



Office of
the Schools
Adjudicator

LOCAL AUTHORITY REPORT
TO
THE SCHOOLS ADJUDICATOR
FROM
Swindon Local Authority

30 JUNE 2016

Report Cleared by (Name): Peter Nathan

(Title): Head of Education

Date submitted: 27 June 2016

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

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Introduction

1. Section 88P of the School Standards and Framework Act 1998 requires Local Authorities to make an annual report to the adjudicator.
2. The School Admissions Code (the Code) at paragraph 6 sets out the requirements for reports by local authorities. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other local issues.
3. There are other matters concerning admissions, some suggested by local authorities themselves, about which it would be useful to have a view. Rather than undertake a separate exercise in which information is sought from local authorities, you are asked to include any relevant information in your report to the adjudicator.

Completing the Template

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

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

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

1. Local Authority school numbers

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

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community	29	1	0
Voluntary Controlled	2	0	0
Voluntary Aided	3	0	0
Foundation	0	0	0
Academy	29	9	1
Free School	0	0	0
UTC	N/A	1	0
Studio School	N/A	0	0

2. Admission Arrangements for Admissions in September 2016

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

Please include details of:

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

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

Tick as appropriate: Fully In part Not satisfactory

Comments: The Local Authority is of the opinion that looked after children are fully served within their admission arrangements (for community and voluntary controlled schools), however, in order to help answer this question and gain the views of all of the schools. The questions raised in part 2 were asked to all primary and secondary schools within Swindon.

At 8th June 2016, 19 schools had responded to the survey (25%) of those 19, 12 believed that arrangements fully complied; and 3 in part. The remaining schools did not answer the question.

All the schools within Swindon comply with the School Admissions Code requirements concerning Looked After Children.

Additional resource was dedicated during the allocation rounds for September 2016 by making individual contact with the social workers of all known Looked After Children to remind of the responsibility to make applications. The Common Application Form (CAF) asks whether a child is currently looked after.

In the future the Admissions Team intend to work closely with the Virtual Head to ensure that as far as is practical all looked after and previously looked after children are identified and make applications prior to the closing dates,

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

Tick as appropriate: Fully In part Not satisfactory

Comments: The Local Authority is of the opinion that previously looked after children are fully served within their admission arrangements (for community and voluntary controlled schools), however, in order to help answer this question and gain the views of all of the schools. The questions raised in part 2 were asked to all primary and secondary schools within Swindon.

At 8th June 2016, 19 schools had responded to the survey (25%) of those 19, 9 answered that arrangements fully complied; and 6 in part. The remaining schools did not answer the question. There were no comments advising why schools answered the way they did. It is difficult to identify children who were previously looked after, particularly where they have moved areas.

In terms of allocation, previously looked after children are given priority in accordance with the requirements of the Code of practice.

Again, the Local Authority intend to work with the Virtual School to ensure that as far as is practical all looked after and previously looked after children are identified and make applications prior to the closing dates.

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

Tick as appropriate: Fully In part Not satisfactory

Comments: The Local Authority is of the opinion that children with disabilities are fully served within their admission arrangements (for community and voluntary controlled schools), however, in order to help answer this question and gain the views of all of the schools. The questions raised in part 2 were asked to all primary and secondary schools within Swindon.

At 8th June 2016, 19 schools had responded to the survey (25%) of those 19, 8 answered that arrangements fully complied; and 7 in part and one not satisfactory. The remaining schools declined to answer. There was 1 comment from a school indicating that children were not always placed in a school which suited their needs. This would depend upon whether the child had an Education Health and Care Plan (EHCP) or not.

Where a child does not have a statement and a preference was expressed for a specific school, it would be expected that the school should make reasonable adjustments to accommodate children with disabilities.

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

Tick as appropriate: Fully In part Not satisfactory

Comments: The Local Authority is of the opinion that children with a statement or plan are fully served within their admission arrangements (for community and voluntary controlled schools), however, in order to help answer this question and gain the views of all of the schools. The questions raised in part 2 were asked to all primary and secondary schools within Swindon.

At 8th June 2016, 19 schools had responded to the survey (25%) of those 19, 8 answered that arrangements fully complied; and 7 in part; 2 not satisfactorily. The remaining schools did not answer the question.

The School Admissions Team works closely with the Special Education Needs Assessment Team (SENAT) to ensure that children with a statement or EHCP are identified as early as possible within the allocation round and the named school is taken into consideration prior to the allocation of mainstream places.

SENAT consider applications for children with statement of special educational needs and notify the Admissions Team of the placements to be allocated.

