



Office of
the Schools
Adjudicator

**Template for
Local Authority Report
to
The Schools Adjudicator
from**

Kent County Council Local Authority

to be provided by

31 October 2022

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**Please email your completed report to: [Office of the Schools Adjudicator](#) by
31 October 2022 and earlier if possible**

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Introduction

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 3.30 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. Paragraphs 6 and 3.30 of the Code require that each local authority publish its report locally. Local authorities do not have to include this introduction and guidance in their locally published report.
2. In 2020 and 2021, we asked far fewer questions than in previous years, asking only for the minimum information required by the Code. This was in response to the pressures on local authorities and others in the light of the Covid-19 pandemic. This year, we have again sought to keep the information requested to the minimum. We have, at the request of the Department for Education, asked a small number of additional questions relating to the impact of the new Code which came into force on 1 September 2021.
3. The new Code also changes the period to be covered by reports to the adjudicator and the deadline for submitting reports to the adjudicator. **This year's report must cover the 2021/2022 academic year and be submitted to the Office of the Schools Adjudicator by 31 October 2022.**

Guidance on completing the template

4. In a departure from previous practice, we have included all the guidance on completing specific parts of the template in this section. We hope that this will be helpful. This is in response to feedback that including guidance and definitions in the body of the template could make the report harder for readers to follow and less accessible. There is no requirement for local authorities to include the introduction and the guidance in their published reports, but they are free to do so if they wish.
5. We should be grateful if in completing questions which ask for information about primary and secondary schools and/or pupils, local authorities would follow the approach to classification of schools used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002².
6. Guidance on specific questions and/or meaning of specific terms in this report:
 - a. "in-year admissions": This means admission at the start of any school year to a year group 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

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

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

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

b. Not applicable means at questions:

Section 1: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 1: B.v. that there were no schools for which the local authority was the admission authority at 1 September 2021.

Section 1: B.vi. that there were no schools in the local authority's area for which the local authority was not the admission authority at 1 September 2021.

Section 2: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 2: C.i. that there were no children falling within the definition.

Section 2: D.iv. that there were no hard to place children referred to the protocol.

7. We welcome all comments that local authorities make in the comment boxes and we aim to reflect those comments in the Annual Report, but we ask for the comments to be entered under the right headings. Section 3 invites comment on any other matters not specifically addressed in this template if local authorities wish to do so. The views expressed in previous years also remain a matter of public record.
8. We ask that where possible, you return the template in Word instead of PDF formatting. A number of you have commented on the formatting of the template and we have tried to make it as accessible as possible, but we are aware that some local authorities use different versions of Word.

Information requested

Section 1 - Normal point of admission

A. Co-ordination

i. 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				Y
Year 7				Y
Other relevant years of entry				Y

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

KCC has a mature and annually reviewed admissions process which ensures that co-ordination routinely runs without issue. Recent “digital-first” enhancements implemented during COVID have further improved accuracy and reduced administrative burden on local schools.

B. Looked after and previously looked after children

i. How 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 applicable

ii. How 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 applicable

iii. How 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 applicable

- iv. How 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 applicable

- v. Please confirm that your local authority has included children adopted from state care outside England in its definition of previously looked after children in admission arrangements for schools for which it is the admission authority

Yes No Not applicable

- vi. How confident are you that all other admission authorities in your area have included children adopted from state care outside England in their definitions of previously looked after children in admission arrangements for schools for which they are the admission authority?

Confident all have Confident some have Not aware of whether all or some have Not applicable

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

Question vi would more accurately be answered “Confident most have”, however, this option was not available. KCC has directly advised all schools of this new responsibility and have monitored returned arrangements, however, there always remains a chance that schools have published additional documentation without the necessary adjustments. As the inclusion of this criterion is a legal requirement, KCC’s admissions guidance includes the following advice to parents:

The government has determined a new Admissions Code (2021) which includes a requirement for children who appear to an admission authority “to have been in state care outside of England and ceased to be in state care as a result of being adopted” to be given equal first priority in admission arrangements, alongside looked after children (LAC) and children who were previously looked after by English local authorities (PLAC). These children will be referred to as internationally adopted previously looked after children (IAPLAC).

