.

v. If the local

authority does know the number of in year admissions to state funded schools in its area, please complete the following table.

	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/8/18	4485	1762
Number of in year admissions between 1/9/18 and 31/3/19	2831	2265

B Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools did the local authority delegate responsibility for in year admissions in the academic year 2018/19?

a) Primary: Not applicable⁵ None Minority Majority All

b) Secondary: Not applicable⁵ None Minority Majority All

ii. For what proportion of schools for which the local authority is not the admission authority does the local authority co-ordinate in year admissions?

a) Primary: None Minority Majority All

b) Secondary: None Minority Majority All

⁵ 'Not applicable' will only be appropriate if the local authority has no community or voluntary controlled primary/secondary schools.

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

KCC have historically been a strong advocate of enabling schools to manage in year admission, logistics of managing in-year by the LA caused many operational issues and had the potential for children to be out of school for weeks, whilst the administrators had to exchange application information between schools to confirm which offers could be made, often through other LA admissions departments. This was cumbersome and resulted in avoidable delays to children starting school. KCCs position has however now changed. Sadly, it is increasingly the LAs experience that schools do not always comply with their admissions duties and with limited powers to intervene, unfairness has crept into the system that must be addressed.

KCC would welcome and strongly recommend the reintroduction of co-ordinated In Year admissions, which would result in an open, fair and transparent process. It is also the case that many of the significant administrative difficulties which presented when managing several thousand in-year applications have largely been resolved with improvement on software and technology. In taking back control of in-year admissions the LA should be given the legal power to make a school offer of a place where a school's admissions authority fails to respond to an admission request within 3 school days. The biggest barrier to the success of in-year admission coordination is schools failing to respond to admission requests in a timely fashion. Authorities the size of Kent, with upward of 10,000 in year admissions found it impossible to manage in-year applications in real time when if 1 named school failed to respond and it was a higher preference to other schools named. This invariably caused the application to stall when the child could have been attending a lower preference school which may have confirmed a place, days if not weeks before.

In relation to Section 2, response “***schools with other admission authorities are not complying with the requirement in paragraph 2.22 of the Code to notify the local authority of applications for places and the outcome;***”

It is certainly the case with some schools; however, this does not apply to **all** schools who are their own admissions authorities. Where schools are not complying with the requirement in paragraph 2.2 of the Code, it has been noted that these schools are most likely not to advise the LA of the current roll numbers and consequently school places available in each year group. This hinders the effectiveness of the LA to provide advice to parents of available spaces in relation to their area.

Some schools are not informing us of their roll numbers regularly, if at all. By way of context, below is a list of schools where we have been unsuccessful in obtaining roll numbers for some time, included are the dates of our last update.

Secondary

Leigh Academy (Dartford) – 6th March 2017
Skinners Kent Academy – (Tunbridge Wells) -20th April 2018
Royal Harbour Academy – (Thanet) - 5th November 2018
Ursuline College (Thanet) - 2nd October 2018
Marsh Academy (Shepway) – 16th November 2018
Brockhill Park Performing Arts (Shepway) – 1st September 2018
Aylesford School (Malling) – 20th April 2018
Whitstable School (Canterbury) – 3rd October 2018
John Wallis Academy (Ashford) – 20th July 2018

Primary

Hawkinge Primary School – 1st December 2017
Folkestone St Mary's CEP School (Shepway) – 21st March 2018
Treetops Academy (Maidstone) – 8th June 2018
Oaks Academy (Maidstone) – 6th September 2017
Joy Lane Primary School (Canterbury) – 2nd October 2018
John Wallis (Ashford) - 26th June 2017

C Looked after children and previously looked after children

- i. How well does the in year admissions system serve children who are looked after by your local authority and who are being educated in your area?

Not at all Not well Well Very well Not applicable⁶

- ii. How well do the in year admission systems in other local authority areas serve the interests of your looked after children?

Not at all Not well Well Very well Not applicable⁶

- iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area?

Not at all Not well Well Very well Not applicable⁶

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

iv. How well does your in year admissions system serve the interests of previously looked after children?

