



**Office of  
the Schools  
Adjudicator**

**LOCAL AUTHORITY REPORT  
TO  
THE SCHOOLS ADJUDICATOR  
FROM  
Medway Local Authority**

**30 JUNE 2016**

**Report Cleared by (Name): Barbara Peacock**

**(Title): Director of Children and Adults Services**

**Date submitted: 30 June 2016**

**By (Name): Simon Harrington**

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**Please email your completed report to: [osa.team@osa.gsi.gov.uk](mailto:osa.team@osa.gsi.gov.uk)**

## **Introduction**

1. Section 88P of the School Standards and Framework Act 1998 requires Local Authorities to make an annual report to the adjudicator.
2. The School Admissions Code (the Code) at paragraph 6 sets out the requirements for reports by local authorities. 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 local issues.
3. There are other matters concerning admissions, some suggested by local authorities themselves, about which it would be useful to have a view. Rather than undertake a separate exercise in which information is sought from local authorities, you are asked to include any relevant information in your report to the adjudicator.

## **Completing the Template**

**This template is designed to be completed electronically - boxes will expand as necessary. Please note that we will contact you if any data boxes have not been completed. However if there are any blank comment boxes we will presume that you have no comments to make.**

**Throughout this report, please include middle deemed primary schools as for pupils up to age 11 and middle deemed secondary schools as for pupils over 11. For schools that have children of primary and secondary age and are not designated as a middle school please record them as all-through schools.**

**Where a type of school is given, foundation covers foundation schools and foundation schools with a foundation (trust schools). Academy schools should be recorded by the individual type of academy school, namely, academy, free school, UTC or studio school.**

### **1. Local Authority school numbers**

Please give the total number of schools by type within your local authority as at 30 June 2016.

<b>Type of School</b>	<b>Number of Schools for pupils up to age 11</b>	<b>Number of Schools for pupils over age 11</b>	<b>Number of all-through schools</b>
<b>Community</b>	35	0	0
<b>Voluntary Controlled</b>	4	0	0
<b>Voluntary Aided</b>	9	1	0
<b>Foundation</b>	0	0	0
<b>Academy</b>	31	15	1
<b>Free School</b>	0	0	0
<b>UTC</b>	N/A	1	0
<b>Studio School</b>	N/A	0	0

## 2. Admission Arrangements for Admissions in September 2016

The Code at paragraph 3.23 requires that each local authority provides “*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*”.

Please include details of:

1. Any ways in which each of the following groups of children have been especially well served; and
2. Any difficulties that have arisen for each group of children while allocating places for admission in September 2016.

(a) How well are the interests of **looked after children** served?

Tick as appropriate: Fully  In part  Not satisfactory

Comments:

All Medway schools and academies have, as their first oversubscription criterion, looked after children and previously looked after children (following the admission of children with an Education, Health and Care Plan or Statement of Special Educational Needs).

There is no evidence of any specific issues or concerns arising in the 2016 admission processes in relation to the admission of looked after children/previously looked after children.

Medway Council will always champion the right of LAC and previous LAC to attend their preferred school, even if that school is full to its published admission number. The Council discuss these cases with the school concerned to seek admission above PAN where appropriate in accordance with the provisions of School Admissions Code.

(b) How well are the interests of **previously looked after children** served?

Tick as appropriate: Fully  In part  Not satisfactory

Comments:

In some cases parents/carers have found it difficult to understand what information and evidence is required to enable the Council to determine previous LAC status for a child. To this end, Medway Council have published information in the annual composite prospectus on what evidence should be submitted to assist this process.

(c) How well are the interests of **children with disabilities** served?

Tick as appropriate: Fully  In part  Not satisfactory

Comments:

Medway Council's procedures are fully compliant with all regulations and we are unaware of any specific problems that have arisen in relation to children with disabilities under the mainstream admission processes. It is important to note however that there is no specific admission criteria to cover this from any admission authority, other than medical/health need criterion.