This means that admission authorities were required to update their 2021/22 and 2022/23 admissions arrangements to include this new priority. Where schools have provided KCC with updated documents, they have been included below. As this is a legal requirement of the new Admissions Code, IAPLAC will be provided

equal priority in all schools' oversubscription criteria even if the following wording does not appear in a school's admission arrangements:

"Looked after children and previously looked after children: a looked after child is a child who is (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

A previously looked after child means such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear to the admission authority to have been in state care outside of England and ceased to be in state care as a result of being adopted.

A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society."

Kent County Council continue to believe the main challenge with the implementation of this criterion is the lack of clear guidance from the DFE regarding evidencing a child's suitability. The definition of a child in care in other countries is neither clear nor universal and while we did not experience difficulties this year (due to low volume of qualifying applicants) we anticipate the potential for issues in future admissions rounds.

C. Special educational needs and/or disabilities

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

Kent admissions arrangements include provision for consideration of a child or parents needs or disabilities when determining priority for admissions, as do many own admission authority schools, providing a clear avenue of support for those families that require it.

Section 2 - In-year admissions

A. Effect of Code changes on in-year admissions

Please provide any comments you wish to make on the effect of the changes to the Code's provisions for in-year admissions. It would be particularly helpful to have comments on whether you think the changes have made it easier or not for parents to secure places for children in-year?

The clarification of in year admissions in the code has been welcomed, however the extension to a 15 days response from schools has resulted in families having to wait longer for an outcome to their applications. Schools are yet to fully comply with informing the local authority of an outcome of an application within 2 school days of receiving it. While KCC challenges this behaviour where it is identified, the current Code does not include sufficient consequence for schools who do not reply to ensure they can be compelled to act appropriately

B. Looked after children and previously looked after children

- i. How does the **in-year admission** 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 applicable
- ii. How 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 applicable
- iii. How does your **in-year admission** 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 applicable
- iv. How does your **in-year admission** system serve the interests of previously looked after children?
Not at all Not well Well Very well Not applicable

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:

The vast majority of Primary and Secondary schools in Kent are receptive to Kent and Other Local Authority (OLA) children in care, places are offered promptly and work well with the placing authorities to reach amicable solutions to more complex cases.

There is a team of dedicated officers within Kent that work closely with social workers, virtual schools and the schools in question to secure school places.

We foresee some difficulty within the Swale district following inadequate Ofsted outcomes for two schools, which reduces the number of appropriate schools that can be considered when offering these pupils a place.

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 well Not well Well Very well Not applicable

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 well Not well Well Very well Do not know

iii. Please give examples of any 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:

While Kent has invested significant effort to more effectively manage the huge demand for EHCPs within the county, it continues to struggle to complete statutory functions within timescales and recalibrate local understanding of required support for pupils across the spectrum of SEN need.

Work continues on KCC's Countywide Approach To Inclusive Education (CATIE) to ensure sufficient resources are available to schools to support the needs of local pupils, alongside restructuring activities within SEN departments to underpin more resilient working practices.

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

D. Fair access protocol

i. Do you have a fair access protocol agreed 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 August 2021 and 31 July 2022?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled		
Foundation, voluntary aided and academies	5	157
Total	5	157

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

Not at all well applicable

Not well

Well

Very well

Not applicable

v. Please provide any comments you wish on the protocol not covered above. It would be particularly helpful to have any comments on the impact of the Code changes on the operation of the FAP in your area and the ability to secure places for vulnerable children:

Most schools consistently adhere to the Kent Fair Access Protocol and collaborate with the Local Authority in relation to hard to place admissions. Meetings have continued to be held virtually with a plan of some districts moving toward face to face meetings.