Not at all Not well Well Very well Not applicable⁶

v. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about looked after and previously looked after children:

The majority of Kent schools work very hard to support the high number of children in care placed into schools both by Kent and from other local authorities into Kent. The current number of Kent school aged children in care is 1300 and children in care placed into Kent from other local authorities stands at 1000. Please see below for details and examples of poor practice and good practice within each district of Kent. Its important to state at the outset the single biggest barrier to successfully securing placements for CiC is the poor communication from some schools. There are excellent effective systems and processes undermined by a small number of schools who openly flout their responsibilities in relation to the school admissions code and by ignoring correspondence.

Canterbury District

Poor Practice:

The Whitstable School, (Swale Academy Trust) stands out in relation to poor practice in this district. It was identified as most appropriate for a Kent child in care in October 18, admission was declined by the school. An appeal and an intention to direct the school was issued. The school then offered a pre-admission meeting 2 months later, which in turn delayed his admission until the new year 2019.

The Whitstable School had a request for admission made for a Kent child in care in January 19. An appeal was lodged followed by an intention to direct, as no communication was forthcoming from the school. The school refused to offer admission even though it is a local school and has space. A direction was progressed and has been upheld by the ESFA and yet still no further communication regarding this admission has been forthcoming from the school. To date this child is still not in school and the academy appear to be ignoring the ESFA direction.

Another admission for a Kent looked after child was made to the Whitstable School in April, the school declined to offer a place. An intention to direct was issued and this has now progressed to the ESFA. Three other local authorities known to KCC have also applied for admission to The Whitstable School since September 18 and admission has not been offered. The OLA's have progressed these admission requests further with the ESFA and are at various stages of the process. Sadly, since becoming an academy, communication with The Whitstable School has been slow and irregular. Admission applications for looked after children have been declined with no justification or have taken many weeks to resolve, some more than 15 weeks.

Good Practice:

Spires Academy in the Canterbury district admitted 10 children in care within the current academic year from both Kent and other local authorities. Including six

year 8 girls who presented with complex needs. These admissions were organised and discussed within a short time period and admissions were timely. The school works exceptionally hard to be inclusive and provides great pastoral support for vulnerable children and those presenting with complex needs. It will however become a victim of its own success if other schools fail to step up and if the ESFA do not take appropriate action with non-compliant schools. If such actions go unchecked, it can only be to the detriment of those inclusive schools who will become over burdened with challenging pupils.

Thanet District

Poor Practice

Thanet district still proves to be challenging in terms of complex and vulnerable out of county children in care. Local schools remain concerned regarding the placing of such vulnerable children from out of county into Thanet, often with a lack of forward planning, little background information and ongoing support. King Ethelbert School and Ursuline College have declined to offer admission to children in care from OLA's and there have been a number of prolonged admissions and a direction initiated by OLA's. King Ethelbert School, Ursuline and St George's are the only non-grammar schools that are rated at good by Ofsted in the Thanet area. This in itself puts an extra pressure on the numbers of children in care that request admission to only 3 schools. Requests have been declined by Hartsdown who are currently rated as requires improvement and Royal Harbour Academy who are currently rated inadequate by Ofsted, however OLA's have, on further investigation, withdrawn these requests and identified one of the above mentioned 'good' schools. Charles Dickens School does not have a current rating however the last rating for the school prior to academisation was requires improvement and they have also declined admission to out of county children in care. This has had the knock on effect of a rise in admissions to Sandwich Technology School in the neighbouring Dover district and also with the placing of more children in care from out of county into the Canterbury district.

Good Practice:

St George's Foundation School in Thanet admitted 6 children in care from other local authorities during term 1 with good communication, organised planning, clearly set out funding and well-attended meetings prior to admission.

All the Thanet schools (King Ethelbert School, Ursuline College, St George's, Hartsdown, Royal Harbour Academy and Charles Dickens School) have admitted Kent children in care including unaccompanied asylum seeking children throughout this year. They have done this with positive planning and communication with all the relevant professionals. The children have transitioned into school well and with good planning to enable success. However they are strongly opposed to the disproportionate placement of OLA CiC when Thanet is so far from their home LAs and has significant deprivation and additional risk factors for these vulnerable learners.

