



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Trafford Local Authority

Report Cleared by: Ged Rowney

Interim Corporate Director of Children's Services

Telephone number: 0161 912 4095

Email: ged.rowney@trafford.gov.uk

Date submitted: 12 July 2019

By: Marilyn Golding

Title: School Admissions Service Manager

Telephone number: 0161 912 1853

Email: marilyn.golding@trafford.gov.uk

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

**Please email your completed report to: osa.team@schoolsadjudicator.gov.uk
by 30 June 2019 and earlier if possible**

Contents

[Section 1 – The normal admissions round](#)

- A. [Determined arrangements.](#)
- B. [Co-ordination.](#)
- C. [Looked after and previously looked after children.](#)
- D. [Special educational needs and disabilities.](#)

[Section 2 – In year admissions](#)

- A. [Number of in year admissions.](#)
- B. [Co-ordination of in year admissions.](#)
- C. [Looked after and previously looked after children.](#)
- D. [Special educational needs and disabilities.](#)
- E. [Other children.](#)
- F. [Fair access protocol](#)

[Section 3 – Directions](#)

- A. [Directions made by the local authority to voluntary aided and foundation schools.](#)
- B. [Directions made by the local authority to maintained schools in other local authorities' areas.](#)
- C. [Requests to the Education and Skills Funding Agency \(ESFA\) to direct an academy to admit a child.](#)

[Section 4 – Pupil, service and early years premiums](#)

[Section 5 – Electively home educated children](#)

[Section 6 – Other matters](#)

[Section 7 - Feedback](#)

Introduction and guidance on completing the report

1. Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other matters. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2019**.
2. Please note that the specified date for returning this form by 30 June is a Code requirement; this is why some data are asked for by financial year.
3. We have made some changes to the information and categories of information sought this year:
 - a. we have removed references to “all through” schools and instead would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002², and
 - b. we have decided not to use the term “own admission authority schools” to mean those schools for which the local authority is not the admission authority (that is foundation, voluntary aided and academy schools). This is because a large number of arrangements are now determined by multi-academy trusts. We will therefore refer to ‘schools for which the local authority is not the admission authority’.
4. Local authorities will notice that we have not included this year a number of questions which have been asked in past years. This is because we judge that we are unlikely to receive much information that adds to the existing body of knowledge and do not wish to take up local authorities’ time unnecessarily. We have not asked:
 - a. for details of the particular provisions of admission arrangements determined by other admission authorities challenged by local authorities;
 - b. local authorities’ views of how well the interests of children with special educational needs or disabilities are met at the normal points of admission;
 - c. about the advantages and disadvantages of co-ordinating in year admissions;
 - d. about the reliance on paragraph 3.12 of the Code by other admission authorities in the local authority’s area;
 - e. for information about admission authorities’ approaches to deciding whether or not they had places available in year; or

¹ [Department for Education Statistical First Release](#)

² [The Education Middle School \(England\) Regulations 2002](#)

- f. for the number of children refused admission to a school under the fair access protocol.

Local authorities are, of course, free to comment on any of these matters if they wish to do so under section 6. The views expressed by local authorities in previous years also remain a matter of public record.

5. We are asking new questions this year about:

- a. the proportion of schools with other admission authorities in the local authority area for which the local authority ranks preferences for the schools concerned on the admission authorities' behalf;
- b. use of oversubscription criteria which give priority to children adopted having previously been in care abroad; and
- c. how well served are children who are looked after by another local authority but being educated in the area of the local authority submitting the report.

6. We continue to ask about the use of the premiums in admission arrangements but have provided further guidance on this in footnote 11. In particular, we ask local authorities to include in their responses schools using part of any of the premiums (such as free school meals eligibility). Please consider this footnote before answering the questions on this matter.

Information requested

Section 1 - Normal point of admission

A. Determined arrangements

- i. Please give the date your local authority determined arrangements for admission in 2020 to its voluntary controlled and community schools.

12/02/2019

- a. This local authority has no community or voluntary controlled primary schools (please tick box if this applies)
- b. This local authority has no community or voluntary controlled secondary schools (please tick box if this applies)

- ii. Please specify the date the determined arrangements for voluntary controlled and community schools were published on the local authority's website.

