



Office of  
the Schools  
Adjudicator

**LOCAL AUTHORITY REPORT**

**TO**

**THE SCHOOLS ADJUDICATOR**

**FROM**

**Cambridgeshire County Council - Local Authority**

**30 JUNE 2014**

**Report Cleared by : Hazel Belchamber**

**Head of Service – 0 – 19 Organisation and Place Planning**

**Date submitted: 30<sup>th</sup> June 2014**

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**Please email your completed report to: 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, 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.**

**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 2014.

\*New UTC opening for the first time in September 2014.

\*\*New Primary Academy opening for admission to Reception only in September 2014

<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>	102	0	0
<b>Voluntary Controlled</b>	41	0	0
<b>Voluntary Aided</b>	23	0	0
<b>Foundation</b>	10	1	0
<b>Academy</b>	30**	28	0
<b>Free School</b>	0	1	0

<b>UTC</b>	N/A	1*	0
<b>Studio School</b>	N/A	0	0

## **2. Admission Arrangements for Admissions in September 2014**

The Code at paragraph 3.23 requires that each local authority must report on how well the admission arrangements for state-funded schools (of all types) in its local authority area serve the interests of the groups of children listed below.

Please include details of any problems that have arisen for these children while allocating places for admissions in September 2014, for example any admission arrangements for own admission authority schools that could be interpreted as implying the school has some discretion over the admission of children who have a statement that names the school or looked after children and previously looked after children other than the permitted exceptions.

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

Tick as appropriate: Fully  In part  Not satisfactorily

Comments:

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

Tick as appropriate: Fully  In part  Not satisfactorily

Comments:

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

Tick as appropriate: Fully  In part  Not satisfactorily

Comments: The interests of those children who have statement of special educational needs as a result of their disability are fully served under current admission arrangements of all schools in Cambridgeshire. There are no admission arrangements within the county which take into account, or give priority to children as a result of a disability.

(d) How well served are **children who have special educational needs and who have a statement of special needs** that names a school?

Tick as appropriate: Fully  In part  Not satisfactorily

Comments:

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

Tick as appropriate: Fully  In part  Not satisfactorily

Comments: See comments under question (c)

### 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 2014 in your local authority highlighting any particular strengths in the process and any problems.

#### Primary

(a) How well has the first year of operating the national offer day for primary places worked compared with when there was no specified national offer day?

Tick as appropriate: Better  The same  Less well

i) Any strengths of the new procedure?

Comments: the introduction of a national offer day for primary offers removes the confusion for parents who live on the borders of county/local authority areas as to when they will receive their offers. It also removes the pressure between LA's regarding the exchange of data which used to occur as a result of different offer days in previous years.

ii) Any problems encountered this year?

Comments: the biggest issue was the introduction of the Primary Offer Date for the first time across the Easter holidays and as a result the unavailability of schools and school staff to resolve queries in a timely manner.

#### Secondary

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

Tick as appropriate: Better than last year   
The same

Less well than last year

i) Any strengths?

Comments: it is a well-established process with timescales and timetables which we all work to successfully.

ii) Any problems?

Comments:

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

Tick as appropriate: Yes  No  \* N/A

\*this is the first year of opening of the UTC

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

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

B) In-year admissions

From September 2013 in-year admissions have not had to be co-ordinated by the local authority.

(a) How many **pupils** have needed a school place because they do not have one or parents have applied for a place as an in-year admission for any other reason between 1 September 2013 and 15 June 2014?

For pupils up to age 11	For pupils over age 11	For Sixth Forms
3530	1182	Not known

(b) Did you discuss with community and voluntary controlled schools the option of continuing to co-ordinate in-year admissions?

Tick as appropriate:      Yes  No

Comments: At the request of our schools we have continued to co-ordinate in-year admissions for our schools.

- (c) Did you discuss with own admission authority schools the option of continuing to co-ordinate in-year admissions?

Tick as appropriate:      Yes  No

Comments: At the request of own admission authority schools we have continued to co-ordinate in-year admissions. Only 1 infant, 1 junior and 1 secondary school decided not to use this service during this academic year. However, we have been advised that the infant school would like to use this service from September 2014

- (d) Will the local authority continue to co-ordinate in-year admissions for any schools?

