



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Kent County Council Local Authority

to be provided by

30 June 2021

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**Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2021 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.

2. This template requests the same information as that set out in the revised template we sent on 15 April 2020:

- a) information about how admission arrangements in 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 co-ordination in their area, including how many children were admitted to each school under them.

3. We should 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. In the template last year we did not ask about the determination of admission arrangements because of continued constraints on local authorities. Again, we have not asked for that information this year, but we intend to return to this area in future years given the importance of determination and checking compliance of all admission authorities. It is a key role for the local authority's leadership to encourage schools to determine arrangements in line with the provisions in the Code.

5. 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.

6. 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.

7. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2021**.

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

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

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:

The biggest challenge faced by Kent County Council as a result of the Covid-19 restrictions relate to testing both for selective and fully banded secondary schools. Each year Kent County Council organises the Kent Test for around 16,000 children from across the South-East of England and beyond. This year testing was delayed by 4 weeks to allow Year 6 children to settle back in to school after prolonged absence due to the national lockdown. This meant, however, that the test took place in mid-October when infection rates were beginning to rise again and many parents were unable to attend the test centre we had organised for them due to self isolation. This created an additional administrative burden to ensure everyone was offered an alternative (in some cases, more than one alternative was offered to the same child) in order that testing was completed by National Closing Date of 31 October.

Another consequence of testing being delayed was that results themselves could not be published until mid-November, which was of course after the National Closing Date for secondary admissions. To mitigate resultant issue of parents not knowing their Kent Test results prior to the closing date of admissions we extended our maximum number of preferences on the secondary CAF from four to six and allowed parents to make changes for an extended period after 31 October. While these methods were a success in Kent they resulted in a large increase in administrative functions to process the extra preferences and changes at a time when Kent Test results were also being prepared and released to parents. It was also noted that our neighbouring LAs, many of whom have no selective schools, were also required to make similar arrangements so as not to disadvantage their parents, with varying success.

While Kent acknowledges that legislation would have needed to be adjusted, it would have potentially been more efficient to delay the National Closing and National Offer Day to allow Local Authorities additional time to deliver their statutory requirements this year.

Kent County Council also identified some inconsistencies in the advice given to schools with banding tests – some were told testing can go ahead as normal, others that banding can be suspended and others that virtual testing should be implemented. While this was understandable in light of the global pandemic, it still negatively impacted schools and local authorities in trying to fulfil their co-ordinated responsibilities.

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**?

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 2022 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:

Kent supports the forthcoming mandatory requirement to provide priority for children adopted outside of England. While we remain cautious as a result of the potential lack of definitive evidence to support all applications under this criterion, we remain hopeful that promised DfE guidance will help admission authorities to make consistent decisions and will provide support where this is requested.

- vi. If you wish, please give any 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**:

KCC ensure, wherever possible, that LAC applicants are given the opportunity to be included in the first round of offers on National Offer Day. 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.

Close coordination with relevant LAC teams ensure children are given the correct priority but identifying previously Look After Children can be more challenging – especially if the corporate parent is another LA and/or the LAC status ceased many years in the past.

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

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, however, post offer day processes are utilised as much as possible to offset this shortcoming.

Section 2 - In-year⁴ admissions

A. Co-ordination 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 (31 December) in normal years of admission.

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. Where appeals are offered, there is then potential that they are 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 reduce the potential for inappropriate practices to go unidentified and unchallenged

B. Looked after children and previously looked after children

- i. How well 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 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 applicable⁵

- iii. How well 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 applicable⁵

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

Not at all Not well Well Very well Not applicable⁵

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

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.

Over the past year, due to the pandemic, most meetings have been held virtually. This has enabled an informed discussion between relevant professionals to ensure the admitting school is fully aware of the child's needs and how these needs can best be supported.

Against this backdrop, the examples below are worthy of additional consideration:

Maidstone / Malling

Aylesford School have admitted a number of unaccompanied asylum seeking children (UASC) in the last year, the school is particularly supportive of the admission process, and the children have achieved good results and moved onto college.

Tonbridge / Tunbridge Wells

Primary schools in the area have a higher number of admission requests for looked after children and these are successfully placed.

Swale

Some schools have raised concerns over delays in receiving funding for Pupil Premium from certain OLA's and the affect this can then have on the child or young person accessing the appropriate support they require in school.

South Kent

Other Local Authorities have on occasion placed children in care with little prior planning before placing. KCC continues to challenge this to ensure the best interests of the child is served.

