



Office of  
the Schools  
Adjudicator

**Local Authority Report**

to

**The Schools Adjudicator**

from

**Medway Council Local Authority**

to be provided by

**30 June 2019**

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**Date submitted: 28 June 2019**

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by 30 June 2019 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. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2019**.
2. Please note that the specified date for returning this form by 30 June is a Code requirement; this is why some data are asked for by financial year.
3. We have made some changes to the information and categories of information sought this year:
  - a. we have removed references to “all through” schools and instead would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release<sup>1</sup> and the Education Middle School (England) Regulations 2002<sup>2</sup>, and
  - b. we have decided not to use the term “own admission authority schools” to mean those schools for which the local authority is not the admission authority (that is foundation, voluntary aided and academy schools). This is because a large number of arrangements are now determined by multi-academy trusts. We will therefore refer to ‘schools for which the local authority is not the admission authority’.
4. Local authorities will notice that we have not included this year a number of questions which have been asked in past years. This is because we judge that we are unlikely to receive much information that adds to the existing body of knowledge and do not wish to take up local authorities’ time unnecessarily. We have not asked:
  - a. for details of the particular provisions of admission arrangements determined by other admission authorities challenged by local authorities;
  - b. local authorities’ views of how well the interests of children with special educational needs or disabilities are met at the normal points of admission;
  - c. about the advantages and disadvantages of co-ordinating in year admissions;
  - d. about the reliance on paragraph 3.12 of the Code by other admission authorities in the local authority’s area;
  - e. for information about admission authorities’ approaches to deciding whether or not they had places available in year; or

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<sup>1</sup> [Department for Education Statistical First Release](#)

<sup>2</sup> [The Education Middle School \(England\) Regulations 2002](#)

- f. for the number of children refused admission to a school under the fair access protocol.

Local authorities are, of course, free to comment on any of these matters if they wish to do so under section 6. The views expressed by local authorities in previous years also remain a matter of public record.

5. We are asking new questions this year about:

- a. the proportion of schools with other admission authorities in the local authority area for which the local authority ranks preferences for the schools concerned on the admission authorities' behalf;
- b. use of oversubscription criteria which give priority to children adopted having previously been in care abroad; and
- c. how well served are children who are looked after by another local authority but being educated in the area of the local authority submitting the report.

6. We continue to ask about the use of the premiums in admission arrangements but have provided further guidance on this in footnote 11. In particular, we ask local authorities to include in their responses schools using part of any of the premiums (such as free school meals eligibility). Please consider this footnote before answering the questions on this matter.

## Information requested

### Section 1 - Normal point of admission

#### A. Determined arrangements

- i. Please give the date your local authority determined arrangements for admission in 2020 to its voluntary controlled and community schools.

18/12/2018

- a. This local authority has no community or voluntary controlled primary schools (please tick box if this applies)
- b. This local authority has no community or voluntary controlled secondary schools (please tick box if this applies)

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website.

18/01/2019

- iii. Please provide a link to where the admission arrangements can be viewed on the local authority's website on publication.

iv. What proportion of arrangements for schools for which the local authority is not the admission authority was provided to the local authority by 15 March 2019?

None      Minority      Majority      All

	Primary	Secondary
v. How many sets of admission arrangements of schools for which the local authority is not the admission authority were queried directly by your local authority because they were considered not to comply with the Code?	None	None
vi. Please provide any comments on the determination of admission arrangements not covered above.  Medway Council responded to some own admission authority schools/academies during their consultation periods concerning their proposed arrangements, but this was mainly relating to clarity and transparency of arrangements. No responses were concerning potential non-compliance with the School Admissions Code 2014.		

## B. Co-ordination

i. Provision of rankings:

a. What proportion of schools for which the local authority is not the admission authority provided their rankings correctly undertaken by the agreed date?

None      Minority      Majority      All

b. For what proportion of schools with other admission authorities in the local authority's area did the local authority rank preferences expressed for those schools in 2019?

None      Minority      Majority      All

ii. Please provide any comments you wish to make in respect of provision of rankings:

Medway Council does not undertake the ranking on behalf of any own admission authority schools. The Council monitors the ranking provided to ensure compliance

with the published admission arrangements for each school who is their own admission authority.

iii. Does the local authority charge schools for providing rank preferences?

Yes     No

iv. Does the local authority rank preferences for other admission authorities in OTHER local authority areas and, if so, for how many schools?