19/03/2019

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

<https://www.trafford.gov.uk/residents/schools/school-admissions/Determined-Admission-Arrangements-2020.aspx>

iv. What proportion of arrangements for schools for which the local authority is not the admission authority was provided to the local authority by 15 March 2019?

None Minority Majority All

	Primary	Secondary
v. How many sets of admission arrangements of schools for which the local authority is not the admission authority were queried directly by your local authority because they were considered not to comply with the Code*?	5	3
vi. Please provide any comments on the determination of admission arrangements not covered above. *Minor Issues were raised with 5 primary and 3 secondary schools. All the policies were amended to the satisfaction of the Local Authority.		

B. Co-ordination

i. Provision of rankings:

a. What proportion of schools for which the local authority is not the admission authority provided their rankings correctly undertaken by the agreed date?

None Minority Majority All

b. For what proportion of schools with other admission authorities in the local authority's area did the local authority rank preferences expressed for those schools in 2019?

None Minority Majority All

ii. Please provide any comments you wish to make in respect of provision of rankings:

iii. Does the local authority charge schools for providing rank preferences?

Yes No

- iv. Does the local authority rank preferences for other admission authorities in OTHER local authority areas and, if so, for how many schools?

No

v. How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
Reception			x	
Year 7			x	
Other relevant years of entry	N/A	N/A	N/A	N/A

- vi. Please give examples to illustrate your answer:

For both Reception and Year 7 a few errors were found in the ranking of applicants and there were a very few late returns.

C. Looked after and previously looked after children

- i. How well does the admissions system in your local authority area serve the interests of looked after children at **normal points of admission**?

Not at all Not well Well Very well Not applicable³

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

Not at all Not well Well Very well Not applicable³

- iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area at **normal points of admission**?

Not at all Not well Well Very well Not applicable³

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

iv. How well does the admissions system in your local authority area serve the interests of previously looked after children at **normal points of admission**?

Not at all Not well Well Very well Not applicable³

v. Priority in admission arrangements for 2020 for adopted children previously in care abroad.

a. Do the arrangements for any **community or voluntary controlled primary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled primary schools that include this priority.

All

b. Do the arrangements for any **community or voluntary controlled secondary** schools include this priority for 2020? Yes No

If yes please provide the number of community or voluntary controlled secondary schools that include this priority.

All

c. Do the arrangements for any primary schools for which the local authority is **not the admission authority** include this priority for 2020? Yes No

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

3 Known

d. Do the arrangements for any secondary schools for which the local authority is **not the admission authority** include this priority for 2020? Yes No

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

8

e. Please comment on the use of a priority in admission arrangements for a child adopted who was previously in care abroad if you wish.

vi. Please give any examples of good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at the **normal points of admission**:

i. Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at the normal points of admission:

D. Special educational needs and disabilities

Section 2 - In year admissions⁴

A. The number of in year admissions

i. Do you know the number of in year admissions to primary schools in your local authority area? Yes No

ii. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

schools with other admission authorities are not complying with the requirement in paragraph 2.22 of the Code to notify the local authority of applications for places and the outcome;

the local authority does not use the information provided by schools with other admission authorities to collect the numbers of in year admissions; and/or

other?

⁴ By in year we mean admission at the start of any school year which is not a normal point of entry for the school concerned (for example at the beginning of Year 2 for a five to eleven primary school) and admission during the course of any school year after the end of the statutory waiting list period in normal years of admission.

iii. Do you know the number of in year admissions to secondary schools in your area? Yes No

iv. If 'no' is this for one or more of the following reasons (tick boxes as appropriate) because:

- schools with other admission authorities are not complying with paragraph 2.22 of the Code;
- the local authority does not use the information provided by schools with other admission authorities to collate the numbers of in year admissions; and/or

other?

(please specify)

v. If the local authority does know the number of in year admissions to state funded schools in its area, please complete the following table.

	Primary aged children	Secondary aged children
Number of in year admissions between 1/9/17 and 31/8/18		
Number of in year admissions between 1/9/18 and 31/3/19		

B Co-ordination of in year admissions

i. To what proportion of community and voluntary controlled schools did the local authority delegate responsibility for in year admissions in the academic year 2018/19?

