



Office of
the Schools
Adjudicator

Local Authority Report

To

The Schools Adjudicator

From

London Borough of Hillingdon

30 June 2018

Report Cleared by (Name & Title): Daniel Kennedy, Deputy Director Housing, Environment, Education and Health & Wellbeing

Date submitted: 28 June 2018

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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 by **30 June 2018 and earlier if possible**

Introduction

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 issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2018**.

The report to the Secretary of State for 2017 highlighted that at the normal points of admission the main admissions rounds for entry to schools work well. The Chief Adjudicator expressed less confidence that the needs of children who need a place outside the normal admissions rounds were so well met. In order to test this concern, local authorities are therefore asked to differentiate their answers in this year's report between the main admissions round and in year admissions¹. The order of this template for the annual report by local authorities reflects this.

Information requested

1. Normal point of admission

A. Determined arrangements

- i. Please specify the date your local authority determined its arrangements for admissions in 2019 for its voluntary controlled and community schools. Please state if this question is not applicable as there are no voluntary controlled or community schools in the local authority area.

29/12/2017

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website. Say if not applicable.

29/12/2017

- iii. What proportion of arrangements for own admission schools was provided to the local authority by 15 March?

¹ 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.

Not applicable None Minority Majority All

	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
iv. How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	0	4	1
<p>v. If, when you considered arrangements for own admission authority schools for 2019, you had any concerns about Code compliance, please indicate which paragraphs of the Code you thought were mainly being breached.</p> <p>Queries generally related to clarity on process such as schools who administer banding must make the procedures clear. Other queries were; incorrect references to dates; and who is the contact for appeals and waiting list information.</p>			
<p>vi. Further comment: please provide any comments on the determination of admission arrangements not covered above.</p> <p>Four Hillingdon schools consulted to reduce their published admission number for 2019/20 but only one school asked to discuss the matter further with the LA following our objection. The other three schools chose not to respond to the Local Authorities objection and determined the reduction anyway. The Local Authority seeks to foster a positive working relationship with all schools and would have preferred that the three schools discussed the matter further with the LA.</p>			

B. Co-ordination

- i. Provision of rankings: what proportion of own admission authority schools provided their rankings correctly undertaken by the agreed date?

Not applicable None Minority Majority All

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
ii. Reception			Y	
iii. Year 7			Y	
iv. Other relevant years of entry				
<p>v. Please give examples to illustrate your answer:</p> <p>All through school considerations - a few issues that have arisen this year across London that impact on all-through schools.</p> <p>Hillingdon's only all-through school admit children between the ages of 4 – 18 with a Published Admission Number for Year 7 of 180 pupils. However, in reality, 60 of these places should be held for pupils attending the school in Year 6.</p> <p>Children attending year 6 of an all through school have a right to continue into year 7 without the need to make an application for the same school. Furthermore, we must have regard to the <u>Children Missing Education statutory guidance</u> from September 2016 which makes it clear that pupils cannot be removed from the school roll unless one of the 15 grounds for removal has been met. A pupil's parent's indication that a child will attend a different school at the start of Year 7 is not grounds for removal from the school roll, and in this case the pupil's name should only be removed once they are registered as attending another school.</p> <p>Although legally pupils attending year 6 in an all-through school do not need to apply for a place at the same school for Year 7, they are entitled to apply for a place in another school to start in Year 7. It is possible for parents to express a preference for up to 6 schools without their current all-through school being one of them.</p> <p>With this in mind Hillingdon School Placement and Admission team ran reports to establish how many of the existing pupils on roll at the all-through school named their current school as their 1st choice. We found that 14 of the existing pupils had not named their current school as a 1st preference, one of the 14 hadn't named their current school at all.</p> <p>If one of the 14 received an offer for another school, then parents were notified in the usual way and were able to accept or decline that offered place. Legally in these cases parents will have a choice of two schools to send their child to in September. They can either attend their preference offered school, or continue to attend their current school. It is not a requirement for parents to notify their current school of their intentions, although it would be sensible for them to do so.</p> <p>If Hillingdon Council were unable to make an offer for a preference school to the applicant who hasn't named the all-through school at all, legally an alternative offer was not made as the pupil will have ongoing education available to them at</p>				

their current school.

It would be useful to have some guidance from DfE on admissions to all through schools at transition. Should schools reduce their PAN to cater for existing pupils? Should places be held for pupils until they can legally be removed from the school roll in September once they have started at a new school - in line with Children Missing Education statutory guidance? By doing so would mean that other applicants could miss out on a timely offer at that school if it is oversubscribed.