Tick as appropriate:      Yes  No

If **YES**, for which schools will it co-ordinate in-year admissions?:

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>	102	0	0
<b>Voluntary Controlled</b>	41	0	0
<b>Voluntary Aided</b>	23	0	0
<b>Foundation</b>	10	1	0
<b>Academy</b>	29	27	0
<b>Free School</b>	0	1	0
<b>UTC</b>	N/A	0	0
<b>Studio School</b>	N/A	0	0

- (e) If you have any information about how many schools parents approach before obtaining a place, please comment?

Comments: not known

- (f) How confident are you that the requirements of the Code at paragraph 2.22 for schools to keep the local authority informed about applications and the outcomes are being met?

Tick as appropriate: Very confident  confident  not confident

- (g) Across your local authority area 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

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

Comments: Having co-ordinated in year admissions for three years now, and having worked with our schools during that time to create an effective and efficient model I feel that in year admissions have worked better this year than in previous years with greater understanding and cooperation as a result. I feel this is supported by the fact that only 3 schools chose to manage in year admissions themselves from September 2013 and that one of those has asked the LA to resume this role with effect from September 2014.

#### 4. Fair Access Protocol

The Code at paragraph 3.9 requires each local authority to have a Fair Access Protocol agreed 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 the 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
Community	0	0	0
Voluntary Controlled	0	0	0
Voluntary Aided	0	0	0
Foundation	0	0	0
Academy	1	0	0
Free School	0	0	0
UTC	N/A	1	0

Studio School	N/A		
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- c) Where schools did not agree the Fair Access Protocol; please say why they did not agree.

Comments: These are new schools due to be opened in September 2014.

- d) Have you reviewed your Fair Access Protocol since the School Admissions Code 2012 was introduced?

Tick as appropriate: Yes  No

- e) If **NO**, do you plan to do so in 2014/15?

Tick as appropriate: Yes  No

If **NO** please say why not:

- f) (i) Please give your assessment of how well your Fair Access Protocol has worked in the academic year 2013/14 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

- i) Have you had any 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: Due to a rising number of permanent exclusions/managed moves within the primary sector this year, there have been a number of issues which have arisen with the placement of children under the Protocol to other primary schools.

This has arisen as a result of a lack of understanding of the headteachers and governing bodies at primary level of Fair Access Protocols and the School Admissions Code guidance in relation to the admission of children to schools under such circumstances.



The increasing pressure on schools in relation to performance and attainment has meant that schools are very reluctant to take on children with “challenging behaviour”, as this one child in a small primary school will have a significant impact on result percentages.

- ii) Have you any examples of particularly effective collaboration and working? 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: A Year 6 child who was permanently excluded from his primary school before Christmas is receiving both a support package at the identified primary school and is accessing a transition package with the secondary school he will be attending in September 2014.

We receive excellent support from the majority of our secondary schools in relation to the admission of children into Year 10 and Year 11 having devolved all EOTAS funding to the schools since 2011, allowing the schools to implement packages of support and tuition appropriate to the needs of the individual students. The only issue we ever face regarding the admission of children into Year 11 is those children who are applying for places after the start of the summer term. School resources are dedicated towards supporting Year 11 students already at the school in preparation for exams with almost all subject lessons being used for revision time. Identification of appropriate support and resource for Year 11 children joining the school at this time is difficult and can make relationships strained between admissions staff and the school. However, this has never resulted in a place not being offered.

With the devolution of EOTAS funding at secondary level, local arrangements across areas within the county have been developed and are working well to support schools and students, with locally agreed arrangements ensuring children moving into the county are supported appropriately and fairly.

- g) How many children have been admitted to each type of school in the area under the protocol? 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
Community	28	0	0	0	0	0
Voluntary Controlled	5	0	0	0	0	0
Voluntary Aided	1	0	0	0	0	0
Foundation	4	3	0	0	1	0

<b>Academy</b>	6	86	0	0	1	0
<b>Free School</b>	0	0	0	0	0	0
<b>UTC</b>	N/A	0	0	N/A	0	0
<b>Studio School</b>	N/A	0	0	N/A	0	0

- 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?

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

\*Currently awaiting decision of governing body following notice of intention to direct.

\*\*Currently awaiting decision of EFA following issue of letter of 13<sup>th</sup> May 2014 to the Academy advising they were “minded” to direct, and with Academy still refusing to admit the child whilst the Statutory Assessment process is followed.

- j) Please add any other relevant information you wish to include in this section concerning Fair Access Protocols, for example, have you used the guidance issued by the Department for Education in November 2012 ([Link to advice](#)) and has it proved useful?

