



Office of  
the Schools  
Adjudicator

**LOCAL AUTHORITY REPORT**  
**TO**  
**THE SCHOOLS ADJUDICATOR**  
**FROM**  
**Derby City Local Authority**

**30 JUNE 2014**

**Report Cleared by: Gurmail Nizzer - Head of Service, School  
Organisation and Provision**

**Date submitted: 20 June 2014**

**By: Diane Whitehead - Admissions Manager**

**Contact email address: [diane.whitehead@derby.gov.uk](mailto:diane.whitehead@derby.gov.uk)**

**Telephone number: 01332 642724**

**[www.education.gov.uk/schoolsadjudicator/](http://www.education.gov.uk/schoolsadjudicator/)**

**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 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.

<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>	54	01	---
<b>Voluntary Controlled</b>	01	---	---
<b>Voluntary Aided</b>	09	---	---
<b>Foundation</b>	02	05	---
<b>Academy</b>	05	08	---
<b>Free School</b>	---	---	01
<b>UTC</b>	N/A	---	---
<b>Studio School</b>	N/A	---	---

## 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

Top of the admissions/ oversubscription criteria in all maintained schools. Use of direction to admit in-year looked after children would be implemented if required. However, the intention to direct together with direct dialogue with the schools concerned by the LA continues to be effective 100% in preventing the need to issue full direction. In the primary phase where infant class size legislation applies each case requires negotiation by the LA and the identified school to ensure admission as excepted pupils.

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

Tick as appropriate: Fully  In part  Not satisfactorily

All maintained schools place previously looked after children at the top of their admissions/oversubscriptions criteria along with looked after children, in line with the non-statutory guidance on the admission of children adopted from local authority care published by the DfE on 13 May 2014.

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

Tick as appropriate: Fully  In part  Not satisfactorily

All schools operate within and fully comply with the requirements of the DDA. For intake admissions the LA works with schools to identify and implement reasonable adjustments to ensure they are in place for September start.

(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

The LA fully complies with current SEN legislation and regulations. The SEN Section issues statements and carry's out annual reviews.

(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

The LA has processes in place to identify and support students with SEN but without a statement to ensure full access to appropriate educational provision.

### 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 strength 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?

Parents and carers receive information on decisions in neighbouring local authorities at the same time. This has impacted positively on capacity and resources in Admissions and improved customer satisfaction.

ii) Any problems encountered this year?

None

#### 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?

Consistency across neighbouring LA's.

ii) Any problems?

None

(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 X

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 X

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
1781	698	N/A

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

Tick as appropriate: Yes X No

The LA continues to co-ordinate all in-year admission applications on behalf of its community and voluntary controlled schools for pupils' resident within Derby City. All applications are processed and decision letters sent to parent within 15 school days.

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

Tick as appropriate: Yes  No

The LA continues to co-ordinate all in-year admission applications on behalf of its own admission authority schools for pupils' resident within Derby City. All applications are processed and decision letters sent to parent within 15 school days.

(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>	54	01	
<b>Voluntary Controlled</b>	01	---	
<b>Voluntary Aided</b>	09	----	
<b>Foundation</b>	02	05	---
<b>Academy</b>	05	07	
<b>Free School</b>	---	---	---
<b>UTC</b>	N/A	----	---
<b>Studio School</b>	N/A	----	-----

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

Parents often indicate they have visited schools before approaching the LA. Growing concern that an increasing number of parents are being discouraged from submitting applications to certain schools. The removal of the requirement for admission authorities to co-ordinate in-year admissions remains a serious concern for the LA in respect of the tracking of missing children, unfairness and inequity for parents, carers, children and families.

(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  (only whilst LA co-ordinate)  confident not confident

(g) Across your local authority area how well has in-year admissions worked this year?

Tick as appropriate: Better than last year   
 The same as last year X  
 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.

Concern that there is lack of clarity from the DfE regarding the statutory requirements of admission authorities to inform LA of applications made direct to schools, therefore Admission Authorities are able to interpret the SAC and SAAC's to suit, thus increasing the risk of students and pupils being missing from education and provision unknown to the Local Authority.