Hillingdon had to seek further clarification from the Department of Education regarding the processing of returning Crown Servant applications. We received the following guidance: *Admission authorities for schools do have to apply their admission arrangements as published. They must comply with admissions law and the Admissions Code and they should also have regard to non-statutory guidelines such as the Crown Servants guidance. The Crown Servants guidance would not prevent the admission authority from fixing upon a specific but reasonable point within the area provided by the applicant from which to measure distance if 'distance' rather than 'random allocation' is the tie-break used for the school in question.*

C. Looked after and previously looked after children

- i. How well do admission arrangements 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

- ii. How well do the admission arrangements in other local authority areas serve the interests of your looked after children at normal points of admission?

Not at all Not well Well Very well Not applicable

- iii. How well do admission arrangements 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

- iv. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

Hillingdon's Virtual School has a positive working relationship with the School Placement and Admissions team in Hillingdon.

Looked After Children seeking a school place in borough will generally receive a place at one of their preferred schools and this place will be offered

within timescales. Occasionally Looked After Children may struggle to receive an offer for an oversubscribed school in borough. In these cases, the Virtual School and the School Placement and Admissions team will work together to find a solution to the problem.

The School Placement and Admissions Team will lead on securing a school place however the process of ensuring that the placement is suitable sits with the allocated Virtual School caseworker and they continue to liaise with all professionals to progress this, acting as the link between Social Care, foster carers and the School Placement and Admissions Team.

The majority of required placements are for our Unallocated Asylum Seeking Children (UASC) and our processes are such that they have access to suitable interim education by day 21 and then permanent school places are progressed if after 4 weeks they have not moved on the National Transfer Scheme.

Hillingdon children who are placed out of the borough occasionally experience delays in particular for our UASC and Children Looked After (CLA) with challenging behaviour. Delays include limitations on provision available out borough and also disputes around age for newly arrived UASC. We also experience delays for CLA with SEN with placement outside of timescales. Further to this, issues surrounding school admissions tend to be more evident when we have been unable to plan for the change in education provision. This in the main is due to emergency placement changes or where a placement offer for a child is limited to single offers in areas where we know finding education for these children who tend to have other risk factors and challenging behaviour is difficult.

D. Special educational needs and disabilities

- i. How well served are children with disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school at normal points of admission?

Not at all Not well Well Very well Not applicable

- ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs at normal points of admission?

Not at all Not well Well Very well Not applicable

iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement.

For children and young people with Education Health and Care Plans (EHCPs), admission into schools is managed by the SEND Team. The admission process requires consultation with settings to ascertain their ability to meet the child/young person's needs and deliver the support outlined in the child/young person's EHCP. Challenges are faced around school's confidence in their ability to meet a wide range of special educational needs, but the Authority is able to support schools via deployment of officers from the Inclusion Team.

The SEND Team have continued discussions with schools around admissions of children and young people with EHCPs and work hard to secure the parents' preferred setting wherever possible. However capacity issues have arisen within local specialist provision due in part to an increase in the number of children/young people with EHCPs. Consequently, there has been a rise in the number of children/young people with EHCPs placed in schools outside of Hillingdon. This is being addressed through the authority's Additional Needs Strategy and intentions for expansion of local SEND provision using SEND Capital Grant funding have been published on the Local Offer.

For children and young people with additional needs but without an EHCP, access into school follows the mainstream admission channels. Most action is usually taken in the first instance by the school's SENCo, who may highlight a requirement for additional support. The Local Authority is committed to supporting all schools to respond swiftly and confidently to the needs of children and young people with SEND and the Borough-wide Inclusion Commitment empowers schools to integrate children with additional needs quickly into education. The Inclusion Team work with many settings within the Borough and can provide additional support to schools who admit children with complex needs. Schools are also available to apply for exceptional funding from the SEND Team, to deliver immediate support to pupils without an EHCP.

2. In year admissions

A. The number of in year admissions. We are asking for two years' data for comparative purposes. If you do not have the data for the year 1/9/16 to 31/8/17 available, please still provide the data for 1/9/17 to 31/3/18.

i.	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/3/18	1251	550
Number of in year admissions between 1/9/16 and 31/8/17	2071	668
The reasons for children seeking in year admission will vary across the country. What do you consider to be the main reasons in your area?	<p>Parents job relocation</p> <p>Families moving from overseas (visa holders) to Hillingdon</p> <p>Temporary housing moves (homeless families) from one London Borough to Hillingdon for affordable accommodation. (This included the relocation of 40 families from Redbridge to Hillingdon)</p> <p>Parental dissatisfaction with current school setting</p>	Needs of the child / young person e.g. Child suffering with anxiety and family hope that a different school setting/environment may help. This might be an in-year request for a smaller secondary setting.

ii. The Code requires the setting of a published admission number (PAN) for each normal year of entry. In the annual reports for 2017 several local authorities referred to problems in relation to in year admissions when schools which are their own admission authority refuse to admit applicants even if the year group concerned contains fewer children than the relevant PAN suggested could be accommodated. This was referred to sometimes as 'capping' in-year admissions and local authorities observed that it reduced the number of places available below that anticipated by the local authority. Please comment on your experience as a local authority.

