

Office of the  
Schools  
Adjudicator

**LOCAL AUTHORITY REPORT**  
**TO**  
**THE SCHOOLS ADJUDICATOR**  
**FROM**  
**Nottinghamshire Local Authority**

**30 JUNE 2012**

**Report Cleared by (Name): Anthony May**

**(Title): Director of Children, Families and Cultural  
Services**

**Date submitted: Friday 29<sup>th</sup> June 2012**

**By (Name): Scott Hollingsworth**

**(Title): Access and Admissions Lead Officer**

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**Please email your completed report to: [OSA.TEAM@OSA.GSI.GOV.UK](mailto: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 in the report to the adjudicator and makes provision for the local authority to include any other local issues.
3. The remit letter from the Secretary of State for Education to the Chief Schools Adjudicator also makes reference to additional matters on which he wishes to have a report included in the Chief Adjudicator's annual report. 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.

For ease of reference the legislation is given below.

## **Legal References**

### ***"88P Reports by local authorities to adjudicator***

*(1) A local authority in England must make such reports to the adjudicator about such matters connected with relevant school admissions as may be required by the code for school admissions.*

*(2) In subsection (1) 'relevant school admissions', in relation to a local authority, means:*

- (a) the admission of pupils to relevant schools in the authority's area;*
- (b) the admission of pupils in the authority's area to other relevant schools;*
- (c) the entry to the sixth form of pupils who have been admitted to relevant schools in the authority's area; and*
- (d) the entry to the sixth form of pupils in the authority's area who have been admitted to other relevant schools.*

*(3) In this section, "relevant school" means--*

- (a) a maintained school,*
- (b) an Academy,*
- (c) a city technology college, or*
- (d) a city technology of the arts."*

### ***"Section 88Q Reports under section 88P: provision of information***

*(1) A relevant person must, on request, provide a local authority in England with such information as the authority may reasonably require for the purpose of enabling the authority to fulfil their duties under section 88P.*

(2) In subsection (1), “relevant person”, in relation to a local authority, means-

- (a) an admission authority (other than the local authority) for a maintained school in the area of the local authority;
- (b) -----
- (c) any member of an appeal panel constituted under section 94 by-

- (i) the local authority, or
- (ii) the governing body of a foundation or voluntary aided school in the area of the local authority;
- (d) the proprietor of-

- (i) an Academy,
- (ii) a city technology college, or
- (iii) a city college for the technology of the arts,

in the area of the local authority;

- (e) any other local authority in England;
- (f) other person as may be prescribed.”

## **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.**

**Where type of school is given, foundation covers foundation schools and foundation schools with a foundation (trust schools).**

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## **Admission Arrangements for Admissions in September 2012**

Please provide details of how the admission arrangements for schools in your local authority serves the interests of the groups of children listed below. Please include details of any problems that have arisen while allocating places for admissions in September 2012. (the Code paragraph 3.23 a refers)

<b>Looked after Children:</b>
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Looked after children (LAC) are prioritised for admission in line with the
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requirements of the School Admissions Code 2012. The growing number of Own Admission Authority (OAA) secondaries in Nottinghamshire, detailed later on page 10 of this report, largely comply with the Code's requirements. Issues with allocations for normal intake rounds do not normally occur.

Delays can sometimes occur with in-year admissions, often as a result of a misinterpretation of the Admissions Code by own admission authorities; these are resolved through sometimes protracted negotiation. Nottinghamshire has retained a joint School Admissions Forum (SAF) which includes wider representation of OAA schools and academies and reflects the changing profile of schools across Nottinghamshire. Protocols for looked after children and, as separate protocol for children with special educational needs and disabilities, have been developed through consultation with the SAF and Education Trust Board. These protocols aim to speed admissions of vulnerable pupils through outlining support arrangements for these vulnerable groups.

Nottinghamshire County Council has worked jointly with other LAs - including Lincolnshire and Nottingham City, and more distant 'home' authorities - where there have been overlap issues, for example where there are differences between the place of residence and the home authority. This can add to the complexity of the admissions process for LAC and can cause admission delays particularly where a distant 'home' authority or receiving OAA school in another local authority is involved. This issue is being addressed in Nottinghamshire through close working between the admissions team and the virtual school for looked after children.

