



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Local Authority to

be provided by

30 June 2020

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Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2020 and earlier if possible

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Introduction and guidance on completing the report – Revised April 2020

1. Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other matters. This is a revised template issued in the light of the Covid-19 pandemic.
2. This template requests local authorities only for:

- a) information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen;
 - b) an assessment of the effectiveness of Fair Access Protocols and coordination in their area, including how many children were admitted to each school under them.
3. We would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002².
 4. Local authorities are, of course, free to comment on any other matters not specifically addressed in this template if they wish to do so under section 3. The views expressed by local authorities in previous years also remain a matter of public record.
 5. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2020**.

Information requested

Section 1 - Normal point of admission

A. Co-ordination

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

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

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

ii. Please give examples to illustrate your answer if you wish:

KCC invests considerable effort each and every year to ensure that the coordination 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 both the secondary and reception rounds were completed with minimal problems. Where small misranking issues resulted in a child failing to be offered a place at a school they should otherwise have been offered on National Offer Day, these were resolved, and the necessary offers made to remove disadvantage.

The COVID-19 pandemic and subsequent nationwide lockdown resulted in the entire co-ordinated admissions team working from home. This presented certain challenges to normal operations mostly related to accessing paperwork and printing resources in the admissions office, especially around Primary National Offer Day. A large reduction in the team's reliance on paper in recent years and a robust online admissions portal for parents significantly reduced the impact of this crisis.

B. Looked after and previously looked after children

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

Not at all Not well Well Very well Not 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**?

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

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 2021 for adopted children previously in care abroad. Please comment on the use of a priority in admission arrangements for a child adopted who was previously in care abroad if you wish.

Although KCC consulted to include this criterion for 2020 admissions arrangements this did not form part of the determined policy due to overwhelming resistance to proposals from interested parties.

A small number of schools for whom KCC are not the admissions authority did include adopted children outside England as part of their 2021 determined admissions arrangements following their addition in during 2020 consultations.

Kent remains open to the implementation of this criterion if this remains government's intention, but it is likely that this will prove challenging without a clear legal driver to require its inclusion.

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

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 nonfaith 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.

C. Special educational needs and disabilities

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

Kent County Council's 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-year⁴ admissions

A. Co-ordination of in-year admissions

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

Kent do not co-ordinate in-year admissions, our team signpost parents to schools with spaces. Where they identify a child without a school place or a child whose parents are unable or unwilling to secure a school place, they refer these to our children missing education team.

There are ongoing concerns regarding schools' failure to follow the admissions guidance, for example, not informing the LA of an application and its outcome, or verbally informing a parent the school does not have a school place. Consequentially the parent has not then applied formally, removing their right of appeal. Appeals not being heard by an independent body or being heard at all.

While KCC challenges this behaviour where it is identified, the current Code does not include sufficient provision to ensure that own admission authority schools can be compelled to act appropriately.

Centralised monitoring of own admission authority school appeals would also reduce the potential for inappropriate practices to go unidentified and unchallenged.

B. Looked after children and previously looked after children

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

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 applicable⁵

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 **in-year admissions** system serve the interests of children who are looked after by other local authorities but educated in your area?

Not at all Not well Well Very well Not applicable⁶

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. If you wish please give examples of any good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for looked after and previously looked after children:

North Kent:

Primary schools in North Kent admit CiC promptly and work very hard to support their needs. The Senior Access to Education Officer supports the admission process approaching the identified school and facilitating a pre-admission meeting. This enables an informed discussion between relevant professionals and ensures the admitting school is fully aware of the child's needs and how these can best be supported. Secondary schools in North Kent are also receptive to admission requests in respect of CiC and they work closely with the Senior Access to Education Officer to enable identifying the most appropriate education provision for the young person concerned, and also ensuring a fair distribution of CiC amongst all local schools.

Tonbridge and Malling District:

Hillingdon LA secured admission via the ESFA to Aylesford School in the Malling district for a looked after child. The school had not offered admission as they are rated by Ofsted as Requires Improvement and felt they couldn't meet her needs

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

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

during the course of any school year after the end of the statutory waiting list period (ie 31 December) in normal years of admission.

with their current cohort. The direction was upheld, and the school admitted the child.