Maidstone and Malling District

Poor Practice:

Wrotham Secondary are refusing admission to an OLA CIC (Greenwich). Greenwich have sent an intention to direct as Wrotham are refusing to admit the child due to his challenging behaviours and the school are reluctant to fund alternative provision. Alternative provision has been identified by Kent County Council, but local funding arrangements require the child to be on roll of a mainstream school to access the specialist PRU provision.

Good Practice:

Generally, the other schools in this district admit children in care promptly and with good support.

Tunbridge Wells and Tonbridge District**Good Practice:**

All schools in the area admit children in care with good planning and support and communication

Shepway District**Poor Practice:**

Brockhill Academy are persistently resistant to an admission without providing a clear and valid rationale behind their decision. Another local authority (Medway) placed a child in care in the Shepway district and identified Brockhill Park Academy as the preferred education in Nov 18. Brockhill Park Academy refused to admit the child resulting in Medway issuing an intention to direct. Brockhill then initially engaged with Medway however Brockhill Park have then delayed admission for this child. To date this child remains without a school place as Brockhill have delayed meetings and have continued to have very poor communication with both Kent and Medway. This continuing delay has resulted in Medway applying to the Marsh Academy, within the same district. Clearly this places other schools that adhere to the admission code and provide an inclusive environment under greater pressure. Medway have now sought a direction from the ESFA to secure a place at Brockhill Park Academy, this is in process, but it remains to be seen as to whether the school will identify other barriers to continue to delay the child's admission.

Good Practice:

The Marsh Academy demonstrate good practice when serving the interests of looked after and previously looked after children. They communicate well and are swift to arrange preadmission meetings and get the child into school. They are also very focused on supporting that child to be successful in their new environment.

Dover District**Poor Practice:**

A recent approach was made to Dover Christ Church Academy for a Kent child in care, a successful preadmissions meeting was held which was described as a positive meeting by Virtual School Kent and arrangements made for transition days. Subsequently Dover Christ Church, having been made aware of other

information, indicated that they would have to withdraw the offer of a place. This is not good practice and does not adhere to the School Admissions Code regarding looked after children.

Sandwich Technology School are resistant to the admission of looked after children placed in Kent by other local authorities, particularly when the young person has been placed in the Thanet District but are requesting a school place at Sandwich Technology School. This is largely due to the increasing pressure on the schools within Thanet. This school is not in the Thanet district. Requests for admission of children in care residing in the Thanet district appears to be driven by the resistance of Thanet schools to offer admission to children in care from other local authorities. The school has a point, there are a number of more local schools able to meet the child's needs, but regardless the corporate parent decides most appropriate school and if a school has a place it should admit.

Good Practice:

Astor College demonstrate good practice when serving the interests of looked after children. They communicate well and are swift to arrange preadmission meetings and get the child into school. They are also very focused on supporting that child to be successful in their new environment. They are careful to ensure that they identify the most suitable provision to meet the needs of the young person.

Dartford, Gravesham & Sevenoaks

Good Practice:

Kent Virtual School and Other Local Authorities work closely with the Senior Access to Education Officer in North Kent to identify the most appropriate education provision for the young person concerned, whilst ensuring a fair distribution of CiC amongst all local schools.

Swale:

Good Practice

Secondary - Oasis Academy, Sittingbourne Community College and The Abbey School are very inclusive and admit CICs (both Kent and OLA) communication is good and the admissions are managed well with informative, welcoming meetings and appropriate pastoral care systems. Fulston Manor School will respond to CIC referrals quickly and will admit when it is felt to be an appropriate provision.

Primary schools are inclusive and manage CIC admissions very well and work tirelessly with placing authorities to ensure the educational outcomes for the children and young people are successful.

Poor Practice

Secondary - Communication with The Westlands School – another operated by Swale Academies Trust- is particularly challenging in regard CIC referrals. Both Kent and other placing authorities are not informed of the school's decision and

communication is poor and drives delays in admissions. The school is consistently resistant to CIC admissions.