**Previously looked after children** Giving priority to previously looked after children was not a requirement for admission arrangements for admissions in September 2012. However, if you have any evidence about the admission of such children please include details here:

Nottinghamshire's admissions team recognises that previously looked after children are now included in the new School Admissions Code and the LAC protocol, and has advised schools of these changes. Appropriate changes have been made to Nottinghamshire's determined admission arrangements. For example, whilst the new Code is effective from September 2012, the new definition of looked after children is included in the determined arrangements for 2013.

**Children with disabilities:**

For admissions purposes, children with disabilities are considered under "special circumstances". Parents are invited to provide supporting evidence at the point of application to ensure appropriate consideration is given to meeting the child's needs.

Admission processes are regularly reviewed with the County Disability Support Service. The County's Access and Diversity Officer liaises with the admissions section over admissions where adaptations may be needed at the receiving school. On an annual basis, arrangements for the admission of children with special disabilities are reviewed by the admissions team.

**Children who have special educational needs:**

Children with SEN are considered in accordance with the Admissions and Special Needs Codes.

Nottinghamshire County Council through its SAF has also recently introduced a Special Educational Needs protocol to facilitate admissions processes with schools. This protocol outlines the consultation with schools, funding and arrangements for transition funding when children move between schools. An agreed proforma is currently in use by the inclusion team and schools.

**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:

The current protocol is currently being reviewed in the light of the 2012 Code. This review has commenced with a working party comprising officers and representatives from the schools which includes OAA schools.

A redrafted protocol is currently under development with all schools in Nottinghamshire, with early consultation taking place during the autumn term 2012 followed by the annual statutory consultation.

Nottinghamshire County Council recognises the importance of ensuring that the FAP is fair and consistently applied by all schools.

- 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 that have not agreed Fair Access Protocol	
	Schools for pupils up to age 11	Schools for pupils over age 11
Community	0	0
Voluntary Controlled	0	0
Voluntary Aided	0	0
Foundation	0	0
Academy	0	0

c) Please give your assessment of how well the Fair Access Protocol has worked in the academic year 2011/12 in placing children without a school place in schools in a timely manner. Include details of any specific problems that have been encountered in applying the protocol.

There are delays in the admission of in-year pupils, particularly fair access ones. Over the recent past, Nottinghamshire has coordinated between 4,500-5,000 in-year admissions. Between September 2011 and May 2012, there has been 248 FAP admissions which have experienced varying levels of delay. Admissions officers are now monitoring and tracking all FAP pupils to reduce delays and ensure FAP pupils are admitted promptly when they move schools.

Whilst at its early stages, this data would suggest that there are:

- delays by schools in responding to admission requests;
- refusals to admit FAP children in both community and some OAA schools. (There has been no refusals by VA and Foundation schools to admit FAP children although the number of FAP children applying to these schools is relatively small.);
- in relation to in-year FAP admissions of secondary aged pupils into community schools there were 4 refusals from 69 placements. In relation to secondary academies, there were 10 refusals from 76 placements (see data in section d);
- reluctance to admit year 10 and year 11 pupils as a matter of policy;
- one instance of a refusal to admit to an OAA following an appeal panel decision in favour of the child.

Whilst acknowledging these issues, it must be stressed that they are relatively isolated. Working relationships with schools on admissions are generally good; through partnership working, these issues are being openly discussed through existing headteacher partnerships, networks and forums.

d) 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	Schools for pupils up to age 11	Schools for pupils over age 11
<b>Community</b>	24	69	1	4
<b>Voluntary Controlled</b>	1	0	0	0
<b>Voluntary Aided</b>	3	5	0	0
<b>Foundation</b>	0	7	0	0
<b>Academy</b>	1	76	0	10

e) Please comment below on the extent to which schools have co-operated in the operation of the protocol.

