



Office of  
the Schools  
Adjudicator

**Local Authority Report**

**To**

**The Schools Adjudicator**

**From**

**North East Lincolnshire Local Authority**

**30 June 2018**

**Report Cleared by (Name & Title):** Roz Danks, Head of Education Services and Strategic Lead for Education

**Date submitted:** June 2018

**By (Name & Title):** Nathan Heath, Interim Head of Access Services

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Please email your completed report to: [osa.team@osa.gsi.gov.uk](mailto:osa.team@osa.gsi.gov.uk) by **30 June 2018 and earlier if possible**

## 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 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 issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2018**.

The report to the Secretary of State for 2017 highlighted that at the normal points of admission the main admissions rounds for entry to schools work well. The Chief Adjudicator expressed less confidence that the needs of children who need a place outside the normal admissions rounds were so well met. In order to test this concern, local authorities are therefore asked to differentiate their answers in this year's report between the main admissions round and in year admissions<sup>1</sup>. The order of this template for the annual report by local authorities reflects this.

## Information requested

### 1. Normal point of admission

#### A. Determined arrangements

- i. Please specify the date your local authority determined its arrangements for admissions in 2019 for its voluntary controlled and community schools. Please state if this question is not applicable as there are no voluntary controlled or community schools in the local authority area.

28/02/2018

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website. Say if not applicable.

12/03/2018

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<sup>1</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.

iii. What proportion of arrangements for own admission schools was provided to the local authority by 15 March?

Not applicable    None    Minority    Majority    All

	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
iv. 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?	0	0	N/A
v. If, when you considered arrangements for own admission authority schools for 2019, you had any concerns about Code compliance, please indicate which paragraphs of the Code you thought were mainly being breached. Not applicable			
vi. Further comment: please provide any comments on the determination of admission arrangements not covered above.  There are no issues with the determination of admission arrangements in North East Lincolnshire.			

## B. Co-ordination

i. Provision of rankings: what proportion of own admission authority schools provided their rankings correctly undertaken by the agreed date?

Not applicable    None    Minority    Majority    All

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
ii. Reception				x
iii. Infant to Junior				x
iv. Year 7				x
v. Other relevant years of entry				n/a
vi. Please give examples to illustrate your answer:				

There were no issues with the coordination of the primary first admissions, infant to junior transfer or secondary transfer phased admissions rounds in North East Lincolnshire.

### **C. Looked after and previously looked after children**

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

Not at all    Not well    Well    Very well    Not applicable

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

Not at all    Not well    Well    Very well    Not applicable

- iii. How well do admission arrangements 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

iv. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

All North East Lincolnshire schools and academies give first priority in their published oversubscription criteria to looked after children, and previously looked after children in line with the School Admissions Code.

### **D. Special educational needs and disabilities**

- i. How well served are children with 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 at normal points of admission?

Not at all    Not well    Well    Very well    Not applicable

- ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs at normal points of admission?

Not at all    Not well    Well    Very well    Not applicable

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

Children and young people with an education, health and care plan (EHCP) where a school / academy is recorded in the plan are given priority prior to the allocation of other children in line with the School Admissions Code.

There is no specific oversubscription criteria for children with special educational needs (that do not have an EHCP / former statement of SEN) in any North East Lincolnshire schools and academies admission policies.

## 2. In year admissions

**A. The number of in year admissions.** We are asking for two years' data for comparative purposes. If you do not have the data for the year 1/9/16 to 31/8/17 available, please still provide the data for 1/9/17 to 31/3/18.

i.	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/3/18	875 (requests) 442 (admitted)	583 (requests) 133 (admitted)
Number of in year admissions between 1/9/16 and 31/8/17	1538 (requests) 787 (admitted)	760 (requests) 244 (admitted)
The reasons for children seeking in year admission will vary across the country. What do you consider to be the main reasons in your area?	Moving in to the LA Change of address Issues with current school	Moving into the LA Issues with current school / alleged bullying

ii. The Code requires the setting of a published admission number (PAN) for each normal year of entry. In the annual reports for 2017 several local authorities referred to problems in relation to in year admissions when schools which are their own admission authority refuse to admit applicants even if the year group concerned contains fewer children than the relevant PAN suggested could be accommodated. This was referred to sometimes as 'capping' in-year admissions and local authorities observed that it reduced the number of places available below that anticipated by the local authority. Please comment on your experience as a local authority.