D Children with special educational needs and/or disabilities

- i. How well served are children with special educational needs and/or disabilities who have an education health and care plan that names a school when they need to be admitted in year?

Not at all Not well Well Very well Not applicable⁷

- ii. How well served are children with special educational needs and/or disabilities who do not have an education health and care plan when they need to be admitted in year?

Not at all Not well Well Very well Don't know

- iii. Please give examples of good or poor practice or difficulties which support or exemplify your answers:

The SEN department is having to resort to directing more frequently due to mainstream and special schools unwilling or unable to admit a child. This is often due to capacity pressures in our special schools but our mainstream schools often state that they are unable to meet needs due to staffing or funding constraints. These are often children considered able to cope in a mainstream setting with the right support but schools remain resistant.

E Other children⁸

- i. How well served are other children when they need a new school place in year?

Not at all Not well Well Very well Don't know

- ii. Please provide any comments you wish to make in respect of other children:

Dartford, Gravesham & Sevenoaks Districts:

⁷ 'Not applicable' will only be appropriate if there are no children falling within this definition.

⁸ Other children are those not looked after, previously looked after or with special educational needs and/or disabilities.

Generally served well in respect of In Year admissions, although the shortage of school places in some year groups, does have an impact on parents being able to secure school places via casual admission. Year 4 in Gravesend and year 6 in Dartford have been particularly challenging this year; the shortage of places is due to a large number of families moving to the area in-year. The Fair Access Protocol has been applied in order to secure school places for 44 primary aged pupils with schools sometimes admitting over their published admission number. Through applying the Fair Access Protocol, we have ensured a fair distribution of additional children amongst local schools.

Maidstone District:

Lack of year 2 places within the district has led to the Fair Access Protocol being applied in order to secure admission over the published admission numbers in some schools, especially within the Maidstone town centre. A number of IYFA meeting have been held for hard to place pupils moving into the district from London Boroughs

Swale District:

Headteachers are protective of their inhouse alternative provision. Young people new to the area tend to be placed at private alternative provisions when funded alternative provision is necessary.

Thanet District:

Ramsgate Arts primary school were reluctant to offer a place for a vulnerable year 4 child when they had spaces within the year group at the school. They also failed to offer the same parent the right to appeal. Admission for this child to the school took an extended period of time and involved lots support for the family from local authority officers.

F Fair access protocol

i. Has your fair access protocol been agreed⁹ with the majority of state-funded mainstream schools in your area?

- Yes for primary
- Yes for secondary

ii. If you have not been able to tick both boxes above, please explain why:

iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2018 and 31 March 2019?

Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	2	18

⁹ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

Foundation, voluntary aided and academies	2	459
Independent AC Provision	0	3
Offered a place but moved out of county	0	15
Returned to EHE	0	5
Total	4	500

iv. How well do you consider hard to place children are served by the fair access protocol in your area?

Not at all Not well Well Very well Not applicable¹⁰

Please make any relevant comment on the protocol not covered above.

The In Year team are able to advise parents of the schools with vacancy's, but this is limited to the quality of information we hold and, despite their legal obligations, a number of schools fail to share this information. The team offer advice on the appeals process and transport policy in Kent and hard to place pupils are referred to the senior admissions officer for placement.

The CME team also refer to Senior Admission Officers for placement if deemed appropriate, once they are located.

Thanet District IYFA: Thanet district has very high numbers of children for each meeting, 93 for the time period we are reporting on, its meetings are held every 6 weeks. Many of the cases are EHE or CME, there is also a local cohort of families who are new to the UK, with English as their second language. It is a very well organised and collaborative meeting chaired by a Headteacher from a local school, this role is voted for each year. All local schools attend including the grammar schools and the local FE college that has a 14-16 technical school. All children have been offered a school place and schools work hard to work with the families whom are often resistant to engaging with schools. The head of PRU provision (Enterprise Learning Alliance) attends the meeting and is supportive of the local schools with allocation of alternative provision cases being swift and constructive.

