



Office of  
the Schools  
Adjudicator

## **Local Authority Report**

to

## **The Schools Adjudicator**

from

## **Gloucestershire Local Authority**

to be provided by

**30 June 2019**

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[www.gov.uk/government/organisations/office-of-the-schools-adjudicator](http://www.gov.uk/government/organisations/office-of-the-schools-adjudicator)

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

28/02/2019

- 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.

28/02/2019

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

[www.gloucestershire.gov.uk/education-and-learning/school-admissions-](http://www.gloucestershire.gov.uk/education-and-learning/school-admissions-)

[scheme-criteria-and-protocol/determined-admission-criteria-and-scheme-for-2020/](#)

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?	0	0
vi. Please provide any comments on the determination of admission arrangements not covered above.		
<p>We work closely with all schools for which the local authority is not the admission authority when they are updating their admission arrangements. We produce a timeline and email reminders for the school so that they are aware of the requirements for determination, and we are also informed of their proposed changes in plenty of time. Many schools contact us for our best practice and guidance in this area. We asked 18 schools (for which the local authority is not the admission authority) to make minor changes or updates to their proposed policy to update the references to show the correct year/date or references. This additional support assists schools to comply with the Code, as well as making the admission policies of schools in Gloucestershire easy to understand for parents.</p>		

## 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:

The majority of schools and academies purchase the option for the LAs Admission Team to rank their preferences using the its distance measuring system. Those that do not use this service either do not use a criterion of distance (e.g. Grammar schools) or are Faith Schools who are required to perform additional checks in line with their policy.

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				✓
Year 7				✓
Other relevant years of entry				✓

vi. Please give examples to illustrate your answer:

The LA maintains good relationships with all schools and academies in the coordination of main admission rounds. We have developed service level agreements where the LA and Gloucestershire schools agree on the dates to exchange data to ensure the success of the coordinated scheme. However, we do experience some delays where other LAs are not in a position to exchange data at the same time as us.

It would be useful to extend our success further by trying to introduce a national exchange date for all schools and all Local Authorities to make sure that cross county co-ordination works more effectively. This would assist all our neighbouring English Authorities, although may not alleviate all delays as we also border a Welsh Authority.

## 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>

- 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

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

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

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- 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.

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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.

Gloucestershire LA feel that until the definition and clarification of how this priority can be identified by the Department for Education in the School Admissions Code, we do not feel sufficiently equipped to use this equitably and consistently for Community or Voluntary Controlled Schools. This is the same for many authorities across the country given admissions can be such a controversial subject.

In order to be fair and transparent, admission authorities will need structured and specific guidance as to who and why we give this advantage to some children who were adopted from care outside of England. We must also consider that as one family is given an advantage of priority for admission to a school, there will be a family who will be disadvantaged because of this - and we must be clear when we are explaining to the children who do not gain entry to a school that we have processed all applications fairly.

This has not been a particular problem in Gloucestershire before and currently we would advise any affected families who do not gain a place at their preferred school because of this reason, to take their case to an admission appeal where an independent appeal panel can consider personal and family reasons alongside the determined admission arrangements for a school, and impact on 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**:

Children in Care have a positive experience of admissions at normal points of transition.

In the Co-ordinated Reception Admission Round, we offered 55 looked after/previously looked after pupils a place at their first preference school. In the Co-ordinated Secondary Admission Round, we offered 74 looked after/previously looked after pupils a place at their first preference school ( 2 additional pupils were offered a place at their lower preference school as they were unsuccessful at their first preference of a Grammar School).

- 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:

Children with SEN or disabilities are supported to transition successfully to their new school – this includes making physical adaptations where needed and holding transition events to prepare children and families. Most schools can meet the needs of all children with SEN and disabilities through making reasonable adjustments and therefore most do not give priority for pupils with medical needs or SEN needs which are not identified by an EHCP.

Managing parental expectations of the equal preference system can be difficult; especially when families are disappointed they do not receive their preference of a specific school they have chosen because they believe it can best meet the needs of their child. This can be an emotive time for some parents and the admissions team provide guidance for the families throughout the process and possible appeals route.

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

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

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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.

## 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;
- 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

Some schools are complying with the requirement in paragraph 2.22 of the Code, while others are not.

We regularly remind schools of the need to return a copy of all in-year application forms to the LA as soon as possible, but not all schools do this. The LA therefore also undertakes checks of the data exchange between schools to be made aware of a pupil's move to another school – but many academies now do not choose to share their data in this way.

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?

Some schools are complying with the requirement in paragraph 2.22 of the Code, while others are not.