We have currently reported to a the Education Skills Funding Agency of a secondary school (Academy) that appear not to be complying with the their funding agreement in terms of the School Admissions Code. The school were refusing to participate in the Fair Access process. The ESFA have subsequently confirmed to the school that they must participate in the Fair Access Process.

B. Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools does the local authority delegate responsibility for in year admissions?

- a) Primary: Not applicable None Minority Majority All
b) Secondary: Not applicable None Minority Majority All
c) All-through: Not applicable None Minority Majority All

d) What do you consider to be the advantages and disadvantages of delegating responsibility for in year admissions (where applicable)?

The Local Authority have a great working relationship with our Community schools and we have a clear process that both parties follow. These arrangements ensure that applications are processed in a clear, fair and timely manner.

ii. For what proportion of own admission authority schools does the local authority co-ordinate in year admissions?

- a) Primary: Not applicable None Minority Majority All
b) Secondary: Not applicable None Minority Majority All
c) All-through: Not applicable None minority Majority All

d) What do you consider are the advantages and disadvantages of the local authority co-ordinating in year admissions (where applicable)?

Own admissions authority schools in Hillingdon want to co-ordinate their own in-year admissions and this works very well as long as they keep in regular contact with the Local Authority and report on the outcomes of every application.

C. Looked after children and previously looked after children

i. How well do in year admission arrangements in your local authority area serve the interests of looked after children?

- Not at all Not well Well Very well Not applicable

ii. How well do the in year admission arrangements in other local authority areas serve the interests of your looked after children?

- Not at all Not well Well Very well Not applicable

iii. How well do in year admission arrangements in your local authority area serve the interests of previously looked after children?

Not at all Not well Well Very well Not applicable

vii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

In Hillingdon we do not consider looked after children under our Fair Access Protocol as we recognise that looked after children are some of the most vulnerable children in our society and the Government has been very clear about the need for LAC to receive top priority regarding school admissions. We also recognise that provision was made in the Education and Inspections Act 2006 which sets out in primary legislation the power local authorities have to direct admission authorities with regard to LAC which has subsequently been reflected in the School Admission Code. These measures also support the duty on local authorities under the Children Act 1989 to, in particular, promote the educational achievement of looked after children

D. Children with disabilities and children with special educational needs

i. How well served are children with disabilities and/or special educational needs who have an education health and care plan or a statement of special educational needs that names a school when they need to be admitted in year?

Not at all Not well Well Very well Not applicable

ii. How well served are children with disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs when they need to be admitted in year?

Not at all Not well Well Very well Not applicable

iii. Please give examples of good or poor practice or difficulties which support your answer, and provide any suggestions for improvement:

For children and young people with Education Health and Care Plans (EHCPs), admission into schools is managed by the SEND Team. The admission process requires consultation with settings to ascertain their ability to meet the child/young person's needs and deliver the support outlined in the child/young person's EHCP. Challenges are faced around school's confidence in their ability to meet a wide range of special educational needs, but the Authority is able to support schools via deployment of officers from the Inclusion Team.

The SEND Team have continued discussions with schools around admissions of children and young people with EHCPs and work hard to secure the parents' preferred setting wherever possible.

E. Other children

i. How well served are other children when they need to be admitted in year?

Not at all Not well Well Very well Not applicable

ii. Paragraph 3.12 of the Code - several local authorities referred to paragraph 3.12 in their annual report for 2017 stating that this was being used "*inappropriately*" by some admission authorities. Please could you comment on your experience as a local authority:

The current arrangements in Hillingdon work relatively well. This is noticeable in the reduction of Fair Access referrals being made for children who have been out of education for an unreasonable time.

All non community schools are actively prompted for a timely response and most schools are thorough in their responses to applicants.

There have been a few situations when the Local Authority have had to challenge secondary schools who have refused admission to a pupil based on their behaviour or an additional need.

3. Fair Access Protocol

A. Has your Fair Access Protocol been agreed with the majority of state-funded mainstream schools in your area?

- ✓ Yes for primary
- ✓ Yes for secondary

B. If you have not been able to tick both boxes above, please explain why:
N/A

C. How many children have been admitted or refused admission under the Fair Access Protocol to schools in your area between 31 March 2017 and 31 March 2018?

Type of School	Number of children admitted	Number of children refused admission
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	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community and voluntary controlled	4	38	0	2
Own admission authority schools	1	0	0	0
Total	5	38	0	2

D. If a number of children have not secured school places following the use of the protocol, please indicate what provision is made for these children.

An alternative school was allocated for the pupils who were refused admission and a non-compliance issue has been raised with the ESFA for one of the cases.

E. 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

F. Please explain your answer giving examples of good and poor practice, successes and difficulties as appropriate.

Secondary schools have been allocated pupils in a fair and consistent process and have started the pupils without delay.