Comments: This guidance was welcomed as it clearly confirms the need for Academies to act in accordance with the Fair Access Protocol, not necessarily because the academies have not been doing so, but more as a reassurance to other types of schools that they do have to follow it.

## 5. Admission Appeals

- a) Please provide details about the number of appeals lodged for admissions in September 2014

	<b>Lodged</b>	<b>Settled</b> (offered a place through a waiting list or other means - not continuing with appeal)	<b>Withdrawn</b> (no place offered, but not proceeding with appeal)	<b>Appeals Heard</b>	<b>Appeals Upheld</b> (a place offered as a result of the appeal)	<b>Appeals Not Upheld</b> (appeal failed, no place offered)
<b>Pupils up to age 11</b>	272	25	35	0	Tbc	Tbc
<b>Pupils age 11-16</b>	107	48	8	51	13	38
<b>Pupils over age 16</b>	N/a	N/a	N/a	N/a	N/a	N/a
<b>Date up to which this information applies</b>	16/6/14	16/6/14	16/6/14	16/6/14	16/6/14	16/6/14

***Please note there will be an opportunity to update this data up until 31 August 2014 - the update form is attached as an appendix so that you can return it separately if you wish at the end of August.***

- b) Please add any comments about the appeals process in your area.

Comments:

## 6. Other Issues

### A. Publication of the local authority's report

Paragraph 3.23 of the Code requires each local authority to publish a copy of its report locally by 30 June.

- a) Please indicate where or how a copy of the report can be obtained by a member of the public:

Tick as appropriate: Local authority website  Hard copy  Other

If **OTHER** please state how:

If the report is not published by 30 June please provide details of when and where the report will be published:

Comments: Once produced this report will be submitted to the Cambridgeshire Admission Forum for consideration and approval on Thursday 3<sup>rd</sup> July. Once approved at this meeting the LA Report will be published as part of the minutes of this meeting.

## **B. Objections to admission arrangements**

Paragraph 3.2 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 by the 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	0
<b>Foundation</b>	0	0	0
<b>Academy</b>	0	0	0
<b>Free School</b>	0	0	0
<b>UTC</b>	N/A	0	0
<b>Studio School</b>	N/A	0	0

- b) How confident are you that all community, voluntary controlled and 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 the local authority a copy of their full admission arrangements, including the supplementary information form (or the form by any other name, for example religious inquiry form) if one is used, by 1 May, as specified in 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>	17	N/a	0
<b>Foundation</b>	4	1	0
<b>Academy</b>	18	16	0
<b>Free School</b>	0	0	0
<b>UTC</b>	N/A	1	0
<b>Studio School</b>	N/A	0	0

## **C. Fraudulent applications**

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

Tick as appropriate: Yes  No

(b) Did the 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
<b>Community</b>	0	0	0
<b>Voluntary Controlled</b>	0	0	0
<b>Voluntary Aided</b>	0	0	0
<b>Foundation</b>	0	0	0
<b>Academy</b>	0	1	0
<b>Free School</b>	0	0	0
<b>UTC</b>	N/A	0	0
<b>Studio School</b>	N/A	0	0

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

Comment: The Local Authority takes steps to verify a child's home address either by cross referencing information held by the child's current early years setting/school, or by writing to the parents to request proof of the address. This proof may be requested at any point during the admissions process.

Where we hold an address for the child, as per their early years' setting record, but it is different to the address provided on the application form, we will write to the parents stating that we will use the address that we currently hold, unless they can provide us with proof of the new address given on their application form.

Where proof of address is provided in the form of a copy of a rental agreement, we do ask for this to be a 12 month agreement, signed by both the tenant and the landlord. Where the tenancy agreement ends before 1 September, we record this separately and prior to that date we will write to the parents asking them to confirm that they will be renewing their tenancy.

The Local Authority accepts all applications on good faith and assumes that correct information has been given. However, on occasion parents have given false information about their home address in order to gain a place at a particular school. We undertake random proof of address requests for heavily over-subscribed schools, additionally, if we receive information from a parent/school or early years setting, advising us of a family they believe has applied fraudulently, we will take steps to verify the information with the family

concerned, in a confidential manner, namely asking them to provide proof of address as per our random address check process.

#### **D. Summer born children**

The DfE issued guidance in July 2013 “Advice on the admission of summer born children” for local authorities, school admission authorities and parents ([Link to advice](#)). The School Admissions 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 refers 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

If **YES**, how many requests did you receive for admission to a Reception class for a child who had reached the normal age for Year 1?