No

v. 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				X
Year 7				X
Other relevant years of entry				X

vi. Please give examples to illustrate your answer:

For Reception and Year 7 admissions, all on time applications were received, processed and school place secured and offered on the relevant national offer day.

All schools undertook the prioritisation of application correctly and this was double-checked by Medway Council School Services Team. Medway Council is confident that all school places were offered correctly.

### C. 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 applicable<sup>3</sup>

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 applicable<sup>3</sup>

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

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 applicable<sup>3</sup>

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 applicable<sup>3</sup>

v. Priority in admission arrangements for 2020 for adopted children previously in care abroad.

a. Do the arrangements for any **community or voluntary controlled primary** schools include this priority for 2020?  Yes  No

If yes please provide the number of community or voluntary controlled primary schools that include this priority.

b. Do the arrangements for any **community or voluntary controlled secondary** schools include this priority for 2020?  Yes  No

If yes please provide the number of community or voluntary controlled secondary schools that include this priority.

c. Do the arrangements for any primary schools for which the local authority is **not the admission authority** include this priority for 2020?  Yes  No

If yes please provide the number of primary schools for which the local authority is **not the admission authority** that include this priority.

d. Do the arrangements for any secondary schools for which the local authority is **not the admission authority** include this priority for 2020?  Yes  No

If yes please provide the number of secondary schools for which the local authority is **not the admission authority** that include this priority.

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

This possible criterion has not been adopted widely by Medway schools and Medway Council has not yet introduced it, as there are concerns about exactly how this can be evidenced by families when applying for school places.

+What is considered as acceptable evidence?

+What should happen when the evidence provided is not in English?

+Who is responsible for any translation of documents and the associated costs?

+How would a Local Authority or an admission authority be able to be assured that any documentation provided is genuine?

+How could you guarantee that this possible criterion would not create a method for families to abuse the system and thereby disadvantage other children?

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

Medway Council has no evidence of any issues or concerns that have arisen during the 2019 co-ordinated 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 continues to 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 relevant school and makes every effort to secure admission above PAN, where appropriate, in accordance with the provisions of the School Admissions Code.

The School Admissions and Transport Team work closely with the Virtual School to ensure that the educational well-being of looked after and previously looked after children is addressed in the admissions processes and the offer of school places.



## D. Special educational needs and disabilities

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

There is comprehensive information for parents and careful forward planning for children and young people with EHCPs who are transitioning from Nursery to Year R, Key Stage 2 to 3, Key Stage 4 to Post 16. Parents and young people are fully involved and statutory deadlines for the issue of Final/Amended Final Plans are met in 96.1% of cases (2018 transfer data).

The LA process for continuation to Post 19 education is now working far more smoothly since links with social cares teams have become more concrete. There are still issues with receiving information from health relating to services that will be involved at Post 19, but this is being developed through the DCO and Medway health commissioners.

For children and young people without ECHPS, schools are encouraged to link with the receiving educational provider. If the original school or nursery has been in receipt of additional funding either through top up funding or SEN Support funding from the LA, to support the needs of a child at School SEN Support level, the school is able to pass the information to the receiving school who is able to apply for similar funding as required to ensure that support is in place before the child/young person starts.

## **Section 2 - In year admissions**<sup>4</sup>

### A. The number of in year admissions

- i. Do you know the number of in year admissions to primary schools in your local authority area?  Yes  No

- ii. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- schools with other admission authorities are not complying with the requirement in paragraph 2.22 of the Code to notify the local authority of applications for places and the outcome;

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<sup>4</sup> 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 in normal years of admission.

the local authority does not use the information provided by schools with other admission authorities to collect the numbers of in year admissions; and/or

other?

The reason we have provided a yes/no answer is because we are aware of the in-year admissions that schools notify us about, but we cannot guarantee that all schools are telling us about all applications and outcomes despite instructions and requests to do so. This is one of the biggest disadvantages with in-year admissions not being administered centrally by the local authority.

iii. Do you know the number of in year admissions to secondary schools in your area? Yes No

iv. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

schools with other admission authorities are not complying with paragraph 2.22 of the Code;

the local authority does not use the information provided by schools with other admission authorities to collate the numbers of in year admissions; and/or

other?

