



Office of  
the Schools  
Adjudicator

**Local Authority Report**

**To**

**The Schools Adjudicator**

**From**

**Medway Local Authority**

**30 June 2017**

**Report Cleared by (Name & Title): Ian Sutherland, Director Children and Adults**

**Date submitted: 30 June 2017**

**By (Name & Title): Simon Harrington, Programme Lead-School Services**

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

## Introduction

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 Schools Adjudicator (CA) 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 issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2017**.

The questions have been revised for 2017 with the purpose of:

- a) making the information gathered statistically robust and as useful as possible to the local authorities which provide the information; that is: the Office of the Schools Adjudicator (OSA) which receives the information; the Department for Education (DfE) to which the CA provides her annual report; and the children and families for whom the Code is designed to make sure that places are allocated and offered in an open and fair way;
- b) minimising the work required by local authorities in providing information; and
- c) avoiding duplication of effort.

This revised format therefore, in addition to statutory requirements as described in the Code, explores: points raised by local authorities in previous reports and matters which have arisen in the CA's Annual Report and areas of interest to the DfE. If information is already collected elsewhere, such as the number and type of schools and data relating to appeals, then it is not asked for again here but will be available for inclusion in the CA's Annual Report.

## Information requested

### 1. Looked after children and previously looked after children

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children.

- a. How well do admission arrangements in your local authority area serve the interests of looked after children?

Not at all                       Not well             Well                       Very well

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

Not at all                       Not well             Well                       Very well

- c. How well do admission arrangements in your local authority area serve the interests of previously looked after children?

Not at all                       Not well             Well                       Very well

Please give examples of good or bad practice or difficulties which support your answer and provide any suggestions for improvement:

There is no evidence of any specific issues or concerns arising in the 2017 admissions processes in relation to the admission of looked after or previously looked after children.

All Medway schools and academies comply with the School Admissions Code in that they have looked after and previously looked after children as their highest oversubscription criterion.

Medway Council will always champion the rights 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 the School Admissions Code.

## 2. Children with disabilities and children with special educational needs

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of children with children with disabilities and children with special educational needs.

- a. How well served are children who have disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school?

Not at all                       Not well                       Well                       Very well

- b. How well served are children who have disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs?

Not at all                       Not well                       Well                       Very well

Please give examples of good or bad practice or difficulties which support your answer and provide any suggestions for improvement.

Medway has 1800+ children with EHCP's. All of these pupils have provision named in Section I of the plan. If the school chosen by parents refuses to admit there is a system in place to challenge decisions, renegotiate, name and issue revised plans as necessary. Schools are provided with the option to appeal decisions with the Secretary of State. Of the two appeals submitted to the Secretary of State where the Local Authority has named a school, the decision made by the Local Authority has been upheld.

### 3. Consultation

Paragraph 1.44 of the Code states who needs to be consulted if consultation on admission arrangements is required. The CA has noted that these requirements are not always fulfilled in the arrangements which come to the attention of the OSA and, in particular, consultation with parents is not always as full as it should be. The OSA therefore wishes to get a better understanding of the wider situation and provide examples of good practice.

- a. When did the local authority last consult on its arrangements?

Please provide the year.

2016 (for 2018 admissions)

- b. Please describe the means by which the local authority consulted with parents. Highlight all those means used:

- Committee paper on the local authority's proposals on admissions on the council's website.
- Consultation paper designed for parents on the local authority's proposals on admissions on council's website.
- Request to all schools to provide information on the local authority's consultation on its admission arrangements to parents and providing support to make this possible such as posters, leaflets and links to the relevant information on council's website for the schools' newsletters.
- Request to all early years settings to make information on the local authority's consultation available to parents by providing support to make this possible such as posters, leaflets and links to the relevant information on the council's website for the settings' newsletters.
- Social media (please provide some detail).
- Adverts in local press.
- Articles in local press.
- Posters in supermarkets, doctors' surgeries, early years health centres and similar

- Other (please specify)

Promotion was placed on the home page of the Council website during the consultation period.  
The consultation was sent to our neighbouring LA (Kent County Council) and to both the Catholic and Church of England Diocesan Boards.

How confident are you that other admission authorities in your area are consulting parents properly as required by paragraph 1.44a of the Code?	Not at all confident	Many concerns	Few concerns	Completely confident
c. Voluntary aided			Yes	
d. Foundation			Yes	
e. Academy			Yes	
f. Free			N/A	
g. UTC			Yes	
h. Studio			N/A	
Please give examples of good practice by schools that are their own admission authority. Examples of good practice in consulting with parents whose children are under compulsory school age will be particularly welcome.				