West Kent Districts:

There are lower numbers of looked after children in these districts than other districts of Kent, however when admission requests are sent to schools, the schools are proactive and supportive in their communication and offering of places.

Dover District:

Astor College in Dover have demonstrated good practice when serving the interests of looked after children, in particular the unaccompanied asylum seekers placed in care within the locality. Working closely with Virtual School Kent (VSK), they have successfully provided an education programme for UASC's in conjunction with the Kent Refugee Action Network (KRAN). Recognising that the large majority of these asylum-seeking children are Year 11 and have little or no English or previous education, the aim of this has been to provide an immersive and integrated learning programme within their EAL provision and wider school community. Astor College have also been willing to provide a school induction programme for younger aged students to prepare them for the school environment before progressing to other schools in the district.

Shepway District:

Islington LA have started the process of direction to secure a place at Brockhill Park Performing Arts College (BPPAC). The ESFA is collating all information provided from both sides. The decision of the Local Authority to seek a direction was made as a result of communication not being forthcoming, with correspondence from both Kent's Senior Admissions Officer and Islington LA not being acknowledged. Consequently, this did not allow for professional conversations to be had whereby BPPAC themselves could provide a clear and valid rationale behind a decision not to admit if this were to be the case. As a school, they are routinely resistant to the admission of children in care placed by other local authorities in the Folkestone and Hythe district.

Canterbury District:

There were a number of unaccompanied asylum seeking children who are looked after by Kent County Council placed into the Canterbury area, there was an increase in numbers Kent wide due to the suspension of the National Transfer Scheme. Local secondary schools have supported these looked after children successfully during this time and places have been offered, Canterbury Academy in particular have proved to be adaptable in offering a flexible approach to supporting these learners into education.

Bexley LA requested admission to The Whitstable School for a looked after child, then subsequently sought to secure admission to The Whitstable School by requesting a direction to the ESFA. The ESFA directed The Whitstable School to admit the child, which it subsequently did.

Spire Academy and Herne Bay High have both sought to support admission of children in care from other local authorities into school with a clear package of support whilst in consultation with the other local authorities prior to admission.

Thanet District:

Thanet secondary schools continue to voice their concerns regarding the number of complex and vulnerable looked after children that are placed in the district from other local authorities. The number of OLA looked after children seeking only a good or outstanding school in the area adds to the already high demand locally for the 3 schools fitting the rating. This also continues to have an effect on the neighbouring Dover district with Sandwich Technology School bearing the added pressure of the extra admissions from other local authorities who have placed children in Thanet.

As a result of these concerns, Secondary schools in the Thanet district have often declined to offer places to looked after children from other local authorities through this period. The lack of offers of admission has led to OLA's needing to pursue the securing of school places for the children through the ESFA.

The Thanet schools have continued to offer admission during this time period to Kent children in care in the district and have supported UASC in the care of Kent, with supportive plans to help them to transition back into education.

C. Children with special educational needs and/or disabilities

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

Not at all Not well Well Very well Not applicable⁶

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

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

- iii. Please give examples of good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for children with special educational needs and/or disabilities:

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.

Officers perceive an increase in the number of children with special educational needs and/or disabilities without an EHCP. Many families need additional support with the admission process into schools, however schools on the whole are supportive. KCC proactively works with parents that acquire additional support to make the most of their application process.

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

D. Fair access protocol

i. Has your fair access protocol been agreed⁷ with the majority of state-funded mainstream schools in your area?

- Yes for primary
- Yes for secondary

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

iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2019 and 31 March 2020?