#### 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 X 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	---	----	
Voluntary Controlled	---	---	
Voluntary Aided	---	---	
Foundation	---	---	
Academy	---	---	
Free School	---	---	---
UTC	N/A	N/A	
Studio School	N/A	N/A	

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

Comments:

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

Looked After Children leaving Youth Justice System and are placed out of their 'home' authority. LA's often demand that places are allocated speedily without the need for any risk assessment or any structured support being put in place. These placements break down rapidly, whereas when other LA's agree to work with the FAP the placements are more successful and long-term.

Since the last OSA report, Derby has experienced unprecedented numbers of students new to the city present challenging behaviours and/or complex needs, many with MAT involvement in previous authority. This has resulted in an increased number of referrals under the FA Agreement, whereby the FAP have to allocate schools that are already below floor, and already accommodate extremely challenging students; resultant in two academies initially refusing to accept students allocated under Fair Access Agreement.



- 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 X            No

- The Fair Access Panel meets each half term and consists of Head teachers in place of senior staff to review placements considered and allocated by the Schools Placement Panel (SPP) during the half term.
- The SPP meets fortnightly to review on going and consider new cases. This process significantly reduces the time students are out of school and/or at risk of permanent exclusion and works towards ensuring that places allocated are as successful as possible.
- Formal primary FAP process
- Year 11 unplaced students formal process to ensure speedy placement/provision
- EAL Students – continued revision of process to benefit students.
- Requests for protection for schools over challenging admission are considered by the Fair Access Panel and if agreed are afforded under the Fair Access Protocol. Any protections afforded are reviewed at each FAP meeting.

- 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	06	14		0		
Voluntary Controlled				0		
Voluntary Aided	01			0		
Foundation		03		0		
Academy		16		0		
Free School		01		0	02	
UTC	N/A			N/A		
Studio School	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 X            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			
Voluntary Controlled			
Voluntary Aided			
Foundation			
Academy			
Free School			
UTC	N/A		
Studio School	N/A		

- 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?

Notice of LA's *intention* to request intervention by SoS to direct admission was sent to one academy and did not result in the request being submitted to EFA.

## 5. Admission Appeals

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

	Lodged	Settled (offered a place through a waiting list or other means - not continuing with appeal)	Withdrawn (no place offered, but not proceeding with appeal)	Appeals Heard	Appeals Upheld (a place offered as a result of the appeal)	Appeals Not Upheld (appeal failed, no place offered)
Pupils up to age 11	169	21	0	0	N/A	N/A
Pupils age 11-16	101	21	06	52	05	47
Pupils over age 16	0	0	0	0	0	0
Date up to which this information applies	05/06/14	05/06/14	05/06/14	05/06/14	05/06/14	05/06/14

**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.

In addition to the information above there are currently 66 in-year appeals which must be heard during the timescale for block appeals. A very high percentage of these appeals require an interpreter to be present mainly in Eastern European languages. Please also note that the Infant, Junior and Primary intake appeals for September have not yet been heard.

## 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:

### 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>	01	---	---
<b>Foundation</b>	01	---	---
<b>Academy</b>	02	02	---
<b>Free School</b>	---	---	01
<b>UTC</b>	N/A	---	---
<b>Studio School</b>	N/A	---	---

---

- 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 X 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>	---	---	---
<b>Foundation</b>	---	---	-----
<b>Academy</b>	---	01	
<b>Free School</b>	---	---	01
<b>UTC</b>	N/A	---	---
<b>Studio School</b>	N/A	---	---

### **C. Fraudulent applications**

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

Tick as appropriate: Yes X 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 X

- (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			
Voluntary Controlled			
Voluntary Aided			
Foundation			
Academy			
Free School			
UTC	N/A		
Studio School	N/A		

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

Annual quality assurance review of process to assess effectiveness of checks carried out and minimum documentation required. Local Authority's admission arrangements for community and VC schools detail measures to prevent intentionally misleading or fraudulent applications

#### **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 X

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

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:

How many were subsequently agreed?

Number:

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

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:

How many were subsequently agreed?

Number:

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

Comments:

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

Comments:

### **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 X No

or

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

Tick as appropriate:            Yes X No

or

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

Comments:

(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 X

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

Comments:

How often does this forum meet?

Comments:

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

Comments:

#### **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:

**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)**