#### 4. Pupil, service and early years pupil premiums

Has your local authority consulted for admissions in 2018 on using any of the pupil premiums as an oversubscription criterion in community or voluntary controlled schools?	For entry to reception year	For entry to year 7
a. Pupil premium	No	N/A*
b. Service premium	No	N/A*
c. Early years premium	No	N/A

d. If the local authority consulted on any of the pupil premiums please provide a summary of the responses received:

*\*Please note, all Medway secondary schools are their own admissions authority and, therefore, Medway Council does not consult on any changes to school arrangements. The Council only consults on the co-ordinated admission scheme.*

e. If you did not consult on introducing the **pupil premium** please indicate up to three main reasons for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children displaced;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or
- i.  Other (please explain):

f. If you did not consult on introducing the **service premium** please indicate up to three main reason for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please  explain):

g. If you did not consult on introducing **early years premium** please indicate up to three main reasons for not doing so:

- Application of early years' pupil premium priority for those attending a nursery at the school could unfairly disadvantage those who did not choose to use the nursery at the school;
- Application of early years' pupil premium priority for those attending a nursery at the school could affect the sustainability of other early years' provision;
- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please  explain):

How many community or voluntary controlled schools in the local authority area will use pupil premium as an oversubscription criterion for admissions in 2018?	Primary including middle deemed primary	Secondary including middle deemed secondary
h. Pupil premium	0	N/A
i. Service premium	0	N/A
j. Early years pupil premium	0	N/A

How many own admission authority schools consulted you on the use of a pupil premium oversubscription criterion for admissions in 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
k. Voluntary aided	0	0	0	0	0
l. Foundation	0	0	0	N/A	N/A
m. Academy	0	0	0	1	0
n. Free	N/A	N/A	N/A	N/A	N/A
o. UTC	N/A	N/A	N/A	0	0
p. Studio	N/A	N/A	N/A	N/A	N/A

How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
q. Voluntary aided	0	0	0	0	0
r. Foundation	0	0	0	N/A	N/A
s. Academy	0	0	0	1	0
t. Free	0	0	0	N/A	N/A
u. UTC	N/A	N/A	N/A	0	0
v. Studio	N/A	N/A	N/A	N/A	N/A

<p>w. Do you have any further comments with regards to the pupil premiums in addition to the above?</p> <p>No further comments</p>
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## 5. Determined arrangements

The OSA has noted that some admission authorities have not determined their arrangements as required by the Code and so seeks further information on this. Paragraph 3.2 of the Code requires local authorities to refer admission arrangements determined by other admission authorities to the Schools Adjudicator if they are of the view that they are unlawful.

- a. On which date did your local authority determine its arrangements for admissions in 2018?

17 January 2017

- b. When were the determined arrangements published on the local authority's website?

18 January 2017

How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	Primary including middle deemed primary	Secondary including middle deemed secondary
c. Voluntary aided	0	0
d. Foundation	0	N/A
e. Academy	0	0
f. Free	N/A	N/A
g. UTC	N/A	0
h. Studio	N/A	N/A
<p>i. Overall, in your consideration of the admission arrangements for 2018 determined by other admission authorities, which paragraphs of the Code gave you greatest concern because of possible non-compliance with requirements?</p> <p>No comments</p>		

j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above

The majority of Medway own admission authority schools re-determined their admission arrangements for 2018 admissions. The few that did consult were compliant with the Code and any suggestions or advice given by the Council were addressed accordingly.

## 6. Co-ordination

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
a. Reception				X
b. Year 7				X
c. Other relevant years of entry (please specify)				N/A
<p>d. Please give examples to illustrate your answer:</p> <p>For Reception and Year 7 admissions, all on time applications were processed and school places secured and offered on the relevant national offer day. All prioritisation (ranking) of applications was carried out without any concerns and places offered correctly.</p>				

e. There has been an increase in the number of schools for which the governing body or academy trust is the admission authority. Please describe the effect of this on the admissions system in your area.

The increase in own admission authority schools has meant a greater level of



partnership working with these schools to ensure that their admission arrangements are correctly applied and no child is disadvantaged. Medway Council carefully reviews all ranking of applicants for all schools to ensure that arrangements are applied correctly for all children.

The increased number of own admission authority schools has led to some confusion for families, as the number and variety of differing admissions arrangements increases. This is compared to Community and VC schools who all have the same arrangements set by the LA.

To how many schools of each type does the local authority delegate responsibility for <b>in-year</b> admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
f. Community	0	N/A
g. Voluntary controlled	0	N/A
h. What do you consider to be the advantages and disadvantages of this?		
This is currently being investigated as a possible future delivery option.		