Type of school	Number of children admitted	Number of children admitted
	Primary aged children	Secondary aged children
Community and voluntary controlled	1	14
Foundation, voluntary aided and academies	8	432

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

Independent A/C	0	4
Total	9	446

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 applicable⁸

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

There are 9 secondary IYFA meetings covering Kent's districts they continue to work collaboratively in supporting IYFA referrals. All meetings are all held regularly, and schools are well represented at the meetings throughout the districts. The Panels are child focused and make decisions in the best interest of the young people concerned, whilst also ensuring a fair distribution of hard to place pupils amongst schools within the district. Chairs are consistently supportive of IYFA admissions and the IYFA process and there is a strong level of support from PRUs across Kent. Specific area-based points of interest are identified below:

Maidstone & Malling District:

Some secondary schools in the Maidstone district perceive they have issues where, although they are not full to capacity and not up to PAN, their teaching groups are believed to be full so to admit 1 pupil is a health and safety risk, so they refer these cases to the LA for IYFA.

There is some resistance in the district for Primary pupils that need to go to IYFA panels, and a decision is not always reached by the panel. However, once identified the school always admits the pupil.

Gravesham District and Dartford District:

Due to a high number of vulnerable families being moved out of London and housed in North Kent, there has been an increase in complex In Year Fair Access cases presented; particularly at KS4, with young people often requiring PRU provision.

Folkestone and Hythe

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

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

Within the Folkstone and Hythe district, Brockhill Park Academy are frequently resistant to the admission of young people who meet the Fair Access criteria and initially are often reluctant to admit an assigned pupil. Where 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.

There continues to be a stream of complex cases of families relocating to the district from London boroughs or from outside the UK some presenting with little or no English. There is resistance from schools to the admission of these pupils, with

concerns raised about risk/safeguarding. Whilst these concerns are acknowledged, identifying an educational provision becomes increasingly challenging and a reluctance of schools to provide alternative curriculum or to purchase places in the Pupil Referral Unit if that is what is deemed appropriate for the young person can result in a place not being identified and cases having to be brought back to the table again, which is in contradiction of the Fair Access Protocol.

Dover District:

Recently there was a complex case where a school was required to be named for the purposes of a school attendance order, no school offered which caused a delay in the process. Subsequently, Astor College were approached outside of the meeting and offered a place.

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

Swale:

The time frame of processing In Year applications differs between secondary schools in the Swale district and parents sometimes seek assistance from the LA to attain a response to IY applications.

Dartford / Gravesham:

Generally served well in respect of In Year admissions, although there has been considerable pressure in some year groups to meet the demand for places. The shortage of school places in some year groups, has had an impact on parents being able to secure school places via casual admission. Year 5 in Gravesend and year 6 in Dartford have been particularly challenging this year; the shortage of places is due to families moving to the area in-year. The main pressures are around the town centre, where places have been extremely limited. The Fair Access Protocol has been applied in order to secure school places for 12 year 5 children in Gravesend and 12 children in Dartford (mainly year 6) with schools sometimes admitting over their published admission number.

The primary schools in North Kent have worked closely with the Fair Access team to ensure access to school places for these children. Through applying the Fair

Access Protocol, we have ensured a fair distribution of additional children amongst local schools.

Dover District:

An in-year application recently submitted to Dover Christ Academy resulted in an appeal for a place following a decision not to offer. This appeal was delayed, but once heard the independent panel ruled in favour of the parent. Despite this outcome, the parent was advised by the school that the young person would be placed on the waiting list and would be offered a place once one became available. This warranted involvement from the Area Education Officer, resulting in the parent being advised that there would be a place once schools resumed normal business following the Covid 19 pandemic.

Section 3 - Other matters

Are there any other matters that the local authority would like to raise that have not been covered by the questions above?

Appeals

There is a continuing problem in Kent 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. The DfE and RSC need to better monitor their schools.

KCC continues to feel frustrated at the lack of a new Admissions Code it has now been 6 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 can result in self-professed experts working directly for academies with dubious practices and questionable independence all going unchecked.

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 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 4 - Feedback

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

KCC would like to express gratitude at the reduced format of the report this year in light of Covid-19, which has eased its production during such a busy time.

Previous comments in relation to the general format of the return have been implemented and KCC has no further requests at this time.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2020