- a) Primary: Not applicable⁵ None Minority Majority All
- b) Secondary: Not applicable⁵ None Minority Majority All

ii. For what proportion of schools for which the local authority is not the admission authority does the local authority co-ordinate in year admissions?

- a) Primary: None Minority Majority All
- b) Secondary: None Minority Majority All

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

C Looked after children and previously looked after children

- i. How well does the in year admissions system serve children who are looked after by your local authority and who are being educated in your area?

Not at all Not well Well Very well Not applicable⁶

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

Not at all Not well Well Very well Not applicable⁶

- iii. How well does your admissions system serve the interests of children who are looked after by other local authorities but educated in your area?

Not at all Not well Well Very well Not applicable⁶

- iv. How well does your in year admissions system serve the interests of previously looked after children?

Not at all Not well Well Very well Not applicable⁶

v. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about looked after and previously looked after children:

Trafford Virtual School made an application for a pupil currently in Year 6 to a Secondary School in another Local Authority. The school is a Faith School and application was not successful as baptised children are prioritised in the school's admissions criteria. The looked after child had not been baptised but had a sibling already at the school.

On being informed that the application had not been successful the case was dealt with by Trafford Virtual School as an in-year admission with consultation and ultimately a notification of intention to direct. The case was then referred by the school to the OSA and the pupil was admitted.

This process was incredibly stressful for the child whose sibling already attends the Secondary School and may have resulted in the child missing essential transition activities.

D Children with special educational needs and/or disabilities

iii. Please provide any comments on the co-ordination of in year admissions if you wish.

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

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

Not at all Not well Well Very well Not applicable⁷

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

Not at all Not well Well Very well Don't know

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

E Other children⁸

- i. How well served are other children when they need a new school place in year?

Not at all Not well Well Very well Don't know

- ii. Please provide any comments you wish to make in respect of other children:

F Fair access protocol

- i. Has your fair access protocol been agreed⁹ with the majority of state-funded mainstream schools in your area?

Yes for primary
 Yes for secondary

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

Trafford has agreed Fair Access Protocols with primary and secondary schools. However, the primary fair access protocol is currently undergoing review and consultation. In the meantime the agreed protocol pertains.

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

⁸ Other children are those not looked after, previously looked after or with special educational needs and/or disabilities.

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

iii. How many children were admitted to schools in your area under the fair access protocol between 1 April 2018 and 31 March 2019?		
Type of school	Number of children admitted	
	Primary aged children	Secondary aged children
Community and voluntary controlled	19	8
Foundation, voluntary aided and academies	9	23
Total	28	31

iv. How well do you consider hard to place children are served by the fair access protocol in your area?

Not at all Not well Well Very well Not applicable¹⁰

Please make any relevant comment on the protocol not covered above.

Section 3 - Directions

A. How many directions did the local authority make between 1 April 2018 and 31 March 2019 for children in the local authority area?				
	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
Voluntary aided or foundation	0	0	0	0
B. Please add any comments on the authority's experiences of making directions in these circumstances.				

C. How many directions did the local authority make between 1 April 2018 and 31 March 2019 for a maintained school in another local authority area to admit a

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

looked after child?				
For primary aged children		For secondary aged children		
0		1		
D. Please add any comments on the authority's experiences of making directions in these circumstances.				
E.	Primary aged children (not looked after)	Primary aged looked after children	Secondary aged children (not looked after)	Secondary aged looked after children
How many requests to the ESFA to direct an academy to admit a child did the local authority make between 1 April 2018 and 31 March 2019?	0	0	0	0
How many children were admitted to an academy school as a result of the request for a direction by the local authority to the ESFA between 1 April 2018 and 31 March 2019?	0	0	0	0
How many requests were outstanding as at 31 March 2019?	0	0	0	0
F. Please add any comments on the authority's experiences of requesting directions in these circumstances.				

G. Any other comments on the admission of children in year not previously raised.

Section 4 - Pupil, service and early years pupil premiums (the premiums)¹¹

A. How many community or voluntary controlled schools in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	0	N/A	N/A
Pupil premium	0	0	N/A
Service premium	0	0	N/A
Total number of schools using at least one premium in their oversubscription criteria	0	0	N/A

B. How many schools for which the local authority is NOT the admission authority in your area will use each premium as an oversubscription criterion (including the tiebreaker) for 2020?	Primary	Secondary ¹² <u>excluding</u> grammar	Grammar ¹²
Early years pupil premium	0	N/A	N/A
Pupil premium	0	1	6
Service premium	0	1	5

¹¹ Please include in these figures all schools whose arrangements give priority on the basis of eligibility for one or more of the premiums or part thereof except where the only sub-group is looked after and previously looked after children as all schools must give first priority to these children.