The reason we have provided a yes/no answer is because we are aware of the in-year admissions that schools notify us about, but we cannot guarantee that all schools are telling us about all applications and outcomes despite instructions and requests to do so. This is one of the biggest disadvantages with in-year admissions not being administered centrally by the local authority.

v. If the local authority does know the number of in year admissions to state funded schools in its area, please complete the following table.

	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/8/18	3043 (process administered by the local authority)	1063 (process administered by the local authority)
Number of in year admissions between 1/9/18 and 31/3/19	1126 (all in-year applications administered by schools directly)	572 (all in-year applications administered by schools directly)

## B Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools did the local authority delegate responsibility for in year admissions in the academic year 2018/19?

a) Primary:  Not applicable<sup>5</sup>  None  Minority  Majority  All

b) Secondary:  Not applicable<sup>5</sup>  None  Minority  Majority  All

ii. For what proportion of schools for which the local authority is not the admission authority does the local authority co-ordinate in year admissions?

a) Primary:  None  Minority  Majority  All

b) Secondary:  None  Minority  Majority  All

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

The delegation of in-year admissions to all schools in Medway was to ensure that families had a single process to follow. Medway Council had investigated other options (e.g. a traded co-ordinated service) but this was not desired by own admission authority schools.

There are advantages for families in having a single process for all schools, but there are also disadvantages for them in that they no longer have a single point of contact regarding their applications and they may have to make multiple applications before securing a place, causing delays in securing education for their children.

To mitigate this, Medway Council writes to all families who are refused a place (based on the information received from every school) to reiterate their right of appeal, to seek information the education provision a family has for their child and to offer assistance in securing a place if families are experiencing difficulties.

## C Looked after children and previously looked after children

i. How well does the in year admissions system serve children who are looked after by your local authority and who are being educated in your area?

Not at all  Not well  Well  Very well  Not applicable<sup>6</sup>

<sup>5</sup> 'Not applicable' will only be appropriate if the local authority has no community or voluntary controlled primary/secondary schools.

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

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 applicable<sup>6</sup>

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?

Not at all  Not well  Well  Very well  Not applicable<sup>6</sup>

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

Not at all  Not well  Well  Very well  Not applicable<sup>6</sup>

v. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about looked after and previously looked after children:

Medway Council has no evidence of any issues or concerns that have arisen during the in-year admission processes this year in relation to the admission of looked after or previously looked after children.

There have been a few isolated cases where schools in other areas have delayed the response to an application, prompting Medway Council to issue an intention to direct.

## D 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 applicable<sup>7</sup>

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

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

iii. Please give examples of good or poor practice or difficulties which support or exemplify your answers:

<sup>7</sup> 'Not applicable' will only be appropriate if there are no children falling within this definition.

If the child who already has an ECHP is already known to the SEN team before they are admitted to a new school, they are served very well. The SEN team will formally consult with the new school. If a place can be offered, the transition is usually well planned.

For a child with a new ECHP naming a school, they are also usually served very well. The SEN team would have consulted with the school. If a place can be offered, the transition is usually very well planned.

For a child with an EHCP who has moved to the LA, the process does not work so well. The consultation and decision of the school is based on the information that the SEN team receives from the original LA. If the information is not as detailed as expected, or ambiguous, there can be increased difficulty in securing a school place.

All of the above answers are in respect of children for whom a school place can be secured. There are very few vacancies, if any, in state-funded mainstream and state-funded and independent special schools and specialist resourced provisions attached to a mainstream school. Most are oversubscribed. This is a similar for state funded mainstream schools.

## **E Other children<sup>8</sup>**

- i. How well served are other children when they need a new school place in year?

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

- ii. Please provide any comments you wish to make in respect of other children:

Medway Council has experienced some cases of a school attempting to refer children to the Fair Access Panel who do not meet the designated triggers, but these have been effectively challenged and resolved.

## **F Fair access protocol**

- i. Has your fair access protocol been agreed<sup>9</sup> with the majority of state-funded mainstream schools in your area?

Yes for primary  
 Yes for secondary

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<sup>8</sup> Other children are those not looked after, previously looked after or with special educational needs and/or disabilities.

<sup>9</sup> An existing protocol remains binding on all schools up until the point at which a new one is adopted.

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

In relation to primary aged children, the previous agreement across Medway was that a formal fair access arrangement has not been required and there is no formal protocol. This has now changed and a protocol is currently being drawn up to take effect from September 2019.

iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2018 and 31 March 2019?

Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	n/a	0
Foundation, voluntary aided and academies	n/a	134 offers made
Total	n/a	134 offers made

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 applicable<sup>10</sup>

Please make any relevant comment on the protocol not covered above.

The current secondary Fair Access Protocol work well, with all schools engaged in decision making on appropriate placements

### **Section 3 - Directions**

**A.** How many directions did the local authority make between 1 April 2018 and 31 March 2019 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
Voluntary aided or foundation	0	0	0	0

<sup>10</sup> 'Not applicable' would mean that there were no hard to place children for which the protocol was required.

**B.** Please add any comments on the authority's experiences of making directions in these circumstances.

**C.** How many directions did the local authority make between 1 April 2018 and 31 March 2019 for a maintained school in another local authority area to admit a looked after child?

For primary aged children	For secondary aged children
0	2

**D.** Please add any comments on the authority's experiences of making directions in these circumstances.

Medway Council have had issues in securing places, even via direction. There are delays in responses and communication from the relevant schools and, in one case, the school agreed to admit but failed to action this in a reasonable time thereby putting the foster placement at risk. This was only resolved by Medway Council having to then look at alternative schools.

<b>E.</b>	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
How many requests to the ESFA to direct an academy to admit a child did the local authority make between 1 April 2018 and 31 March 2019?	0	0	0	0
How many children were admitted to an academy school as a result of the request for a direction by the local authority to the ESFA between 1 April 2018 and 31 March 2019?	0	0	0	0

How many requests were outstanding as at 31 March 2019?	0	0	0	0
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**F.** Please add any comments on the authority's experiences of requesting directions in these circumstances.

**G.** Any other comments on the admission of children in year not previously raised.

## **Section 4 - Pupil, service and early years pupil premiums (the premiums)<sup>11</sup>**

<b>A.</b> How many <b>community or voluntary controlled schools</b> in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?	Primary	Secondary <sup>12</sup> <u>excluding</u> grammar	Grammar <sup>12</sup>
Early years pupil premium	0	N/A	N/A
Pupil premium	0	N/A	N/A
Service premium	21	N/A	N/A

<sup>11</sup> Please include in these figures all schools whose arrangements give priority on the basis of eligibility for one or more of the premiums or part thereof except where the only sub-group is looked after and previously looked after children as all schools must give first priority to these children.

Admission authorities can limit priority to specific sub-groups of those who attract a premium. Examples are:

- children of parents who are currently serving in the UK regular armed forces (rather than all children who attract the service premium); or
- children who are eligible for free school meals at the time of application (rather than all children who attract the pupil premium).

If such sub-groups have priority at any point within the oversubscription criteria, they should be included in the totals for this table even if there is no specific use of the terms, 'pupil premium,' 'early years premium' or 'service premium' in the arrangements. Paragraphs 1.39A and 1.39B of the Code provide the relevant exceptions to paragraph 1.9f (which prohibits giving a priority to a child according to the occupational or financial status of parents applying).

<sup>12</sup> Do not include use in post 16 arrangements



Total number of schools using at least one premium in their oversubscription criteria	21	N/A	N/A
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<b>B. How many schools for which the local authority is NOT the admission authority</b> in your area will use each premium as an oversubscription criterion (including the tiebreaker) for 2020?	Primary	Secondary <sup>12</sup> <u>excluding</u> grammar	Grammar <sup>12</sup>
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	2
Service premium	1	0	0
Total number of schools using at least one premium in their oversubscription criteria	1	0	2

## **Section 5 - Electively home educated children**

**A.** How many children were recorded as being electively home educated in the local authority area on 29 March 2019?

427

**B.** Any comments to make relating to admissions and children electively home educated that you have not previously raised?

A number of families appear to be applying for school places and stating that their children are home educated, but the Council has no previous record of these families actually notifying that their children are home educated. There is a concern that families are taking children out of school to be 'home educated' whilst looking for alternative school places, but not doing so officially so the children are potentially CME and this is disadvantaging these pupils education.

## **Section 6 - Other matters**

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

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## **Section 7 - Feedback**

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2020.

Thank you for completing this template.

Please return to Lisa Short at [OSA.Team@schoolsadjudicator.gov.uk](mailto:OSA.Team@schoolsadjudicator.gov.uk) by 30 June 2019