Placing year 11 pupils poses difficulties however schools have been accommodating and places have been offered in year 10 where appropriate. Therefore we successfully place all of our year 11 pupils back in to mainstream school until the end of the Spring term. In the Summer term if a Year 11 pupil does not wish to be placed out of cohort i.e Year 10 then they will be offered full time interim provision where they will concentrate on pathways for the following September.

4. Directions

A. How many directions did the local authority make between 31 March 2017 and 31 March 2018 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	
<p>B. Please add any comments on the authority's experiences of making directions.</p> <p>Although the Local Authority have not made any formal directions for a few years there have been a number of occasions that have required several formal letters to be sent to Headteachers and Governors in order to resolve an unlawful rejection of a school admission at a local level.</p>				

C. How many directions did the local authority make between 31 March 2017 and 31 March 2018 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
<p>D. Please add any comments on the authority's experiences of making directions.</p> <p>The Local Authority will only use directions as a last resort and any challenges can usually be rectified if the LA serve an intention to direct. Between 31 March 2017 - 31 March 2018 the Local Authority served one intention to direct notification which was sufficient to secure a school place. It has been necessary to challenge a small number of schools out of Borough involving the placement of looked after children, which resolved the matter at the time.</p>	

E.	How many requests to the ESFA to direct an academy to admit a child did the local authority make between 31 March 2017 and 31 March 2018?	How many children were admitted to school as a result of the request for a direction by the local authority to the ESFA between 31 March 2017 and 31 March 2018?	How many requests were outstanding as at 31 March 2018?
For primary aged children (not	0	0	0

looked after)			
For primary aged looked after children	0	0	0
For secondary aged children (not looked after)	1	0	1
For secondary aged looked after children	0	0	0

F. Please add any comments on the authority's experiences of requesting directions.

The Local Authority have raised a number of school admission compliance issues relating to one Academy Trust in the borough. In the case of the one secondary school indicated in the table above, there was confusion about who needed to take action. Initially the LA contacted the ESFA, but were subsequently referred to the RSCs office, who then referred the LA back to the ESFA to expedite action.

G. Any other comments on the admission of children in year.
None

3. Pupil, service and early years pupil premiums (the premiums)

A. How many community or voluntary controlled schools in the local authority area will use a premium as an oversubscription criterion for admissions in 2019?	Primary including middle deemed primary	Secondary including middle deemed secondary	All through
Pupil premium	0	0	0
Service premium	0	1	0
Early years pupil premium	0	N/A	0
Total number of schools using at least one premium in their oversubscription criteria	0	1	0

B.		How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2019?	Total number of own admission authority schools using at least one of the premiums in their oversubscription criteria for 2019
Primary including middle deemed primary	Early years		
	Pupil		
	Service		
Secondary including middle deemed secondary	Pupil		1
	Service	1	
All through	Early years		
	Pupil		
	Service		
C. Do you have any further comments on the use of premiums?			

5. Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2018?

274 pupils

B. Any comments to make relating to admissions and children electively home educated?

The number of EHE pupils in Hillingdon has been gradually rising over the last few years. The rise is being felt nationally.

In 2017 the LA created and sent out an EHE Survey to all known EHE families which received a positive response. It has helped the LA better understand the reasons behind families who choose to EHE. The headline statistics were that 56% of respondents list bullying as a reason for providing EHE, and 56% cite dissatisfaction with the system as a reason. 43% say they have chosen EHE due to a desire for a closer relationship with their child. Parents could tick as many reasons as they wanted in this section. Most respondents say they provide Maths, English and Science (93%, 100% & 87%), and there's a fairly even and honest response about the amount of time spent on education with 20% stating they provide less than 10 hours, and 40% each saying they provide up to, or over, 20 hours. We received some great feedback from some parents who complimented the style of the questionnaire as being clear and non-intrusive.

The Local Authority are keen to positively engage with EHE families in order to gain a better understanding of parents' reasons to EHE so that we can highlight

any areas of school improvement that the LA must address with our schools.

No parent should feel they have no choice but to home educate if a school is not meeting their child's needs. However, every parent has the right to home educate and the LA want to ensure that both factors are adequately supported.

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?

All key matters have been covered above.

7. Feedback on the Local Authority Report template

In previous years we have asked for feedback on the process of completing the template in the following November to inform what is asked in the following year. We are aware that it may be easier to provide feedback on providing information for the annual report at the time rather than later. We would therefore be grateful if you could provide any feedback on completing this report to inform our practice for 2019.

Generally happy with the format of the report and feel that current issues are being addressed.

Following last years submission the Local Authority were contacted by the OSA to discuss further some of our responses. This was very encouraging to know that despite the high number of lengthy reports received at the OSA our feedback had been given good consideration.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2018