The Nottinghamshire County Council Fair Access Protocol is managed through the continuation of district School Behaviour and Attendance Partnerships (SBAP) or equivalent. One district refers to their panel as the 'Fair Access Panel' and one district has an additional panel to accommodate more localised arrangements. Some of these panels are highly successful and can be effective in reducing delays.

However, the operation of other panels is marred by the non-representation of some individual secondary OAAs, occasional strained relationships between schools within the locality partnership and lack of co-ordination.

f) If children have not been placed in a school through the protocol, have you used the powers of direction to provide a place for a child?

Tick as appropriate: Yes  No  N/A

g) 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 Secretary of State or after an appeal to the Adjudicator?

Type of School	Number of children placed	
	Schools for pupils up to age 11	Schools for pupils over age 11
<b>Community</b>	1	2
<b>Voluntary Controlled</b>	0	0
<b>Voluntary Aided</b>	0	0
<b>Foundation</b>	0	0
<b>Academy</b>	0	*1

Please add any other relevant information you wish to include in this section.

\* One child applying for admission to an academy, was initially refused following a successful admission appeal. The LA made representations to the Young People's Learning Agency, now the Education Funding Agency. Following discussions between the LA and EFA and correspondence from the EFA to the school, this particular case was resolved without the need for a formal direction.

Most admissions are resolved through sometimes extensive negotiation which can result in admission delays. However, most of those pupils subject to such delays are now placed even when they were initially refused.

### **Co-ordination**

Please assess the effectiveness of co-ordination of primary and secondary admissions for September 2012 in your local authority.

#### Primary:

Admissions to primary schools for 2012 were successfully coordinated. 90% of parents and families accessed their first preference across the county, although there are area variations. The scheme works effectively and includes statutory consultation rounds and discussions with appropriate forums.

A review of the roles and responsibilities of different officers involved in the admissions process is taking place to ensure that coordination continues to be effective in the future.

#### Secondary:

Admissions to secondary schools were also successfully coordinated. 96% of parents and families were allocated their first preference. The scheme works effectively and includes statutory consultation rounds and discussions with appropriate forums.

In-year admission delays do occur with a small number of secondary community and OAA schools. The admissions and FAP teams are currently quantifying the number of days lost with a view to addressing this issue through appropriate headteacher networks and forums.

The current role of the local authority in relation to in-year co-ordination enables it to collate this data for all admissions in a way which may no longer be so straightforward from September 2013 when councils are no longer statutorily responsible for in-year admissions. In view of the FAP data collated so far, there are concerns that more vulnerable children may experience increased admission delays.

The Guide for Parents for admissions to all schools in September 2013, will appear in August 2012.

### **Admission Appeals**

Please provide details of the number of lodged and upheld parental appeals for admissions in September 2012.

	<b>Lodged</b>	<b>Upheld</b>
<b>Number of appeals for pupils up to age 11.</b>	401	23
<b>Number of appeals for pupils over age 11.</b>	99	40
<b>Date up to which this information applies.</b>	31.5.12	31.5.12

***Please note there will be an opportunity to update this data up until 31 August 2012 – the update form is attached as an appendix to this form and provided separately for you to return if you wish at the end of August.***

### **Other Issues**

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

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

This report can be obtained from the County Council website.

It will be logged at [www.nottinghamshire.gov.uk/schooladmissions](http://www.nottinghamshire.gov.uk/schooladmissions)

If not yet published please provide details of when and where the report will be published:

This report will be published on the County Council website by the week ending 6 July 2012.

### **Local Authority Issues**

Please provide details of any other issues that you would like to raise and

comment on that are not already covered in this report.

There are emerging concerns about the consistency of appeals arrangements and procedures at OAA appeals hearings.

Whilst highlighted in the report already, there are continued concerns around delays as a result of in-year admissions to OAAs and community secondary schools. This concern is heightened by the implications of the revised arrangements for in-year admissions from September 2013, particularly in relation to vulnerable pupils.

### **Remit Letter from the Secretary of State for Education to the Chief Adjudicator**

The Secretary of State has asked that the Chief Adjudicator's annual report includes an assessment of the impact in local areas of having more own admission authorities and any implications for parental choice.