Number:2

How many were subsequently agreed?

Number:1

- (ii) For own admission authority schools:    Yes  No

If **YES**, how many requests were received for admission to the Reception Year for a child who had reached the normal age for Year 1?

Number: 0

How many were subsequently agreed?

Number: n/a

- (b) What reasons, if known, were given for seeking to delay the admission to reception of the child for a full school year?

Comments: There were a variety of reasons for such requests as follows:-

- medical reasons

- history of poor health during pre-school years meaning that the child was late accessing EY provision
- additional learning needs
- prematurity at birth putting them in an older cohort than if the child had been born on or near his/her due date
- failing to get a place in the preferred school in Yr R

(c) Any other comments the local authority has on the matter of admission of summer born children.

Comments: In addition to the requests for children seeking deferral from Year 1 to Reception for September 2014, we have received requests seeking deferral for admission until September 2015 for nine children whose chronological age would make them a Reception child for admission in September 2014. Seven of these have been agreed, one has been refused, and the decision on the final one is currently pending.

#### **E. Composite prospectus – admission to sixth form**

The School Information (England) Regulations 2008, regulation 5 requires the local authority to publish no later than 12 September in the offer year a composite prospectus for primary and secondary schools. Regulation 6 deals with the manner of the publication of the prospectuses and schedule 2 to the regulations details the information to be included in a prospectus.

Schedule 2, paragraph 14 says of what is to be included: *“The determined admission arrangements for the school in relation to each relevant age group at the school (including ages above and below the compulsory school age) and, where the arrangements include a supplementary information form a copy of that form.”*

(a) How were the admission arrangements for admission to the sixth form of schools that admit students new to the school to year 12 included in a composite prospectus for admissions in September 2014?

(i) With the admission arrangements for each school admission to the earlier relevant age group (for example Year 7) for admission?

Tick as appropriate:            Yes             No

or

(ii) In a separate composite prospectus for the sixth form?

Tick as appropriate:            Yes             No

or

(iii) Other, please describe how the requirements of the regulations are met.

Comments: The sixth form admission arrangements are published in a separate document within the determined admission arrangements published on the county website

- (b) If the requirements of the regulations were not met for admissions in 2014, how will they be met for admissions in 2015?

Comments:

## **F. Admission Forum**

- (a) Does your local authority still have an admission forum?

Tick as appropriate:                      Yes  No

If **YES**, which groups, (types of schools and other bodies) are represented on the Admission Forum?

Comments: Primary and Secondary Academies; Voluntary Controlled, Community, Foundation and Voluntary Aided Schools; Looked After Children; Cambridgeshire Race, Equality and Diversity Service; children with special educational needs; Armed Forces and Local Business

How often does this forum meet?

Comments: once a term

What do you see as the key benefits arising from this forum?

Comments: engagement and communication routes with our schools; communities and groups supporting an agenda of inclusivity across the county

## **G. Local Authority Issues**

- (a) Please provide details of any other issues that you would like to raise and comment on that are not already covered in this report.

Comments: A number of issues have arisen this year as a result of contradiction within the School Admissions Code in relation to what information can be considered when an in-year application is received and how this relates to the right of a governing body to refuse the admission of a child with challenging behaviour under the Fair Access Protocol.



The School Admissions Code clearly states, at point 1.9 a) that, an admission authority **must not** place any conditions on the consideration of any application other than those in the over-subscription criteria published in their admission arrangements; and goes on to say at point 1.9 g) that they must not take account of reports from previous schools about children's past behaviour, attendance, attitude or achievement.

However, the Code then goes on to say at point 3.12 that, when a governing body does not wish to admit a child with challenging behaviour outside the normal admissions round it must refer the case to the Local Authority for action under the Fair Access Protocol.

How is it possible to determine a child has challenging behaviour if an admission authority is not allowed to take into consideration reports from previous schools about a child's past behaviour etc?

Point 2.12 of the Code states that once an offer has been made an admission authority cannot withdraw that offer unless it has been made in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Therefore, even if information regarding a child's behaviour comes through once the offer has been made, an offer of a place cannot be withdrawn under point 1.9.

It would be useful if greater clarity was provided within the Code as to how and when information can be considered in determining the application and at what point in the process to avoid such confusion. Delays occurring as a result of this contradiction and confusion are ultimately affecting the education of vulnerable children.

**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)**