Canterbury District IYFA:

All local schools are represented, with 1 representative attending for all the grammar schools. It has an Independent chair and clerk who work well. All cases have been offered school places after the schools are identified by the panel. This district also now includes The Abbey School near Faversham. This meeting also discusses referrals to the inclusion unit, which is the alternative provision within the Canterbury district, all admissions are also placed on rolled at a local mainstream school to access the alternative provision.

¹⁰ 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

Maidstone and Malling District IYFA :

This district has regular meetings and has an effective In Year Fair Access panel. The same meetings consider the managed moves in the district however the following schools do not participate with the managed move process and have chosen not to send representation to the IYFA meeting. Valley Park, The Lenham School and St Augustine's do not attend, however if one of these schools is identified as most appropriate for a child with IYFA status by the panel they will admit the children referred to them. Children are placed and put on roll within a good time frame. A high number of IYFA referrals are referred to the PRU prior to accessing mainstream school for 6-12 weeks, the school identified dual rolls these pupils to enable attendance at the PRU.

Primary IYFA has a high number of referrals due to permanent exclusions, but primarily hard to place pupils moving into the district from London boroughs. A shortage of year 2 places in Maidstone town centre has also required a number of schools to go over their PAN.

Tunbridge Wells and Tonbridge District IYFA:

This is a well-established and collaborative panel that identifies provision and on rolls referrals positively. There is an outstanding Alternative provision in the district which supports all schools, there is an outreach team which supports key stage 3 pupils.

Primaries in Tunbridge Wells and Tonbridge District also work collaboratively, even though there are high numbers of permanent exclusions in key stage 1. Support can be provided by expertise in the field across a number of schools following an IYFA decision ie SENCO support from one school to assist with an EHCP

Shepway District IYFA:

Within the Shepway area, Brockhill Park Academy are frequently resistant to the admission of young people who meet the Fair Access criteria and will refuse to admit. When they do accept that protocol is being adhered to and that they are duty bound to admit a young person, it is not uncommon for them to draw out the admission process, delaying the admission.

With the increase in complex cases resulting from other local authorities relocating families to Kent, there is an increased resistance to admission of these young people, with raised concerns about risk/safeguarding. Whilst these concerns are acknowledged, in the absence of an alternative provision, identifying an educational provision becomes increasingly challenging. Brockhill are particularly resistant and are happy for admission to be taken to a direction. This in turn delays admission and increases the pressure on other schools within the district.

Especially those who are more willing to adhere to the Fair Access Protocol and offer an inclusive approach.

The Shepway panel have chosen to alternate the chair between schools, which can at times lead to further inconsistencies regarding outcomes of panel meetings.

Dover District IYFA:

Dover Christ Church Academy are not swift to admit young people once they have been identified through the Fair Access process as the most appropriate education provision. It is not uncommon for them to use the term 'Guest Admission' which is not within the School Admissions Code or Pupil Registration Regulations they are

obliged to follow and to use this as a means to off roll. In Year Casual admission applications submitted to Dover Christ Church are often refused despite the availability of places within a year group, or as in a more recent case, the young person was admitted and subsequently off rolled following receipt of background information. This was once again passed off as a 'Guest Admission'

The Enterprise Learning Alliance (PRU) works well with Dover schools and has been good at providing a professional opinion on the support that can be provided to meet the needs of challenging pupils.

Ashford District IYFA:

The schools within the Ashford District work well together offering support with hard to place young people. They adhere to the Fair Access Protocol and will endeavour to secure the most appropriate provision for young people within the area.

The non-representation of The Lenham School at the Fair Access meetings causes difficulty with young people returning from Elective Home Education, whereby they previously attended The Lenham School and would be likely to return there. The Ashford schools recently stood united on such a case where the family had applied to Homewood School and Sixth Form for a school place. Homewood declined to offer a place offering the right of appeal and, in line with protocol felt strongly that in the first instance the young person should return to The Lenham School. The Lenham School's lack of engagement with the Fair Access process and managed moves causes some degree of indignation amongst the Ashford schools that otherwise work well together.