Admission authorities can limit priority to specific sub-groups of those who attract a premium. Examples are:

- children of parents who are currently serving in the UK regular armed forces (rather than all children who attract the service premium); or
- children who are eligible for free school meals at the time of application (rather than all children who attract the pupil premium).

If such sub-groups have priority at any point within the oversubscription criteria, they should be included in the totals for this table even if there is no specific use of the terms, 'pupil premium,' 'early years premium' or 'service premium' in the arrangements. Paragraphs 1.39A and 1.39B of the Code provide the relevant exceptions to paragraph 1.9f (which prohibits giving a priority to a child according to the occupational or financial status of parents applying).

¹² Do not include use in post 16 arrangements

Total number of schools using at least one premium in their oversubscription criteria		1	6
---	--	---	---

Section 5 - Electively home educated children

A. How many children were recorded as being electively home educated in the local authority area on 29 March 2019?

146

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

Section 6 - Other matters

Are there any other matters that the local authority would like to raise that have not been covered by the questions above?

Admission of Summer Born Children

In the 2019 Admission Round the Local Authority considered 5 applications for Delayed Entry for Summer Born Children.

In addition to the information provided by each applicant, the Panel had received copies of:

- a. Trafford's Scheme for the Delayed Entry of Summer Born Children;
- b. Extract from the School Admissions Code containing the statutory requirements for the admission of children outside their normal age group;
- c. Non statutory guidance issued by the Department for Education.

The Panel also considered a statement published by the Ombudsman.

The Panel noted the principle, detailed in the statutory requirements and echoed by the DfE and the Ombudsman, that the Panel must make their decisions on the basis of the circumstances of each case and in the best interests of the child concerned.

The Panel noted that, in the event that, after consideration of the circumstances of the case, the Panel considered that it would not be in the best interest of the child to delay entry to the reception class, the Panel must then go on to consider whether it was appropriate that the child be admitted instead, to Year 1 in September 2020

Following the consideration of applications, the Panel noted that, they had considered that delaying entry to the reception class was in the best interest of only two of the five applicants and that the long term outcome for three of the applicants would be best served by starting the Reception Class in September 2019. However the Panel expressed their concern that the recent statement by the Ombudsman rendered the requirement to consider:

- the child’s academic, social and emotional development;
- where relevant, their medical history and the views of a medical professional;
- whether they may naturally have fallen into a lower age group if it were not for being born prematurely, and
- the views of the head teacher of the school concerned;

as required by DfE, to be redundant since the view of the Ombudsman meant the decision rested solely with the parent. The Panel noted that this concern had been previously raised with the Ombudsman and in the statement, published in December 2018, the Ombudsman advised that “The authority can decide it is in a child’s best interests to start with their normal school age in year one, missing reception”. The statement included four recent rulings where the same concern had been raised. Each of the four rulings contained a statement from the Ombudsman:

“The Council is concerned that our view will mean it will be very limited in the decisions it can reach and may be at risk of taking a blanket approach to any parental request for deferred entry. We do not agree. This will be a matter for the professional judgment of those responsible for making that decision at the time, after consideration of the individual merits of the case. The Council can reach the view that the child’s level of development and the support the school could provide in year one, could make entry into that year appropriate and in the child’s best interests”

The Panel considered that, given the essential nature of the Reception Early Years curriculum, this statement cannot be correct and requested that the Local Authority raise this issue with the Office of the Schools Adjudicator.

The Panel noted that a significant number of teacher and officer hours had been expended in an effort to adopt a robust scheme that would allow decisions to be made on the basis of the circumstances of each case and in the best interests of the child concerned. Headteachers had then been required to meet with each applicant to complete an interview sheet and, subsequently, to take time out from their duties in school to attend a decision making panel when, in fact, there was no decision to be made.

Section 7 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2020.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2019