As above

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	GCC received 3953 copies of completed application forms from schools. *	GCC received 1129 copies of completed application forms from schools. *
Number of in year admissions between 1/9/18 and 31/3/19	GCC received 2388 copies of completed application forms from schools. *	GCC received 838 copies of completed application forms from schools. *

*\*This number of **applications** is not a true reflection of **admissions** to school during the in year period. The number of received applications includes multiple applications where a pupil has applied to more than one school but will not include the number of admissions made by schools where the school has not returned a copy of the application form to us.*

## 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.

Whilst the LA is in favour of co-ordinating all in-year admissions, it has chosen to delegate responsibility to its community and voluntary controlled schools. This is because the LA understands that the school system is complex to understand, especially for more vulnerable families, and this was thought to prevent additional confusion around the status of the school and who to apply to (given the number of own admission authority schools).

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

## 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>

- 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:

## 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

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

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

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

Once a preferred school is named for a child with an EHCP, we are seeing an increase in the number of mainstream schools who are initially stating that they are unable to meet due to lack of financial resources in the school. We continue to build relationships with the schools, having reasonable adjustment meetings and aim to be creative in our solutions and support for schools to be able to adapt and accept pupils with needs.

There also remains an issue for schools who are asked to admit children who have special educational needs who do not have an EHCP. Schools may not be equipped or skilled to meet the need of these pupils immediately and do not feel able to put the right support in place whilst the needs of the child are fully understood. We work with the schools to assist with inclusive practice and assist them when they issue My Plans and My Plan Plus through the graduated approach to support.

The aim of both the LA and the school is to be as inclusive as possible within the resources available, and to meet need.

## 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:

Although Gloucestershire Local Authority do not coordinate any in-year admissions, we do publish best practice guidance supplying schools with ideas of how/long it may take to process an in-year application and good examples of how to request necessary information (i.e. proof of home address and date of birth). Not all schools use this guidance and others have developed their own methods to process applications.

In some cases this may delay the processing of an application or may not advise the family of the right of appeal. This may also delay the assistance that the in-year team can provide for the families in relation to alternative schools in the area, and there have been some examples of not being aware when a child is missing education. We have challenged schools over this, but as there are no statutory timelines in the School Admission Code for a school to process an application, this can prove challenging for schools to administer.

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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.

## 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

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

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	0	0
Foundation, voluntary aided and academies	0	0
Total	0	0

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.

In previous years, some schools and academies have not agreed with the fair access panel's decision to admit a child placed under the Fair Access Protocol for a variety of reasons, including concerns such as funding issues, performance figures, challenges to their safety and security of both the incoming pupil and their current cohort. This has made it very hard to place children back into mainstream school through the protocol.

Therefore, over the last year, we have worked with colleagues in schools, academies, alternative provision units and other educational professionals to update the Fair Access Protocol to support pupils with a longer transition period from an alternative provision placement into a successful education setting.

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

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

This process is in its early implementation phase, and the panel of head teachers, supported by GCC, are working hard to make this a success.

We are mindful of the challenges which will remain including relying on the parents continuing to want a place at the directed school for their child (especially when they may have been previously told that a placement does not want to admit them) and the challenges for the educational placement who are awarded a pupil who will have vulnerabilities.

The new process also allows us to work collaboratively with colleagues and find solutions to assist each individual pupil to return to education.

The LA welcomes the recommendations in the Timpson Review and feels that changes to school accountability for pupils will be of assistance in the county.

### **Section 3 - Directions**

<b>A.</b> 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
<b>B.</b> Please add any comments on the authority's experiences of making directions in these circumstances.				

<b>C.</b> 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	0
<b>D.</b> Please add any comments on the authority's experiences of making directions in these circumstances.	

<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
<b>F.</b> 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. How many 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	0	N/A
Service premium	0	0	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	0	N/A

<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	1	7
Service premium	0	1	1

<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	0	1	7
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## **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?

871

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

The LA has a good relationship with its home educated community. Every Home Educated family has a link officer in Gloucestershire who can provide support, advice and guidance to home educating families.

Typically, families of home educated children who wish to return their children to a school will contact their link officer who can support them in making applications and appeals. Where it is clear that work is required to support the receiving school in successfully planning for and managing any additional needs, the Local Authority will arrange for this support to be provided e.g. Advisory Teaching Service, Education Psychology Service or Officers from the Education Inclusion Service. Some returners to school from the Elective Home Education have followed a reduced timetable to begin with, others have made use of flexi school arrangements.

We have on occasion had to remind schools of their responsibilities regarding admitting applicants where there are spaces available, and that previous elective home education is not a reason to refuse admission.

The LA has also met with Head Teachers from all secondary schools with higher than expected 'off-rolling' figures to talk about the challenges they face and to increase support to vulnerable children before they become home educated.

## **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?

Gloucestershire LA work collaboratively with schools for which the local authority is not the admission authority to govern the summer born policy so that is fair and consistent throughout the County. However, Summer Born queries continue to cause additional challenge from parents when they disagree with decisions, and may request to ask for a Reception place for next year when they did not receive

their first preference school. It would support parents if there was clarity in the form of a National policy and timeline when dealing with requests for Summer Born deferral.

## **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