



**Office of
the Schools
Adjudicator**

LOCAL AUTHORITY REPORT

TO

THE SCHOOLS ADJUDICATOR

FROM

North Yorkshire County Council Local Authority

30 JUNE 2016

Report Cleared by (Name): Pete Dwyer

**(Title): Corporate Director - Children & Young
People's Service**

Date submitted: 30 June 2016

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www.gov.uk/government/organisations/office-of-the-schools-adjudicator

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 themselves, about which it would be useful to have a view. Rather than undertake a separate exercise in which information is sought from local authorities, you are asked to include any relevant information in your report to the adjudicator.

Completing the Template

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

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

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

1. Local Authority school numbers

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

| 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 | 136 | 24 | 0 |
| Voluntary Controlled | 117 | 1 | 0 |
| Voluntary Aided | 43 | 5 | 0 |
| Foundation | 1 | 1 | 0 |
| Academy | 15 | 11 | 0 |
| Free School | 0 | 0 | 0 |
| UTC | N/A | 1 | 0 |

| | | | |
|---------------|-----|---|---|
| Studio School | N/A | 0 | 0 |
|---------------|-----|---|---|

2. Admission Arrangements for Admissions in September 2016

The Code at paragraph 3.23 requires that each local authority provides “*information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen*”.

Please include details of:

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

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

Tick as appropriate: Fully In part Not satisfactory

Comments: This year a total of 57 Reception places and 63 year 7 places were allocated to LAC/PLAC

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

Tick as appropriate: Fully In part Not satisfactory

Comments: See above

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

Tick as appropriate: Fully In part Not satisfactory

Comments: In addition to those children with a disability which has warranted a statement of SEN or EHCP, our oversubscription policy includes a social/medical criteria. For September 2016 13 primary places and 11 secondary places were allocated on the basis of special social or medical reasons.

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

Tick as appropriate: Fully In part Not satisfactorily

Comments: For September 2016 entry 13 primary age children with a statement/EHCP have been allocated places and 90 secondary age pupils. some difficulties can arise as a result of poor co-ordination between local authorities. It would be helpful if there was a a clear duty for local authorities to co-operate in respect of SEND .

(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: As 2c above we use social / medical criteria

3. Co-ordination of admissions

A) During the normal admissions round

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

Primary

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

Tick as appropriate: Better The same Less well

Comments: The close proximity of the primary and secondary allocation dates make it extremely difficult for teams in terms of workload particularly in times of budget constraints.

Secondary

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

Tick as appropriate: Better The same Less well

Comments: As above

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

Tick as appropriate: Yes No N/A

If **YES**, please comment on how well the admissions process is working for these schools: This is the first year for the new UTC in Scarborough, they have handled their own application process.

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

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

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

| Number of pupils up to age 11 | Number of pupils over age 11 | Number of post-16 students |
|-------------------------------|------------------------------|----------------------------|
| 3071 | 943 | N/A |

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

Tick as appropriate: All Some None

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

| Type of School | Number of Schools for pupils up to age 11 | Number of Schools for pupils over age 11 | Number of all-through schools |
|----------------------|---|--|-------------------------------|
| Community | 136 | 24 | 0 |
| Voluntary Controlled | 117 | 1 | 0 |
| Voluntary Aided | 42 | 4 | 0 |
| Foundation | 1 | 1 | 0 |
| Academy | 14 | 9 | 0 |
| Free School | 0 | 0 | 0 |
| UTC | N/A | 0 | 0 |
| Studio School | N/A | 0 | 0 |

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

that have come to your attention.

Comments: We don't hold that information.

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

Tick as appropriate:

Very confident Confident Not confident Not applicable

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

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

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

Comments: There is a tardiness in secondary schools' responses, to applications. A disproportionate amount of officer time is taken providing explanations to schools and parents of the legal duties of both the local authority and schools in respect of allocations.