(d) How well served are **children who have special educational needs and who have a statement of special needs** that names a school (or an education health and care plan)?

Tick as appropriate: Fully  In part  Not satisfactory

Comments:

In accordance with the provisions of the School Admissions Code, all Medway schools and academies include the admission of children with an EHCP or Statement of Special Educational Needs ahead of all other applicants and without reference to the oversubscription criteria.

The Council is not aware of any specific issues or concerns that have arisen with regard to the admission of these children.

Medway Council's procedures are compliant with all regulations.

(e) How well served are those **children who have special needs, but do not have a statement?**

Tick as appropriate: Fully  In part  Not satisfactory

Comments:

The Council is not aware of any specific issues or concerns that have arisen with regard to the admission of these children.

Medway Council's procedures are compliant with all regulations.

### **3. Co-ordination of admissions**

#### **A) During the normal admissions round**

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2016 in your local authority, highlighting any particular strengths in the process or any problems that have arisen.

## Primary

(a) How well has the operation of national offer day worked for primary admissions this year compared with previous years?

Tick as appropriate: Better  The same  Less well

Comments:

This is now the process expected by parents/carers and schools, so there have been no problems in the operation of national dates.

## Secondary

(b) How well has the operation of national offer day worked for secondary admissions this year compared with previous years?

Tick as appropriate: Better  The same  Less well

Comments:

The use of national dates across the country has been in place for some time and is more fully understood by parents. It ensures that the processes are transparent and consistent for parents/carers irrespective of which local authority they live in or where the school is.

(c) If you have any UTCs or studio schools in your area, do you co-ordinate admissions for entry at the relevant year group for entry to these schools?

Tick as appropriate: Yes  No  N/A

If **YES**, please comment on how well the admissions process is working for these schools:

Medway Council co-ordinated the admissions for point of entry (Year 10) to the Medway UTC this year using the national dates for secondary admissions. The process was effective and all applicants were offered on national offer day.

The Medway UTC, however, is electing to opt out of co-ordination for 2017 admissions, as they feel they wish to give applicants a longer period to apply (i.e. not using 31 October as a closing date) to maximise the number of applications they receive.

If **NO**, do you have any evidence about how well the admission process is working for individual UTCs or studio schools?

Tick as appropriate: Yes  No

If **YES**, please comment:

Not applicable

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**B) In-year admissions**

The Code sets out that in-year admissions do not have to be co-ordinated by the local authority.

- (a) How many **pupils** have needed a school place because they do not have one or because parents have applied for a place as an in-year admission for any other reason between 1 September 2015 and 15 June 2016?

Number of pupils up to age 11	Number of pupils over age 11	Number of post-16 students
1,536	568	Medway Council is unaware of applications/offers for post-16, as all Medway schools and academies administer their own sixth form admissions directly.

- (b) Does your local authority co-ordinate in-year admissions for all, some or none of the schools in your area?

Tick as appropriate: All  Some  None

If 'Some', please complete the table below as appropriate

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
<b>Community</b>	35	0	0
<b>Voluntary Controlled</b>	4	0	0
<b>Voluntary Aided</b>	5	0	0
<b>Foundation</b>	0	0	1
<b>Academy</b>	27	10	0
<b>Free School</b>	0	0	0
<b>UTC</b>	N/A	1	N/A
<b>Studio School</b>	N/A	0	N/A

- (c) Do you have any information about how many schools parents might approach before obtaining a place? Please comment on any issues that have come to your attention.

<p>Comments:          Parents/carers do not necessarily advise Medway Council if they have approached or spoken with any schools (including those that administer their</p>
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own in-year admissions) prior to applying for a school place.

- (d) How confident are you that the requirements of the Code at paragraph 2.22, for schools to keep the local authority informed in a timely manner about applications and the outcomes, are being met? (If you co-ordinate all admissions for all schools then please tick not applicable.)

Tick as appropriate:

Very confident  Confident  Not confident  Not applicable

- (e) Across your local authority, how well have in-year admissions worked this year?