There is an ongoing admission issue for a particularly 'hard to place' young person with The Towers Academy. They have been working collaboratively with the LA to source a workable solution to providing suitable education for this young person; however if a resolution cannot be reached, it will result in a request to the secretary of State for direction. The IYFA panel have provided temporary Alternative provision whilst a place on a school roll is sought.

Gravesham District IYFA: The IYFA/ Inclusion Panel (GIFT – Gravesham Inclusion Forum Team) continues to be a model of good practice and of collaboration amongst secondary schools in the district. This year, it has been chaired by the Deputy Head Teacher of Northfleet School for Girls. GIFT considers IYFA referrals, managed moves, where a child is offered a period of time at another school identified at panel whilst they remain on the roll of their original school, 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 using 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 & Sevenoaks Districts IYFA: 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 good collaboration amongst the Dartford secondary schools, as above other offers are also discussed for children on roll where a move is needed, for examples managed moves. Grammar schools also take part where appropriate. DIF also consider Observed Transfers as per the Gravesham model. The main difference between the Dartford and the Gravesham Panels is that the Dartford Panel have a cap on the number of referrals that schools can refer at each meeting (a maximum of 3 pupils per school). Primary IYFA meetings are held on a need basis in order to identify school placements for permanently excluded pupils. The LA keeps records of which schools have admitted “hard to place” pupils in order to ensure a fair distribution of hard to place pupils amongst local schools.

Swale District IYFA:

Panel work collaboratively together, a new chair has improved the practice this year. Due to the location of one school on an island, it has a higher number of more complex children and takes a higher number of hard to place.

Section 3 - Directions

A. How many directions did the local authority make between 1 April 2018 and 31 March 2019 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	2

B. Please add any comments on the authority’s experiences of making directions in these circumstances.

Please see the section relating to Children in Care in year admissions. A very small minority of schools consistently fail to comply with their duties in relation to children in care, but their practices are abhorrent, and they appear to have little or no regard to directions from the ESFA.

Both Brockhill Park Academy and the Whitstable School have blatantly ignored directions. KCC is therefore at a loss as to what it can do influence prompt admission to these schools for vulnerable learners seeking places.

C. How many directions did the local authority make between 1 April 2018 and 31 March 2019 for a maintained school in another local authority area to admit a looked after child?

For primary aged children	For secondary aged children
N/A	N/A
D. Please add any comments on the authority's experiences of making directions in these circumstances.	

E.	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
How many requests to the ESFA to direct an academy to admit a child did the local authority make between 1 April 2018 and 31 March 2019?	0	0	0	2
How many children were admitted to an academy school as a result of the request for a direction by the local authority to the ESFA between 1 April 2018 and 31 March 2019?	0	0	0	1
How many requests were outstanding as at 31 March 2019?	0	0	0	1
F. Please add any comments on the authority's experiences of requesting directions in these circumstances.				

G. Any other comments on the admission of children in year not previously raised.

. The biggest barrier to the success of in-year admission coordination is schools failing to respond to admission requests in a timely fashion. This invariably causes the application process to stall to the detriment of children. It must be right that if LAs are to coordinate in year admissions on behalf of all school sin

their area, that they have delegated authority to make an offer of a school place or the legal power to do so if the admissions authority fails to respond with an offer or refusal within 3 school days. When an authority has to coordinate upward of 10,000 in year applications, it cannot stack up pending preferences because one of the named schools fails to respond.

Section 4 - Pupil, service and early years pupil premiums (the premiums)¹¹

A. How many community or voluntary controlled schools in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium		N/A	N/A
Pupil premium	0	0	3
Service premium	0	0	0
Total number of schools using at least one premium in their oversubscription criteria	0	0	3

B. How many schools for which the local authority is NOT the admission authority in your area will use each premium as an	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²

¹¹ Please include in these figures all schools whose arrangements give priority on the basis of eligibility for one or more of the premiums or part thereof except where the only sub-group is looked after and previously looked after children as all schools must give first priority to these children.

Admission authorities can limit priority to specific sub-groups of those who attract a premium. Examples are:

- children of parents who are currently serving in the UK regular armed forces (rather than all children who attract the service premium); or
- children who are eligible for free school meals at the time of application (rather than all children who attract the pupil premium).