Dover District

Astor College in Dover have continued throughout the Coronavirus pandemic to demonstrate good practice when serving the interests of looked after children, in particular unaccompanied asylum seeking children placed in the care of Kent within the locality. Working closely with Virtual School Kent (VSK), the bespoke education programme set up for UASC's has continued to support these young people into education within their English as an Additional Language (EAL) provision and wider school community. This provision has also benefitted other young people with English as an additional language.

Thanet

Thanet continues to have the highest number of looked after children in Kent. Secondary schools in the area continue to raise concerns regarding other local

authorities placing complex and vulnerable looked after children, often a long way from their Placing Authority and with little forward planning. Although this number had fallen during the pandemic the numbers are now rising again. Hartsdown Academy have recently worked together with VSK to develop an education project supporting unaccompanied asylum seeking children who are in the care of Kent in the area, this supports them to enter into education whilst recognising their EAL and wider social needs.

Canterbury

OLA's placing within the Herne Bay area have meant that looked after children levels continue to be higher than other areas. Schools have been incredibly supportive in making these transitions into school successful. Unfortunately, some schools are now reporting delays in funding from OLA's.

The resumption of the National Transfer Scheme (NTS) and the support of Other Local Authorities in providing some places outside of Kent for unaccompanied asylum seeking children has been helpful and relieved the pressure for school places in both Thanet and Canterbury districts, both of these areas are currently supporting high numbers of UASC within local schools.

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 applicable⁵

- 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 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:

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 agreed⁶ 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 2020 and 31 March 2021?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	0	7
Foundation, voluntary aided and academies	1	218
Independent A/C	0	4
Total	1	229

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 applicable⁷

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

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 been held virtually over the past year helping ensure that the young people with Fair Access status referred throughout the various lockdowns have been placed.

⁶ An existing protocol remains binding on all schools up until the point at which a new one is adopted.

⁷ 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

Swale - Due to the geography of the Swale district, the inter-relationships between the schools on admitting children in-year through panel work well and schools are supportive of Fair Access to ensure a fair distribution of hard to place children and young people across the district. Swale has a unique position compared to other districts due to the independent and alternative provision with The Alchemy School which has been a positive addition to the district since the devolved PRU provision. In support of their position in the district, The Alchemy School also attend panel to aid with discussion and support with hard to place children and young people.

Swale schools as a collective recently have offered their support towards The Abbey School, who sit across both Swale and Canterbury IYFAP, with regards to a complex case and reassurance that if the placement were to break down then the child could be brought back to the Swale panel for discussion due to the child residing within the Swale postcode.

Thanet District - During the last year numbers have been slightly lower however Thanet remains the district with the highest number of complex and vulnerable children being placed through IYFA in the county. All schools including the mainstream, grammar schools, the PRU continue to attend. East Kent College also attend, they offer a popular 14 – 16 Technical school within the district. There is a movement of sometimes vulnerable children between the schools and the college and vice versa, panel is a useful forum for discussion surrounding continuing support for this cohort from the college as they do not sit within the same admission guidelines as the local mainstreams. Enterprise Learning Alliance (PRU) continues to support the schools in the area very well.

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

Despite the pressures that the schools were under during the pandemic all schools and their staff have worked tirelessly to support key working families and vulnerable children. Schools have made positive and supportive decisions with admission requests, placing the children at the heart of their decisions.

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?

Due to COVID-19 restrictions Kent County Council implemented virtual meetings for appeal hearings and the results were very positive. Parents benefitted from the convenience of not having to travel and the less formal atmosphere while panel members and KCC staff were able to utilise technology that would not otherwise be available. There were also cost benefits and increased flexibility meant the in-year uptake was still high even during a pandemic. While it is understood that any adjustment would require changes to legislation, it would be

short-sighted to overlook the many advantages of virtual appeals, and so long as parents were given an opportunity to continue will face to face appeals where that was their preference, it would be a helpful tool for LAs and schools alike.

While this year's adjudicators report does not include a section on Elective Home Education, Kent has seen a further significant increase in registrations, far in excess of the historic rising trends seen in many LAs across the country. While the growing national interest in this cohort is encouraging, improvements to legislation are long overdue and LAs remain constrained by the lack of suitable tools to identify all EHE pupils, compare them to a centralised standard of education and be resourced appropriately to complete assessments in a timely fashion.

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2022.

This report has been reduced in size in previous years and Kent County Council continue to be grateful. We have no further comments at this time

Thank you for completing this template.

Please return to OSA.Team@schoolsadjudicator.gov.uk by 30 June 2021