Tick as appropriate: Better than last year  The same as last year   
Less well than last year

- (f) Please comment on the effectiveness overall of in-year admission arrangements across all types of schools in your local authority.

Comments:

The Council has concerns that parents/carers are not receiving a consistent or accurate process from all schools. There is a significant difference in the service families receive in relation to applications for schools administered by the Council and those schools and academies that have elected to administer their own in-year admissions. Medway Council have been contacted by families about some issues they have experienced, including:

- + Applications not being processed in a timely manner
- + Applications being discouraged because the relevant school is full in the year group
- + The right of appeal not being extended when a place cannot be offered
- + Appeals not being heard in accordance with the School Admissions Appeals Code
- + Schools not always accepting an application made on the Council application form and insisting the use of their own form.

In addition to the above, Medway Council are not regularly being informed of every application and its outcome or every appeal and outcome. This results in a considerable amount of work for the local authority in chasing schools and academies for information, which is usually as a result of being contacted by families who are awaiting decisions.

One area that proves difficult for the Council is obtaining up to date roll numbers for every school. This is requested from all schools on a weekly basis but is not always provided. There are also concerns that the figures, once provided, are not always accurate. This results in the Council not being able to effectively advise parents of where there might be places available upon request.

#### 4. Fair Access Protocol

The Code at paragraph 3.9 requires each local authority to have agreed a Fair Access Protocol with the majority of schools in its area. Paragraph 3.11 of the Code requires that all admission authorities must participate in the Fair Access Protocol.

- (a) Please confirm that your local authority has a Fair Access Protocol that has been agreed with the majority of schools in your area.

Tick as appropriate: Yes  No

If **NO**, please explain:

- (b) Although a majority of schools, and perhaps all, will have agreed the Fair Access Protocol, some may not have done so. Please state how many schools have not agreed your Fair Access Protocol.

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
<b>Community</b>	N/A	0	N/A
<b>Voluntary Controlled</b>	N/A	0	N/A
<b>Voluntary Aided</b>	N/A	0	N/A
<b>Foundation</b>	N/A	0	N/A
<b>Academy</b>	N/A	0	0
<b>Free School</b>	N/A	N/A	N/A
<b>UTC</b>	N/A	0	N/A
<b>Studio School</b>	N/A	N/A	N/A

- (c) Where schools did not agree the Fair Access Protocol, please say why they did not agree.

Comments:

All Medway secondary schools and academies and the Medway UTC have agreed to the adopted fair access protocols, which came into being in September 2014.

Currently, by agreement, fair access protocols are not applied to primary phase applications. All cases in primary are treated as standard cases against oversubscription criteria irrespective of any behaviour or attendance issues.

- (d) (i) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2015/16 in placing children without a school place in schools in a timely manner.

Tick as appropriate: Very well  Mostly well  Some difficulties

(ii) What is your general assessment of the working of the protocol compared with last year?

Tick as appropriate: More effective  As effective  Less effective

(iii) How frequently has the protocol been used to place a child compared with last year?

Tick as appropriate: More frequently  Same frequency  Less frequently

(e) Have you any examples of particularly effective collaboration and working with individual schools, for example, placing children in year 6 of a primary school or years 10 and 11 of a secondary school?

Tick as appropriate: Yes  No

Comments:

Medway Council continues to work in partnership with all secondary schools and academies regarding the process adopted for the placement of Year 11 pupils to ensure that they are not missing education at this critical time. This collaboration has had a significant positive impact on the time taken to secure a placement.

A process regarding the processing and placements of young people designated as unaccompanied minors has recently been agreed between Medway Council, Medway secondary schools and academies and Kent County Council. This process is in its infancy, but is proving to be effective.

(f) Have you had specific problems in allocating a place through the protocol, for example, where a school has been reluctant to accept a child?

Tick as appropriate: Yes  No

Comments:

All young people presented to the Fair Access Panel have secured places.