The Code changes regarding Fair Access Protocols have reduced the numbers of CYP going through Fair Access Panels, which has had negative implications for those pupils who could no longer be considered.

E. Directions

How many directions did the local authority make between 1 August 2021 and 31 July 2022 to maintained schools for which the local authority is not the admission authority to admit children (including children looked after by the local authority but resident in another area)?

Total Number of children	Of which, looked after	Of which, not looked after
0	0	0

F. If you wish, please provide any other comments on the admission of children **in-year** not previously raised:

There has been considerable pressure, particularly in years 5 and 6 in Dartford and Gravesham districts over the period, with schools being full or oversubscribed in these year groups. The shortage of places is due to families moving into the area in-year. The Senior Access to Education Officer had to source places for **45** primary school-aged children whose parents had not been able to secure a school place via casual admission. Of these 45 pupils, 15 were year 6; 20 were year 5 and the rest other year groups. The Senior Access to Education Officer approached local schools seeking their consideration to admit additional year 6 pupils – e.g, where there was a sibling already at the school, schools accommodated additional children. However, for most of the pupils referred places were made available at schools further away, with transport provided by the Local Authority.

A number of primary schools were approached to go over subscription in the Maidstone district due to a high number of new homes being built and offices transferring into flats throughout Maidstone

Following significant placement of Afghan and Ukrainian families, Ashford and Canterbury have also seen a significant reduction of local excess capacity. Within Canterbury all available Year 9 capacity has been utilised. These pressures have resulted in pupils being allocated to schools at the extent of reasonable journey times to ensure proper access to education. This leads to further pressures on the LA's already struggling transport network. Further comment on the decision making that has exacerbated this issue is included in section 3.

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?

Ukraine

Kent has been required to allocate a significant number of displaced Ukrainian children, predominantly through In Year admissions processes, in addition to expected historic cohorts. While existing frameworks accommodated this increased workload well, additional pressure was placed on a constrained workforce, which increased waiting times for all in year applications. A lack of high quality data from the Home Office impeded the Council's ability to pre-plan capacity needs, resulting in a more reactive approach being necessary. Department for Education guidance did not give sufficient consideration for Local Authorities that do not fully co-ordinate In Year admissions processes, which unreasonably increased public expectations in the Council's ability to allocate school spaces and the timescales work could be completed in, particularly during school holiday periods where little direct activity was possible.

Afghan Refugees and Home Office placement decisions

KCC has also supported a large number of Afghan families who have been placed in Kent by the Home Office via the Afghan Citizen's Resettlement Scheme. This has combined with the additional place requirements from Ukrainian and other refugee groups to create acute placement issues in areas such as Ashford and Canterbury.

KCC and the DfE have advised the Home Office of the resultant lack of school spaces, however, they continue to indicate an intention to place further families in these areas. This would unnecessarily exacerbate local pressures without a clear rationale as to why placements in alternative areas are not being considered.

This lack of strategic thinking also creates unnecessary emergencies that then require rapid LA response. In an extreme case, LA Officers were contacted by HO Officials who asked to confirm availability of school spaces for families who were waiting on the runway in Kabul so that their take-off could be authorised. LA

interaction at this level in Home Office operations are unprecedented and call into question wider decision making.

Gender

While Kent has not duplicated areas in this year's report that have been included historically, special consideration is required for the continuing pressure that builds regarding the use of biological sex, as opposed to gender, on application forms and the need for additional options other than Male and Female. A wholesale lack of definitive guidance from the DFE leave LAs and admissions authorities responsible for responding to complaints about perceived inaction, when Common Basic Dataset requirements means additional flexibility is simply impossible until government directed changes are made.

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2023.

This year's extended deadline is very welcome as it allows us to complete the admissions rounds before responding in full.

Thank you for completing this template.

Please return to [Office of the Schools Adjudicator](#) by 31 October 2022