For how many schools of each type does the local authority co-ordinate <b>in-year</b> admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
i. Voluntary aided	5	0
j. Foundation	0	0
k. Academy	34	10
l. Free	N/A	N/A
m. UTC	N/A	0
n. Studio	N/A	N/A
o. What do you consider to be the advantages and disadvantages of this?		
<p>The advantage of central administration of in-year admissions for the majority of Medway schools by the local authority is that it is felt to help families have a single point of contact and is in the spirit of co-ordination.</p> <p>Schools that have elected to do their own in-year admissions provide the Local Authority with required information, although this is not consistent and can lead to questions regarding the status of an application or offer.</p> <p>The disadvantage of a 'mixed' system is that it can be confusing for families to determine exactly who they go to for their application, which leads to anxiety especially when their child is out of school following a move, etc.</p> <p>There have also been some cases where the Local Authority have had to assist families in gaining a response, due to delayed or inaccurate processes by some schools (e.g. meeting families before processing an application, not accepting the Council application form and seeking further information to apply criteria even when there are spaces in the school).</p> <p>Medway Council are currently reviewing future delivery possibilities, which includes no longer co-ordinating in-year admissions for own admission authority schools.</p>		

## 7. Appeals

Information on the number of appeals lodged and the proportion upheld is collected separately so this information is not requested again. The information requested below is to add to that information.

	a. How many schools of each type engage the local authority to provide <b>all</b> aspects of the appeals process?		b. How many schools of each type engage the local authority to provide <b>some</b> aspects of the appeals process?	
	Primary including middle deemed primary	Secondary including middle deemed secondary	Primary including middle deemed primary	Secondary including middle deemed secondary
Voluntary aided	0	0	0	0
Foundation	0	0	0	0
Academy	0	0	0	0
Free	N/A	N/A	N/A	N/A
Studio	N/A	N/A	N/A	N/A
UTC	N/A	0	N/A	0

c. Any comments related to this:

Medway Council do not offer any appeals service to own admission authority schools and a recent survey of schools indicated that they would not wish to buy in to a chargeable service.

d. How confident are you that admission appeals for schools which are their own admission authorities meet the requirements of the School Admission Appeals Code?

Not at all confident     many doubts     a few doubts     Very confident

e. Please describe your areas of concern, if any:

We have had contact from some families where they have not been formally given the right of appeal or they have not been invited to an appeal hearing, but have received a decision letter.

f. Please provide examples of good practice which have come to your attention:

The majority of schools appear to follow the Appeals Code and administer the process correctly, but it is a difficult area for the Local Authority to monitor thoroughly, as the numbers of appeals and who appellants are is not provided by schools.

## 8. Fair Access Protocol

- a. Do you have a Fair Access Protocol agreed with the majority of state-funded mainstream schools in your area?

Yes       No

- b. If no, please explain why:

Medway currently has secondary only Fair Access Protocols, following agreement by primary schools that it would delay processes. It has, however, become increasing apparent that there are concerns in primary in securing places for some 'hard to place' children and primary Fair Access Protocols are currently being investigated.

The below figures are related to Fair Access admissions since September 2016 and are as at the end of May 2017.

- c. How many children have been admitted or refused admission under the Fair Access Protocol to each type of school in your area?

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community	0	0	0	0
Voluntary controlled	0	0	0	0
Voluntary aided	0	2	0	0
Foundation	0	0	0	0
Academy	0	44	0	0
Free	N/A	N/A	N/A	N/A
UTC	N/A		N/A	
Studio	N/A	N/A	N/A	N/A

- d. 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

- e. Please explain your answer giving examples of good and bad practice; successes and difficulties as appropriate.

The current Fair Access Protocols have been in place for two years and in that time, there have been no refusals or directions required for Fair Access cases.

The protocols are to be reviewed shortly by a working group of headteachers and Local Authority officers to ensure that they meet the needs to families and schools alike.

## 9. Directions

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for children in the local authority area?

	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
a. Voluntary aided	0	0	1	1
b. Foundation	0	0	0	0

c. Please add any comment with regard to strengths or difficulties relating to this.

Both of the directions issued and enforced were as the result of incorrect practice by the relevant school (both the same school). For the LAC, the school refused admission despite spaces in the year group and for the non-LAC the school refused admission following a meeting with parents and there being spaces in the year group.

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for looked after children in another local authority area?

	For primary aged child	For secondary aged child
d. Community	0	0
e. Voluntary controlled	0	0
f. Voluntary aided	0	0
g. Foundation	0	0

h. Please add any comment with regard to strengths or difficulties relating to this.

How many requests for directions did the local authority make to the EFA between 31 March 2016 and 31 March 2017?

	For primary aged children (not looked after)	For primary aged looked after children	For secondary aged children (not looked after)	For secondary aged looked after children
i. Academy	0	0	0	0
j. Free	0	0	0	0
k. Studio	N/A	N/A	N/A	N/A
l. UTC	N/A	N/A	0	0

m. Please add any comment with regard to strengths or difficulties relating to this.

## 10. Other matters

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

The admission of children identified as permitted exceptions to Infant Class Size Legislation has been difficult to implement in some cases as schools look to refuse admission on the grounds of fullness. Medway Council challenge such refusals seeking comprehensive reasons rather than just being at PAN. As the School Admissions Code only say 'schools may admit over number.....' it can make the securing of places for permitted exceptions more complex. It would be useful for a clear directive about the admission of permitted exceptions to be issued by the DfE.

Thank you for completing this template.

Please return to Lisa Short at [OSA.Team@osa.gsi.gov.uk](mailto:OSA.Team@osa.gsi.gov.uk) by 30 June 2017