4. Fair Access Protocol

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

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

Tick as appropriate: Yes No

If **NO**, please explain:

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

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

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

Comments: All agreed

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

Tick as appropriate: Very well Mostly well Some difficulties

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

Tick as appropriate: More effective As effective Less effective

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

Tick as appropriate: More frequently Same frequency Less frequently

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

Tick as appropriate: Yes No

Comments:

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

Tick as appropriate: Yes No

Comments: Due to the nature of the difficulties and the number of pupils already placed in schools, there is a reluctance on the part of some schools to take more pupils with the same issues.

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

| Type of School | Number of children admitted | | | Number of children refused admission | | |
|----------------------|---------------------------------|--------------------------------|---------------------|--------------------------------------|--------------------------------|---------------------|
| | Schools for pupils up to age 11 | Schools for pupils over age 11 | All-through schools | Schools for pupils up to age 11 | Schools for pupils over age 11 | All-through schools |
| Community | 0 | 45 | N/A | 0 | 0 | N/A |
| Voluntary Controlled | 0 | 1 | N/A | 0 | 0 | N/A |
| Voluntary Aided | 0 | 3 | N/A | 0 | 0 | N/A |
| Foundation | 0 | 1 | N/A | 0 | 0 | N/A |
| Academy | 0 | 14 | N/A | 0 | 0 | N/A |
| Free School | N/A | N/A | N/A | N/A | N/A | N/A |
| UTC | N/A | N/A | N/A | N/A | N/A | N/A |
| Studio School | N/A | N/A | N/A | N/A | N/A | N/A |

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

Tick as appropriate: Yes No N/A

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

| 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 | N/A |
| Voluntary Controlled | 0 | 0 | N/A |
| Voluntary Aided | 0 | 0 | N/A |
| Foundation | 0 | 0 | N/A |
| Academy | 0 | 0 | N/A |
| Free School | N/A | N/A | N/A |
| UTC | N/A | N/A | N/A |
| Studio School | N/A | N/A | N/A |

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

Comments: We do not use the protocol for primary age pupils.

5. Admission Appeals

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

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

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

Tick as appropriate: Yes No

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

| Type of School | Number of Schools for pupils up to age 11 | Number of Schools for pupils over age 11 | Number of all-through schools |
|-----------------|---|--|-------------------------------|
| Voluntary Aided | 7 | 5 | 0 |
| Foundation | 1 | 0 | N/A |
| Academy | 6 | 9 | N/A |
| Free School | N/A | N/A | N/A |
| UTC | N/A | 0 | N/A |
| Studio School | N/A | N/A | N/A |

- (c) Please indicate the services that are used :

| Type of School | Schools for pupils up to age 11(Y/N) | Schools for pupils over age 11 (Y/N) | All- through schools (Y/N) |
|--|--------------------------------------|--------------------------------------|----------------------------|
| Full appeals process | 14 | 14 | N/A |
| Legal advice | | | N/A |
| Assistance in the preparation and presentation of case documentation | 9 | 6 | N/A |

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

Comment: Exclusion Reviews

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

Comment:

6. Other Issues

A. Objections to admission arrangements

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

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

| Type of School | Number of Schools for pupils up to age 11 | Number of Schools for pupils over age 11 | Number of all-through schools |
|-----------------|---|--|-------------------------------|
| Voluntary Aided | 2 | 1 | N/A |
| Foundation | 0 | 0 | N/A |
| Academy | 0 | 3 | N/A |
| Free School | N/A | N/A | N/A |
| UTC | N/A | N/A | N/A |
| Studio School | N/A | N/A | N/A |

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

Tick as appropriate: Very confident Confident Not confident

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

| Type of School | Number of Schools for pupils up to age 11 | Number of Schools for pupils over age 11 | Number of all-through schools |
|-----------------|---|--|-------------------------------|
| Voluntary Aided | 11 | 2 | N/A |
| Foundation | 0 | 0 | N/A |

| | | | |
|----------------------|-----|-----|-----|
| Academy | 21 | 6 | N/A |
| Free School | N/A | N/A | N/A |
| UTC | N/A | N/A | N/A |
| Studio School | N/A | N/A | N/A |