Most primary schools / academies in North East Lincolnshire will admit up to their published admission number (PAN) for in year admission applications for all year groups, unless the classes have been arranged in such a way that to admit an additional pupil would affect the provision of efficient education or the efficient use of resources. However, this happens very rarely.

All secondary schools in North East Lincolnshire are academies and are their own admissions authorities. They regularly refuse in year admissions applications

even when the year group has not reached its PAN. The 'efficient use of resources' and 'challenging behaviour' is regularly used as the reason for refusal. Academies quote the following reasons in their decisions: 'curriculum' issues, not having resources to support pupils with learning / behavioural needs; and unable to support students with English as an additional language. This has resulted in an increase in the number of in year admission cases referred to the Fair Access Panel and an increase in the length of time secondary aged children are out of school.

## B. Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools does the local authority delegate responsibility for in year admissions?

- a) Primary:  Not applicable  None  Minority  Majority  All  
b) Secondary:  Not applicable  None  Minority  Majority  All  
c) All-through:  Not applicable  None  Minority  Majority  All

d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?

North East Lincolnshire Local Authority feels that with the local authority coordinating in year admissions for community and voluntary controlled primary schools, parents/carers have one point have contact, enabling applications to be dealt with quickly and the local authority is able to quickly identify and track those pupils moving into the area and keep up to date and accurate records of which community and voluntary controlled primary schools have places in each year groups.

ii. For what proportion of own admission authority schools does the local authority co-ordinate in year admissions?

- a) Primary:  Not applicable  None  Minority  Majority  All  
b) Secondary:  Not applicable  None  Minority  Majority  All  
c) All-through:  Not applicable  None  minority  Majority  All

d) What do you consider are the advantages and disadvantages of the local authority co-ordinating in year admissions (where applicable)?

Although, the local authority has not coordinated all in year admissions across the whole of the primary or secondary sector since the removal of the statutory duty to coordinate in year admissions, it is known that the removal of such has resulted in parents/carers having to approach both the local authority and / or a number of academies separately, particularly in the secondary sector. This has resulted in inconsistencies i.e. varying timescales on academies acknowledging applications; making formal decisions on applications; and facilitating any subsequent appeals, which has caused delays in children being out of school when they are new or returning to the area and don't have a school place. This can cause parents/carers to experience frustrations and inconsistencies in the process. Further delays can be caused for those children/young people who are in years 9, 10 and 11 as secondary academies in the area often advise of their inability and or reluctance to offer places due to the potential impact on exam results and or inability to match key stage 4 courses started elsewhere.

Note: The local authority offers a purchasable service level agreement to all academies in respect of the administration of in year school admissions applications.

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

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

Not at all    Not well    Well    Very well    Not applicable

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

Not at all    Not well    Well    Very well    Not applicable

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

Not at all    Not well    Well    Very well    Not applicable

vii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

The local authority's School Admissions Team work closely with the Looked After Children Education Team to ensure that looked after children who need to move schools in year do so within statutory timescales. Most primary schools / academies will admit above their PAN in year for a looked after child. Previously

looked after children (if that status is known/disclosed at the time of application) will also be given priority for places.

#### **D. Children with disabilities and children with special educational needs**

- i. How well served are children with 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 when they need to be admitted in year?

Not at all  Not well  Well  Very well  Not applicable

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

Not at all  Not well  Well  Very well  Not applicable

- iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

Within North East Lincolnshire the local authority's Special Educational Needs Assessment and Review Team (SENART) have seen an increasing trend of receiving negative responses to formal consultations for the admission of children and young people with an education, health and care plan (EHCP); this is across all phases.

Recently SENART sought legal advice to inform a robust 'challenge letter' that outlines the legal position of the school/academy in declining the request for admission of a child/young person with an EHCP; how the local authority is willing to work with the school/academy; and advising that mediation must be sought and if a solution is not reached then the Secretary of State would be an appropriate route of redress.