(g) How many children have been admitted under the protocol to each type of school in your area? How many children have been refused admission to a school?

Type of School	Number of children admitted			Number of children refused admission		
	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools

<b>Community</b>	N/A	0	N/A	N/A	0	N/A
<b>Voluntary Controlled</b>	N/A	0	N/A	N/A	0	N/A
<b>Voluntary Aided</b>	N/A	5	N/A	N/A	0	N/A
<b>Foundation</b>	N/A	0	N/A	N/A	0	N/A
<b>Academy</b>	N/A	20	5	N/A	0	0
<b>Free School</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>UTC</b>	N/A	0	N/A	N/A	0	N/A
<b>Studio School</b>	N/A	N/A	N/A	N/A	N/A	N/A

(h) If children have not been placed successfully in a school through the protocol, have you used the direction process to provide a place for a child?

Tick as appropriate:      Yes       No       N/A

(i) If **YES**, how many children have been placed and in which type of school as a result of a direction, including a direction via the EFA on behalf of the Secretary of State or after a referral to the Adjudicator?

<b>Type of School</b>	<b>Number of Schools for pupils up to age 11</b>	<b>Number of Schools for pupils over age 11</b>	<b>Number of all-through schools</b>
<b>Community</b>	N/A	N/A	N/A
<b>Voluntary Controlled</b>	N/A	N/A	N/A
<b>Voluntary Aided</b>	N/A	N/A	N/A
<b>Foundation</b>	N/A	N/A	N/A
<b>Academy</b>	N/A	N/A	N/A
<b>Free School</b>	N/A	N/A	N/A
<b>UTC</b>	N/A	N/A	N/A
<b>Studio School</b>	N/A	N/A	N/A

(j) Please add any other relevant information you wish to include in sections g - i concerning Fair Access Protocols.

Comments:  
None

## **5. Admission Appeals**

The Code requires data to be collected about appeals. In order to meet this requirement the DfE will use the latest published Statistical First Release: admission appeals for maintained and academy primary and secondary schools in England.

Taking into account comments reported in 2014, and data gathered for the first time in 2015, in response to the invitation to *“add any comments about the appeals process in your area”*, it would be helpful to gather views once again across all local authorities on the extent to which schools that are their own admission authority continue to use local authority services for admission

appeals.

(a) Do any own admission authority schools use any of your services as part of the appeals process?

Tick as appropriate: Yes  No

(b) If yes, please indicate the number of schools that use at least some of your services

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
<b>Voluntary Aided</b>	N/A	N/A	N/A
<b>Foundation</b>	N/A	N/A	N/A
<b>Academy</b>	N/A	N/A	N/A
<b>Free School</b>	N/A	N/A	N/A
<b>UTC</b>	N/A	N/A	N/A
<b>Studio School</b>	N/A	N/A	N/A

(c) Please indicate the services that are used :

Type of School	Schools for pupils up to age 11(Y/N)	Schools for pupils over age 11 (Y/N)	All- through schools (Y/N)
<b>Full appeals process</b>	N	N	N
<b>Legal advice</b>	N	N	N
<b>Assistance in the preparation and presentation of case documentation</b>	N	N	N

(d) Please add any other service related to appeals obtained from your local authority

Comment:  
N/A

(e) Please add comments about any aspects of the appeals process in your area that work well or that cause difficulties, as appropriate.

Comment:  
Medway Council do not currently offer any form of appeals service to own admission authority schools and academies.  
It is noted, however, that this would assist parents in receiving a consistent approach to admission appeals and is being looked into for possible future delivery.

## 6. Other Issues

### A. Objections to admission arrangements

Paragraph 3.2 in the Code says “local authorities **must** refer an objection to the Schools Adjudicator if they are of the view or suspect that the admission arrangements that have been determined by other admission authorities are unlawful”.