Please give the number of types of Schools in your local authority.

Type of School	Number of schools (As at 1.6.12)		
	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Total number of Schools
<b>Community</b>	210	13 (*)	223
<b>Voluntary Controlled</b>	31	0	31
<b>Voluntary Aided</b>	38	3	41
<b>Foundation</b>	0	5	5
<b>Academy</b>	6	24	30
<b>Total number of Schools</b>	285	45	330

(\*) includes 8 schools that are proposed to convert to Academy status

Does the local authority carry out any investigations into the impact for parents of having many or most or all schools in an area that are their own admission authority?

Tick as appropriate:      Yes       No

If **YES**, what was the outcome of the investigation:

If **NO**, are there any plans to monitor the impact for parents of having an increasing number of own admission authority schools:

At this time, there does not appear to be a significant issue for parents in relation to the impact of being served by mainly academies. There is evidence that the outcomes for pupils at 16+ have continued to improve following conversion. Parents will welcome this continued improvement.

However, through the FAP, the Fair Access officer is specifically monitoring in-year admissions in relation to fair access children. Consideration will be given to monitoring the impact on parents by the Admissions Leadership Team.

If the admission arrangements of individual schools are all considered to be lawful, is there any difficulty for parents in securing a place at a local school?

Tick as appropriate:            Yes             No

If **YES**, has the local authority considered what might be done to overcome any difficulties:

There is no difficulty in overall place provision terms in Nottinghamshire: all parents have one of their first 4 preferences or in a small number of cases, a mandatory offer. Currently, there are 207 primary mandatory offers out of 9402 applications. This number may change during the allocation period which includes the appeals process.

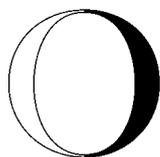
However, in some parts of the county, there are particular pressures around school places. In these areas, effective plans are in place to manage sufficiency of place provision. To date, first preference admissions across the county for primary schools run at 90%; for secondary, at 96%.

Nottinghamshire currently co-ordinates between 4,500 - 5000 in-year admissions. Some parents experience delays with in-year admissions to some secondary schools. To overcome these difficulties, the admissions team monitors the number of days lost for FAP children. Plans are in place to monitor all in-year pupils from September 2012. This issue continues to be discussed in headteacher networks and forums.

From a place planning perspective, the County Council has undertaken a review of place planning across the county, and as in other local authorities, there is a predicted shortfall of school places at primary level in some areas. Evaluation and analysis has been completed, following DfE guidelines and good practice. Demand (Basic Need) has been demonstrated and proven within the primary sector for the next 5 years. This demand has been subject to a business case which is currently being considered and will result in agreement to a capital programme, funded by Basic Need allocations from the DfE, to ensure that more school places are delivered in time to meet statutory requirement to provide sufficient school places. A further review is scheduled to assess sufficiency in secondary schools. The County Council will also provide an annual position statement on the supply of school places within

Nottinghamshire.

Please email your completed report to: [OSA.TEAM@OSA.GSI.GOV.UK](mailto:OSA.TEAM@OSA.GSI.GOV.UK)



Office of the  
Schools  
Adjudicator

## LOCAL AUTHORITY REPORT – Data update 31 August 2012

### Nottinghamshire County Council Local Authority

Report Cleared by (Name): Anthony May

Date submitted: to be agreed

By (Name): Scott Hollingsworth

Contact email address: [scott.hollingsworth@nottscc.gov.uk](mailto:scott.hollingsworth@nottscc.gov.uk)

Telephone number: 0115 977 4274

In the LA Report that was submitted by 30th June 2012 we confirmed that there would be an opportunity to update some of the data information. Below is the section of the June Report concerning appeals that you may wish to update. Please complete and return by 31 August 2012.

#### Admission Appeals

Please provide details of the number of lodged and upheld parental appeals for admissions in September 2012.

	Lodged	Upheld
Number of appeals for pupils up to age 11.		
Number of appeals for pupils over age 11.		
Date up to which this information applies.		

**Please email your completed report to:  
OSA.TEAM@OSA.GSI.GOV.UK**