If such sub-groups have priority at any point within the oversubscription criteria, they should be included in the totals for this table even if there is no specific use of the terms, 'pupil premium,' 'early years premium' or 'service premium' in the arrangements. Paragraphs 1.39A and 1.39B of the Code provide the relevant exceptions to paragraph 1.9f (which prohibits giving a priority to a child according to the occupational or financial status of parents applying).

¹² Do not include use in post 16 arrangements

oversubscription criterion (including the tiebreaker) for 2020?			
Early years pupil premium		N/A	N/A
Pupil premium	1	0	25
Service premium	7	2	2
Total number of schools using at least one premium in their oversubscription criteria	7	2	25

Section 5 - Electively home educated children

- A.** How many children were recorded as being electively home educated in the local authority area on 29 March 2019?

2577

- B.** Any comments to make relating to admissions and children electively home educated that you have not previously raised?

Kent's Fair Access Policy states that if a CYP is off rolled to home educate and the home education is deemed as unsuitable the CYP will return to their previous school.

The number of CYP recorded as home educated stated above does not reflect the true picture of home education in Kent. There is a revolving door of CYP registered to home education and since September 2018, Kent have had 3579 CYP registered to home educate, it is a very fluid cohort as they can drift both in and out of education.

The current home educated cohort by area within Kent is (7th June 2019)

Area	
Ashford (S)	249
Canterbury (E)	247
Dartford (N)	183
Dover (S)	168
Gravesend (N)	156
Maidstone (W)	313
Outside Kent	1
Sevenoaks (N)	194
Shepway (S)	183
Swale (E)	327
Thanet (E)	282

Tonbridge and Malling (W)	168
Tunbridge Wells (W)	143
Total	2614

In Terms 1-5 2018/19 Kent has received 1282 new registrations to home education. The numbers are increasing year on year. The Elective Home Education Support and Advice Officers develop good working relationships; supporting and advising families who genuinely wish to home educate.

The highest number of EHE referrals made this academic year reside in the district of Swale (12.55%) and the third highest number reside in Thanet (10.6%). These are two of Kent's most deprived districts. Maidstone is the second highest district with 11.71% of referrals.

Schools stated, 'preferred method of education' (50.1%) as the main reason for off-rolling CYP to home education. Anxiety and health reasons are cited for 16.3% of cases representing an increase of 5.2% since 2017/18, which is concerning in relation to health issues. The EHE Support and Advice Officers have recently begun to record the parent's reason for off-rolling to home education.

There continues to be evidence, as in previous years, that some families have been encouraged to off-roll their CYP to home educate by some schools and academies as a means to avoid permanent exclusions or to tackle attendance and behaviour issues.

During this academic year to date, 958 CYP ceased being registered as EHE to the service. 60% of cases closed were open for a year or less; this may indicate that home education has been chosen by parents as a short-term intervention.

Kent's Fair Access Policy states that if a CYP is off rolled to home educate and the home education is deemed as unsuitable, the CYP will return to their previous school through IYFA panel.

In Terms 1-5 2018/19 Kent has continued to monitor the schools who off roll a high number of CYP to home educate. The top 8 schools who have off rolled the highest number of CYP to home education are

School	Number of referrals to home education
Oasis Academy (Swale)	36
Homewood School and Sixth Form Centre (Ashford)	29
Hartsdown Academy (Thanet)	25
Sandwich Technology School (Dover)	22
Towers School and Sixth Form Centre (Ashford)	22
Thamesview School (Gravesham)	17
Orchards Academy (Sevenoaks)	17
New Line Learning (Maidstone)	15

Key Stage 2 and 3 show the highest number of CYP off rolled to home educate.

There has been a sharp rise in Year 11 pupils being off rolled to home education. An example of this is during the weeks commencing 19 and 26 November, New Line Learning Academy off-rolled seven Year 11 pupils and another Year 11 pupil on the 12th of December. The Head of Fair Access has been in communication with the Headteacher and was informed there would be an independent enquiry. This was initiated; however, the LA has not seen a copy of the outcome nor were these pupils put back on roll.