- (a) How many sets of admission arrangements of schools were queried directly by your local authority with schools that are their own admission authority because they were considered not to comply with the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
<b>Voluntary Aided</b>	0	0	N/A
<b>Foundation</b>	0	N/A	N/A
<b>Academy</b>	0	0	0
<b>Free School</b>	N/A	N/A	N/A
<b>UTC</b>	N/A	0	N/A
<b>Studio School</b>	N/A	N/A	N/A

- (b) How confident are you that own admission authority admission arrangements are now fully compliant with the Code?

Tick as appropriate: Very confident  Confident  Not confident

- (c) How many schools did not send you a copy of their full admission arrangements, including any supplementary information form (or any such form by another name, for example, religious inquiry form) if one is used, by 15 March, as required by paragraph 1.47 of the Code?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
<b>Voluntary Aided</b>	0	0	N/A
<b>Foundation</b>	0	0	N/A
<b>Academy</b>	0	0	0
<b>Free School</b>	0	N/A	N/A
<b>UTC</b>	N/A	0	N/A
<b>Studio School</b>	N/A	N/A	N/A

### B. Fraudulent applications

- (a) Is there any concern in your local authority about fraudulent applications?

Tick as appropriate: Yes  No

(b) Did your local authority make any offers on national offer days that were subsequently withdrawn as a result of a fraudulent application?

Tick as appropriate: Yes  No

(c) If **YES**, how many for each type of school?

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	1	N/A	N/A
Voluntary Controlled	1	N/A	N/A
Voluntary Aided	0	0	N/A
Foundation	N/A	N/A	N/A
Academy	2	1	0
Free School	N/A	N/A	N/A
UTC	N/A	0	N/A
Studio School	N/A	N/A	N/A

(d) What action is your LA taking to prevent fraudulent applications?

Comment:

The Council continues to work closely with all Medway schools and academies to try and prevent fraudulent applications. Once notified of a potential query regarding an application, the Council undertakes investigations and seek all relevant evidence from parents/carers to verify their application. The Council's admissions department are currently discussing potential access to information systems (e.g. Council Tax records) to assist in investigations.

Medway Council's composite prospectus highlights to applicants the need for correct information and also that places may be withdrawn if an application is determined to be fraudulent.

### **C. Summer-born children, deferred entry and part-time attendance**

The DfE issued revised guidance in December 2014 "Advice on the admission on summer-born children" for local authorities, school admission authorities and parents ([Link to Guidance](#)). The Code at paragraph 2.16 deals with deferred entry and/or part-time attendance for children in the year they reach compulsory school age. Paragraph 2.17, 2.17A and 2.17B refer to the admission of children outside their normal age group.

(a) Do you keep data for any schools on the number of requests from parents who ask that their child is admitted to a class outside their normal age group?

Tick as appropriate: Yes  No

(i) For community and voluntary controlled schools: Yes  No

(ii) For own admission authority schools: Yes  No

If **YES** in answer to (a) above, please complete the tables:

Type of School	In 2015, how many requests for deferred admission to year R in 2016 were agreed for a child who will have reached the normal age for Year 1?
Community & Voluntary Controlled	0
Own Admission Authority	0

Type of School	How many requests to defer admission to year R in 2016 were received?	How many of those requests were subsequently agreed?
Community & Voluntary Controlled	2	0
Own Admission Authority	4	0

(b) What reasons, if known, were given for seeking to defer the admission to year R of children for a full school year?

Comments:

All requests have individual reasonings for the request and there has not yet been one that the educational professionals providing recommendations have felt would be in the best interests of the child.

Some of the reasons given in requests include:

- +Simply the fact that the child is summer born
- +The child's speech and language development, but without any medical professional supporting information
- +The child's behavioural needs, but without supporting information
- +The child's immaturity compared to their peers

(c) Do you have any other comments on the matter of admission of summer-born children, including requests to delay admissions made after the allocation of places in the normal admissions round?

Comments:  
 There has been a visible increase in the number of requests received, especially since the publication of an open letter from Nick Gibb MP. Parents/carers feel that the content of said letter is now regulation and this has led to a number of discussions between the Council and parents/carers about what and how the local authority should be considering requests.