The negative responses from both mainstream and special academies result in the local authority investing increasing amounts of time ensuring vulnerable children and young people with EHCPs and complex needs are able to access suitable education placements.

Both special school academies in the local authority are currently at maximum capacity and a strategic SEN planning group has been established in conjunction with the special school head teachers to assist in the short, medium and long term planning of demand for special school places, including the need to promote confidence to parents/carers in mainstream provision and the need for improved inclusion by working with providers to develop alternative options to meet the needs of young people with EHCPs.

#### **E. Other children**

i. How well served are other children when they need to be admitted in year?

Not at all     Not well     Well     Very well     Not applicable

ii. Paragraph 3.12 of the Code - several local authorities referred to paragraph 3.12 in their annual report for 2017 stating that this was being used "*inappropriately*" by some admission authorities. Please could you comment on your experience as a local authority:

In North East Lincolnshire secondary academies are increasingly refusing to admit pupils with 'challenging behaviour' even when a pupil has only had a small number of fixed term exclusions. It would be helpful to have clarification on what should be considered as 'challenging behaviour' e.g. 'a pupil who has had one or more permanent exclusions within the last 2 years'.

Due to North East Lincolnshire Local Authority having an agreed Behaviour and Attendance Collaborative (BAC) mechanism in place to facilitate the movement of pupils who have been permanently excluded / at risk of permanent exclusion, when a new or returning pupil who has had some exclusions moves into the area a number of secondary schools/academies are reluctant to admit the pupil. These pupils often have to be referred to the Fair Access Panel (FAP) for placement.

### 3. Fair Access Protocol

A. Has your Fair Access Protocol been agreed with the majority of state-funded mainstream schools in your area?

Yes for primary  
 Yes for secondary

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

Not applicable

C. How many children have been admitted or refused admission under the Fair Access Protocol to schools in your area between 31 March 2017 and 31 March 2018?

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 and voluntary controlled	0	N/A	0	N/A

Own admission authority schools	0	23	0	0
Total	0	N/A	0	0

D. If a number of children have not secured school places following the use of the protocol, please indicate what provision is made for these children.

Not applicable

E. 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

F. Please explain your answer giving examples of good and poor practice, successes and difficulties as appropriate.

In North East Lincolnshire it is expected that the normal in year admissions process is applied before a referral is made to the Fair Access Panel (FAP). This can at times be complex particularly with secondary applications as all of the local authority's secondary schools are academies and the majority administer their own in year admission applications. Therefore, due to the removal of statutory in year coordination, parents/carers may have to apply, wait for decisions and appeal for a number of schools / academies before the local authority are aware of them; gather relevant information; evidence the unsuccessful applications; and refer them to the FAP.

In the 2017-2018 academic year there has been a significant increase in the number of secondary pupils referred to the FAP. This is due to secondary academies being reluctant to admit pupils moving into or returning to the local authority with: any record of behavioural issues - e.g. fixed term exclusions; additional language needs; or those who have followed a different curriculum at a previous school. The latter has caused more of an issue in recent years as the majority of secondary academies in this area start their key stage 4 options in Year 9. There has also been an increase in the number of electively home educated (EHE) pupils coming out of schools in their secondary phase and then wanting to return to school; being refused and having to go through the FAP in order to secure a school place. Although there has been an increase in FAP cases all cases have been placed; the majority being successful.

North East Lincolnshire Local Authority also has primary and secondary Behaviour and Attendance Collaboratives (BACs) that run alongside the FAP. The BACs are used as to facilitate managed moves and place permanently excluded pupils either into other mainstream schools / academies or in alternative provision.