Westlands Academy removed 3 year 11 pupils and 2 year 10 pupils from their school roll to home educate before the January census and did not report these to the LA as they are statutorily required to do, until June 2019. This left these vulnerable families without the support and advice they evidently needed.

Shockingly, 70% of CYP removed from Kent schools during the last academic year came from families who were known to Children's Specialist Services or Kent Early Help, either currently or historically. More must be done to introduce safeguards which prevent families in particularly vulnerable situations from being able to withdraw children from school without first demonstrating they are equipped to provide suitable education, particularly where a child is under a child protection plan or is a child in need.

Section 6 - 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

There is a growing problem where own admission authority schools and in particular newly formed academies are failing to adhere to the requirements of the School Admissions Appeals Code. Parents seeking places are often refused admission without being advised of their right of appeal. Furthermore, we have evidence of schools who have formed their own appeals panel from their governors and have considered admission without setting up an independent process. Funding agreements need to underpin the duties on these schools and make clear the requirements on governors to act in accordance with the law and expect fines or funding to be withheld where they do not.

KCC continues to feel frustrated at the lack of a new Admissions Code it has now been 5 years since its last update. There is a lacklustre approach by schools to appraise themselves of the content and there remains a need to address the many shortfalls which have been identified since its introduction. Time and time again it has been demonstrated that for a small number of schools, their senior leadership cannot be trusted to act in accordance with the code nor sadly to put

the interest of children at the forefront of their thinking. In these instances there needs to be a mechanism for the state to better support vulnerable children needing those school places.

The Admissions Appeals Process has no independent oversight, other than through the Ombudsman, most families will not know if a school is in breach of its duties nor if it has a properly constituted panel or arrangements.

There is no standard or accredited training for panel members or appeals clerks and yet the code requires annual training. This result in self-professed experts working directly for academies with very dubious practices and questionable independence all going unchecked.

Most recently, despite the appeals code requiring a school to have a presenting officer, an issue arose this year with one Secondary academy's appeals. The academy refused to send a presenting officer and insisted the panel consider the appeals on the back of a written submission. KCC made clear that this was in breach of the academy's duties and that they were required to attend in person. The academy stated that they did not have sufficient capacity to present the appeals and that they had no intention of sending a representative.

The Panel felt that as the school had informed them that no presenting officer would be made available at a later date, it would be inappropriate to postpone the appeals as it would just result in a delay and the situation repeating itself in the future. 56 out of 57 of the appeals were subsequently upheld.

The school in question had already decided to offer 45 places in excess of PAN on National Offer Day and have no capacity to accommodate these additional children. The academy must now make provision which is likely to seriously compromise the facilities at the Westlands school or seek a judicial review to overturn the appeals decisions. Either way, this case shows the level of disregard that some academies can have towards their legal duties and the potential for significant difficulties that these actions can create for parents.

Gender

Pressure has been building over the past few years regarding the use of biological sex, as opposed to gender, on application forms and the perceived need for additional options other than Male and Female. Government papers on the subject, confusingly, use the terms sex and gender interchangeably and a wholesale lack of definitive guidance from the DFE leave LAs and admissions authorities in a difficult position. We also hope that should the proposed changes to the Gender Recognition Act go through the DFE will be swift in recognising non-binary gender identities and laying out an acceptable process for applications to single sex schools.

GDPR

More guidance is desperately needed to inform schools about what they can release and how promptly they should do this. The LA has experienced

difficulties in securing in-year admissions due to safeguarding concerns of the receiving school because other school will not release pupil information until such time as they are on roll. This is creating a tension that is delaying an admission that would otherwise take place with additional and necessary appropriate support put in place prior to arrival.

The problem has also caused problems with the transfer from primary to secondary schools, with many citing they cannot release the pupil folders until they are attending the school in September because of how they have worded their privacy statements (from the DfE template). It states the child must be attending, schools do not want to breach GDPR in case the child goes to another school, but the files are being received too late for secondary schools to make any additional provisions which may be necessary prior to arrival.

Section 7 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2020.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2019