In addition to the above table, the Council have also had 3 requests from families who were offered places in the 2015 admissions round (to start September 2015) and have subsequently requested for delay to September 2016. Whilst the Council publishes information on the process in the composite prospectus, parents/carers are choosing to make late requests, even after their child has started at a school and not settled well.

(d) Do you have any comments about paragraph 2.16c) in the Code concerning the offer and/or take-up of part-time attendance by children below compulsory school age?

Comments:  
 None

**D. Pupil, service and early years premium**

The 2014 Code permits all schools to give priority for admission in 2016 to children eligible for the pupil, service or early years premium (paragraphs 1.39A and 1.39B). If admission authorities wish to introduce such a priority they must have consulted as required by the Code in paragraphs 1.42-1.45.

(a) Pupil and service premium

In respect of community and voluntary controlled schools:

Type of School	Has the LA considered giving priority to pupil/service premium? (Y/N)	If YES, have you consulted on this? (Y/N)	In response to consultation has the priority been implemented? (Y/N)
<b>Community Primary</b>	N	N	N/A
<b>Voluntary Controlled Primary</b>	N	N	N/A
<b>Community Secondary</b>	N/A	N/A	N/A
<b>Voluntary Controlled Secondary</b>	N/A	N/A	N/A

Comments:  
 None

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In respect of own admission authority schools:

<b>Type of School</b>	<b>Has the LA been consulted by any own admission authority of the type shown below on giving priority to pupil/service premium? (Y/N)</b>	<b>If YES in response to consultation, for how many schools has the priority been implemented? (Please give the number)</b>
<b>Voluntary Aided Primary</b>	N	N/A
<b>Foundation Primary</b>	N	N/A
<b>Academy Primary</b>	N	N/A
<b>Free School Primary</b>	N	N/A
<b>Voluntary Aided Secondary</b>	N	N/A
<b>Foundation Secondary</b>	N	N/A
<b>Academy Secondary</b>	Y	1
<b>Free School Secondary</b>	N/A	N/A
<b>UTC</b>	N	N/A
<b>Studio School</b>	N/A	N/A

<p>Comments:            1 Medway secondary grammar academy has previously adopted pupil premium as an oversubscription criterion (for children assessed as grammar and in receipt of free school meals) and continues to do so.</p>
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(b) Early years pupil premium - nursery priority

In respect of community and voluntary controlled schools:

<b>Type of School</b>	<b>Has the LA considered giving priority to early years pupil premium? (Y/N)</b>	<b>If YES, have you consulted on this? (Y/N)</b>	<b>In response to consultation has the priority been implemented? (Y/N)</b>
<b>Community Primary</b>	N	N/A	N/A
<b>Voluntary Controlled Primary</b>	N	N/A	N/A

<p>Comments:            None</p>
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In respect of own admission authority schools:

Type of School	Has the LA been consulted by any own admission authority of the type shown below on giving priority to early years pupil premium? (Y/N)	If YES in response to consultation, for how many schools has the priority been implemented? (Please give the number)
<b>Voluntary Aided Primary</b>	N	N/A
<b>Foundation Primary</b>	N/A	N/A
<b>Academy Primary</b>	N	N/A
<b>Free School Primary</b>	N/A	N/A

Comments:  
None

#### **E. Local Authority Issues**

Please provide details of any other issues that you would like to raise and/or comment on that have not been already covered in this report.

Comments:  
NB: in relation to Section 6A - objections to admission arrangements. Medway Council have objected to the proposed admission arrangements for 4 secondary academies due to the introduction of criteria that cause potential disadvantage to some applicants. These are not included in the table, as it is not objecting to the legality of the arrangements, but about the potential negative impact of the arrangements.

**Thank you for completing this report**

Please email your completed report to: [osa.team@osa.gsi.gov.uk](mailto:osa.team@osa.gsi.gov.uk)