#### 4. Directions

A. How many directions did the local authority make between 31 March 2017 and 31 March 2018 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
B. Please add any comments on the authority's experiences of making directions.				
Not applicable				

C. How many directions did the local authority make between 31 March 2017 and 31 March 2018 for a maintained school in another local authority area to admit a looked after child?	
For primary aged children	For secondary aged children
0	0
D. Please add any comments on the authority's experiences of making directions.	
Not applicable	

E.	How many requests to the ESFA to direct an academy to admit a child did the local authority make between 31 March 2017 and 31 March 2018?	How many children were admitted to school as a result of the request for a direction by the local authority to the ESFA between 31 March 2017 and 31 March 2018?	How many requests were outstanding as at 31 March 2018?
For primary aged children (not looked after)	0	0	0
For primary aged looked after children	0	0	0
For secondary aged children (not	0	0	0

looked after)			
For secondary aged looked after children	0	0	0
F. Please add any comments on the authority's experiences of requesting directions.			
Not applicable			

G. Any other comments on the admission of children in year.
The main issue with in year admissions is the amount of time it can take for a pupil to be admitted to a secondary school / academy. This is predominantly due to the removal of statutory coordination of in year admissions which has resulted in parents/carers having to approach academies individually and often having 2 or 3 applications ongoing at any one time. This also causes additional work for the local authority's school admissions and children missing from education team in identifying and tracking the applications to the point of admission.

## 5. Pupil, service and early years pupil premiums (the premiums)

A. How many community or voluntary controlled schools in the local authority area will use a premium as an oversubscription criterion for admissions in 2019?	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
Pupil premium	0	0	N/A
Service premium	0	0	N/A
Early years pupil premium	0	N/A	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	0	N/A

B.	How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2019?	Total number of own admission authority schools using at least one of the premiums in their oversubscription criteria for 2019
Primary including Early years	0	0

middle deemed primary	Pupil	0	
	Service	0	
Secondary including middle deemed secondary	Pupil	0	0
	Service	0	
All through	Early years	0	0
	Pupil	0	
	Service	0	
C. Do you have any further comments on the use of premiums?			
No			

## 6. Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2018?

147

B. Any comments to make relating to admissions and children electively home educated?

For children of primary school age who are electively home educated (EHE) and who wish to return to school, their parents/carers generally do not experience significant difficulties securing their first choice of preferred school/academy through the in year admissions process in a timely and supportive manner.

For young people of secondary school age who have been EHE for any period of time, securing a place back into their former and or a different local secondary academy has been challenging for several years. It is still difficult to predict with any confidence or consistency across the local authority whether a parent/carer will successfully secure a place through the in year admissions process and it is not straightforward to determine any patterns. One clear trend is the increasing difficulty facing parents/carers of students in Years 9 and above gaining a place in a local academy but there are also incidences of Year 7 and 8 being refused places. Many parents/carers have to pursue their applications through to the formal appeals stage, again with mixed results. When parents/carers have been declined applications by up to 3 academies and / or been unsuccessful following appeal for their preferred academy the local authority refers them to the Fair Access Panel (FAP) through which an academy place will be allocated. During the 2017-2018 autumn term 2017, 7 young people who were previously EHE secured a place through the FAP into a mainstream secondary academy or appropriate educational provision to meet their needs.

The difficulties outlined above means that vulnerable children and young people can be out of school for significant periods of time as they approach the final years of their statutory education. This has an adverse impact on their opportunities to follow a full range of key stage 4 courses or successfully achieve GCSE qualifications. Subsequently, this can restrict their future plans and choices

in relation to their post 16 progression routes and significantly increase the risk of them becoming not in education, employment or training (NEET).

Approximately 12 – 15 young people have accessed a place at The Academy Grimsby (a further education 14-16 provider) having been previously EHE.

## **7. Other matters**

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

In North East Lincolnshire the majority of schools are academies and as such are their own admission authority; this has resulted in the local authority having a number of different admission policies with differing oversubscription criteria. This causes difficulty for parents/carers when navigating the system for applying for a school place.

## **8. Feedback on the Local Authority Report template**

In previous years we have asked for feedback on the process of completing the template in the following November to inform what is asked in the following year. We are aware that it may be easier to provide feedback on providing information for the annual report at the time rather than later. We would therefore be grateful if you could provide any feedback on completing this report to inform our practice for 2019.

There were no issues with completing the report and many of the sections highlight and provide opportunity to report on the experience of some identified issues in North East Lincolnshire.

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 2018