B. Fraudulent applications

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

Tick as appropriate: Yes No

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

Tick as appropriate: Yes No

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

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

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

Comment:

The LA has a procedure in place to check applications where there is any reason to suspect that an application may be based on fraudulent or misleading information. In such cases the details are logged and initial investigations are undertaken. Where applicable, a request is made for proof of residence. When further information is received the application is reviewed by a senior officer. Where there are still concerns about the validity of the application the case is referred to our external auditors who undertake further investigation on our behalf, this may include a visit to the properties in question. The report prepared by our auditors is reviewed by officers and a decision is taken whether to accept the original information provided by parents or to write to them explaining our findings and how their application will be dealt with. Investigations may take place pre or post allocation. Where, following allocation of places but prior to the child taking up their school place, an application is found to be based on fraudulent or misleading information the school place is withdrawn and parents are offered their right of appeal. The information for parents provides information about our procedure for

checking information provided in support of an application and explains the potential consequences of submitting a fraudulent or misleading application. In some of the more affluent areas of the county it is clear that some families have the financial wherewithal to move house or rent a property on a temporary basis for the sole purpose of obtaining a place at their preferred school. In some cases families from outside of the county have the financial capacity to rent a property within the catchment area of their preferred North Yorkshire school. In a number of cases we have been aware that families subsequently return to their original home. This year we have had a greater number of cases of fraudulent or misleading applications which have been brought to our attention by other parents.

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

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

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

Tick as appropriate: Yes No

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

(ii) For own admission authority schools: Yes No

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

| Type of School | In 2015, how many requests for deferred admission to year R in 2016 were agreed for a child who will have reached the normal age for Year 1? |
|----------------------------------|--|
| Community & Voluntary Controlled | 17 |
| Own Admission Authority | 1 |

| Type of School | How many requests to defer admission to year R in 2016 were received? | How many of those requests were subsequently agreed? |
|-----------------------|---|--|
| Community & Voluntary | 17 | 17 |

| | | |
|--------------------------------|---|---|
| Controlled | | |
| Own Admission Authority | 1 | 1 |

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

Comments: Developmental Delay, Speech and Language, Special Educational Needs, Medical condition. Age related summer born

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

Comments: We have seen an increase in the volume of queries from parents not all of which progress to a formal request for delayed admission. A small number of parents have requested to delay admission post-allocation where they were unable to gain a place at their preferred school.

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

Comments: It would be helpful to clarify the level of flexibility that is required of a school in satisfying parental wishes for 'part-time' attendance. This is an area which has created confusion for some schools and parents.

D. Pupil, service and early years premium

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

(a) Pupil and service premium

In respect of community and voluntary controlled schools:

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

| | | | |
|---------------------------------------|---|--|--|
| Community Secondary | N | | |
| Voluntary Controlled Secondary | N | | |

Comments: This requires a full evaluation of the implications of such a change which has not yet been undertaken.

In respect of own admission authority schools:

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

Comments:

(b) Early years pupil premium - nursery priority

In respect of community and voluntary controlled schools:

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

Comments: See comment above at a)

In respect of own admission authority schools:

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

Comments:

E. Local Authority Issues

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

Comments: One of the areas of growth within the work of the admissions team this year is that of 'split families', where parents cannot agree on the choice of school for their child. Often this issue arises after the offer of a school place has been made. This issue applies to the normal admissions rounds and in-year applications. Parents come to the LA with the expectation that we will mediate between the two parties. It is considered that this is not within the remit of the admissions team. Linked to this is a growing number of subject access requests from divorced/separated parents trying to trace the whereabouts of their children. These can be very complex cases which require detailed legal knowledge and understanding.

Thank you for completing this report

Please email your completed report to: osa.team@osa.gsi.gov.uk