Following the normal round of admissions the local authority has been notified of child with a finalised plan where there allocated school has changed. This will mean that the school will take over their published admission number, but also presents another issue as the child is one of twins.

Whereby the local authority have in the past (and on two occasions during the normal admissions round) admitted a child of multiple birth as a permitted exception to the Infant Class size legislation, it raises a question as to whether the other twin should be admitted as a permitted exception or not as the child admitted by virtue of an EHCP was admitted outside the oversubscription criteria.

(e) How well served are those **children who have special needs, but do not have a statement?**

Tick as appropriate: Fully In part Not satisfactory

Comments: The Local Authority is of the opinion that children with special needs without a statement or plan are fully served within their admission arrangements (for community and voluntary controlled schools) however, in order to help answer this question and gain the views of all of the schools. The questions raised in part 2 were asked to all primary and secondary schools within Swindon

At 8th June 2016, 19 schools had responded to the survey (25%) of those 19, 4 answered that arrangements fully complied; and 7 in part; 1 not satisfactorily. These answers were not expanded.

The Local Authority and admitting authorities within Swindon do not have

oversubscription criteria specifically relating to children with special educational needs and as such they are considered under each school's oversubscription criteria.

The Admissions Team work closely again with SENAT to determine whether a child is under assessment and the timescale expected for a placement to be allocated in order to advise parents of the correct process.

3. Co-ordination of admissions

A) During the normal admissions round

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

Primary

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

Tick as appropriate: Better The same Less well

Comments: Swindon Borough Council have a good working relationship with all own admitting authority schools within the borough and has worked to the same procedure for many years. The co-ordinated schemes include the dates when information regarding applications will be passed to the schools for their Governors to consider and the deadline when that information is required. Both the LA and schools comply with this date.

The Co-ordinated Scheme also determines the date when information is also sent to other Local Authorities. Whilst we have a good relationship with our neighbouring authorities, we did experience some issues in gaining the outcomes of offers, this caused some delays in the process.

The Local Authority is concerned that the Primary offer day is too late within the academic year and appeals are often heard in July close to the end of term. In addition, as the offer date often falls during the Easter period this may cause issues with the LA or parents needing to contact schools during the Easter period.

Secondary

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

Tick as appropriate: Better The same Less well

Comments: Swindon Borough Council have a good working relationship with all own admitting authority schools within the borough and has worked to the same procedure for many years. The co-ordinated schemes include the dates when information regarding applications will be passed to the schools for their Governors to consider and the deadline when that information is required. Both the LA and schools comply with this date.

One element which does cause some issues is how different authorities handle their late applications. We have found that it often requires a lot of chasing is needed to find out the offer of late applications and on many occasions the parent has already found out about their offer before the home local authority has.

There has also been several occasions where parents have directly contacted other local authorities to make changes after their initial allocation as well.

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

Tick as appropriate: Yes No N/A

If **YES**, please comment on how well the admissions process is working for these schools: The application process for the UTC followed the secondary normal round of admissions. This year, a third of the places offered at the UTC on offer day have subsequently been declined. The reasons cited for this are

- the length of time between making the application and offer
- that the current school has persuaded them to stay

If **NO**, do you have any evidence about how well the admission process is working for individual UTCs or studio schools?

Tick as appropriate: Yes No

If **YES**, please comment:

B) In-year admissions

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

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

June 2016?

Number of pupils up to age 11	Number of pupils over age 11	Number of post-16 students
1162	385	n/a

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

Tick as appropriate: All Some None

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

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

(c) Do you have any information about how many schools parents might approach before obtaining a place? Please comment on any issues that have come to your attention.

Comments:

In terms of the response in (b) and (c), it is difficult to understand what answer to give. The local authority co-ordinate in that all in year applications are made through the local authority. We allow up to three preferences on our applications which are processed in order. Schools which are their own admitting authority are forwarded the applications to consider. The Local Authority offer places on behalf of community and voluntary controlled schools.

The Local Authority offer a traded service where they consider applications on behalf of own admitting authority schools.

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

Tick as appropriate:

Very confident Confident Not confident Not applicable

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

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

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

Comments: The Local Authority offer places on behalf of community schools and for a number of academies who purchase a traded service where the Local Authority considers applications on their behalf.

We request information about numbers of vacancies on a weekly basis however not all schools are consistent in returning these.

There are also a number of schools who we have to chase in order to find out the outcome of an application as this may not be routinely sent.

4. Fair Access Protocol

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

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

Tick as appropriate: Yes No

If **NO**, please explain:

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

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Community			
Voluntary Controlled			
Voluntary Aided			

Foundation			
Academy			
Free School			
UTC	N/A		
Studio School	N/A		

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

Comments:

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

Tick as appropriate: Very well Mostly well Some difficulties

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

Tick as appropriate: More effective As effective Less effective

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

Tick as appropriate: More frequently Same frequency Less frequently

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

Tick as appropriate: Yes No

Comments: Year 11 pupils who have moved into the area are now placed through the Fair Access Panel. This ensures that schools receive an equitable amount of children. We have placed 25 this year

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

Tick as appropriate: Yes No

Comments:

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

admission to a school?

Type of School	Number of children admitted			Number of children refused admission		
	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools	Schools for pupils up to age 11	Schools for pupils over age 11	All-through schools
Community		4				
Voluntary Controlled						
Voluntary Aided						
Foundation						
Academy		23				
Free School						
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 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 sections g - i concerning Fair Access Protocols.

Comments:

5. Admission Appeals

The Code requires data to be collected about appeals. In order to meet this requirement the DfE will use the latest published Statistical First Release:

admission appeals for maintained and academy primary and secondary schools in England.

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

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

Tick as appropriate: Yes No

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

Type of School	Number of Schools for pupils up to age 11	Number of Schools for pupils over age 11	Number of all-through schools
Voluntary Aided	1	0	0
Foundation	0	0	0
Academy	14	0	0
Free School	0	0	0
UTC	N/A	0	0
Studio School	N/A	0	0

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

Type of School	Schools for pupils up to age 11(Y/N)	Schools for pupils over age 11 (Y/N)	All- through schools (Y/N)
Full appeals process	12	2	0
Legal advice	0	0	0
Assistance in the preparation and presentation of case documentation	1	0	0

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

Comment: There is a separate clerking service offered by the Law and Democratic Services Team which is chargeable for the admistration behind the appeal hearing.

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

Comment:

6. Other Issues

A. Objections to admission arrangements

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

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

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

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

Tick as appropriate: Very confident Confident Not confident

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

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

B. Fraudulent applications

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

Tick as appropriate: Yes No

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

Tick as appropriate: Yes No

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

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

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

Comment: The Admissions Team spend a significant amount of time checking applications made for the normal admissions round to ensure that the information recorded on the applications is correct.

The Local Authority within their co-ordinated scheme have provisions to sample applications for the detection of fraud.

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

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

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

Tick as appropriate: Yes No

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

(ii) For own admission authority schools: Yes No

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

Type of School	In 2015, how many requests for deferred admission to year R in 2016 were agreed for a child who will have reached the normal age for Year 1?
Community & Voluntary Controlled	2
Own Admission Authority	0

Type of School	How many requests to defer admission to year R in 2016 were received?	How many of those requests were subsequently agreed?
Community & Voluntary Controlled		
Own Admission Authority		

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

Comments: During the 2016 allocation round Swindon received the following requests.

1 request from a child who had been allocated a place during the 2015 allocation round but wished to defer to start reception in 2016. This request was withdrawn prior to the decision being made as the family emigrated.

Prior to the allocation of places, two requests were made for children who were due to start Reception in September 2016, one was refused by an own admitting authority school and the other was withdrawn. The case where the request has been refused is now under assessment for an EHCP.

Since the allocation of places 4 further requests have been received, two have been agreed and two are still pending. Of the 4 children where requests have been received, 3 children are under assessment for an EHCP and where the cases have been agreed this is due to the children being twins and the family not wishing the twins to be separated.

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

Comments: The Local Authority are waiting for further clarification within the code to determine this following the release of the letter from the Minister in September 2015. There is still much confusion around this with regard when a request should be made. It could appear that for example, where the request is made after the child has already been allocated a place within their chronological age group, that they may be doing it because they did not obtain the school of their preference.

It is the practice of the Local authority, where a request is made, to send the information to all the schools where a preference has been expressed, however then the situation could arise that each school could come to a different decision which has happened this year.

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

Comments: There is still some confusion within schools with regard to this. We have a school which is the subject of a complaint by a parent to the OSA because they feel that all children should be taught within their chronological age group and should start in September.

D. Pupil, service and early years premium

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

- (a) Pupil and service premium

In respect of community and voluntary controlled schools:

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

Secondary			
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Comments: The majority of service personnel applying for schools are from private housing

In respect of own admission authority schools:

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

Comments:

(b) Early years pupil premium - nursery priority

In respect of community and voluntary controlled schools:

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

Comments:

In respect of own admission authority schools:

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

Comments:

E. Local Authority Issues

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

Comments:

Thank you for completing this report

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