



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

The Royal Borough of Kensington and Chelsea

Local Authority

to be provided by

30 June 2019

Report Cleared by: Ian Heggs

Title: Director of Education

Email: ian.heggs@rbkc.gov.uk

Date submitted: 19 June 2019

By: Wendy Anthony

Title: Head of Admissions and Access to Education

Telephone number: 020 7745 6440

Email: wendy.anthony@rbkc.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**

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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.

18/02/2019

- 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.

DD/MM/YYYY

<https://www.rbkc.gov.uk/children-and-education/schools/join-school/admissions/determined-admission-arrangements-2020-21>

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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?	None	None
vi. Please provide any comments on the determination of admission arrangements not covered above. The LA provides a consultation and determination guidance pack to all own admission authority schools each year and issues several reminders throughout with key deadlines that they must meet. It is often the case that the school will place the arrangements on their website, but does not provide to the LA simultaneously in order to publicise on the Council website, as required by the Code . It takes up substantial resources within the team for the LA to continually check each school's website for compliance and that all the relevant academic years are published and they are correct. This is however carried out by the LA and schools that do not meet these requirements are reminded of what they need to publish. It is a challenging area for the LA to monitor and be confident that the school will act on the advice.		

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:

Question (b) is not clear. If it is asking if the local authority ranks on behalf of own admission authority schools, the answer is a 'minority'.

The majority of schools do their best to meet the deadlines and take the matter of ranking seriously. However, some do not always make allowances for LA checking and leave it to the last possible day to rank their lists. It is more often than not the case that LA officers will pick up anomalies in the returned ranking. The time it takes to deal with this will often mean the final correct ranking is actually received beyond the deadline date.

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				X

vi. Please give examples to illustrate your answer:

For the managed rounds, the Pan London coordinated system is the main contributor to the success of coordination. The system is well managed with tight scrutiny of the Pan London Board. The Pan London approach also provides a support network for all boroughs. It is often the case that staff changes in boroughs will result in the loss of expertise in the coordinated process and associated technical requirements. The Pan London approach offers a safety net of support in such circumstances.

Synergy software, and the Schools Admissions Module (SAM) in particular, provide schools with the means to rank and view applications in real time. This live access has increased the efficiency of the coordinated system and mitigate the potential for errors that may otherwise occur in spreadsheets.

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

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.

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.

n/a

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

- 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.

- 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.

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.

Concerns in managing the expectation of parents, and the difficulties that may be presented for schools without a statutory change, are increased by the following that was not made clear in the Minister's letter issued in December 2017:

- It does not explain that children adopted from care outside England are included in the education provisions of the Children & Social Work Act 2017;
- It states these children should be 'on an equal footing', but then encourages admission authorities to give them 'second highest priority';
- It implies that creating an additional oversubscription criterion is necessary, rather than expanding the existing first criterion, which would avoid increasing the length and complexity of admission arrangements to address what is likely to be a very small number of cases;
- It implies that the DfE think it acceptable that these children may be treated differently depending on where they live and which school they attend (until the Code is changed);
- It does not address the potentially tricky issue of securing evidence that such children were in state care immediately before adoption (to ensure parity with those adopted in England);
- It does not address whether such children can be included as permitted exceptions to infant class size prior to a legislative change;
- It has the same potential for public confusion as the summer born issue (albeit with smaller numbers but with higher stakes).

- 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**:

D. Special educational needs and disabilities

- 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:

The schools in RBKC are Ofsted rated 'good' or 'outstanding' schools are in the position to meet the needs of children with SEN and/or disabilities' from the delegated resources and with making reasonable adjustments to meet the child(ren)'s needs. The schools also have access to a wealth of external professionals to enable them to further meet a child's special educational needs and/or 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;

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.

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? (please specify)

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?

It is a combination of two boxes. Please refer to the statement made in (B.iii) that covers the reasons why the LA would not have an accurate number of in-year admissions for secondary schools.

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	547	56
Number of in year admissions between 1/9/18 and 31/3/19	519	120

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

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

As indicated, the majority of primary schools in RBKC participate in the LAs coordinated process. The numbers are therefore as accurate as they can be. Only two VA schools do not participate but they provide the LA with the details of their applications and offers on request.

For secondary, the majority of secondary schools manage their own in-year admissions. The numbers stated in the chart are quite low, but may actually be higher as the LA is only able to calculate admissions for these schools by referring to SAM (the School Admissions Module). Schools are required to indicate all applications and offers using this live link to the LAs school admission database . The data is therefore only good as the recording by schools.

The return of mandatory in-year coordination would address the confusion in this area of admissions. Parents quite rightly, will often struggle working out where they need to go and how to apply as there are so many different systems and approaches within borough and across other boroughs. The return of in-year coordination, as it was several years ago, will provide LAs with oversight of all mobility in and out of the borough, it promotes safeguarding as all new applications must apply for a school via their home LA, and it will provide school place planners with an accurate number of residents needing school places.

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

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

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

- 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:

All schools are clear on the priorities associated with Looked After children and those Previously Looked After. However, there remains a grey area as to whether a school that has reached its PAN, or is already above PAN, *must*, in the legal term, admit a LAC or PLAC child. Whilst the Code states that LAC children must take priority at the normal admission point, it is not as clear for in year. The Code states that LAC and PLAC must take *precedence* on a waiting list (Code 2.14). A school will interpret this as the child can be placed at the top of the list but does not mean they must be admitted to the school if it is full. This is further complicated for faith schools. In the normal admissions round of entry a LAC/PLAC child that is not Catholic does not need to take priority in the oversubscription criteria. For in-year admissions the statement in the Code that there must be *precedence* on a waiting list does not exempt faith schools but contradicts how LAC /PLAC are considered at the normal entry point. Clarity is much needed on this area.

D Children with special educational needs and/or disabilities

- 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

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

- 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:

We have an example of a mainstream school who resisted the admission of a learner into year 7 whose parents subsequently alerted us to their intention to appeal before the 15 February deadline. We shared our concerns with the school involved and were successful in securing the placement in the parental preference school before the deadline thus avoiding a referral to tribunal.

For one particular secondary school we met in advance and looked at the cognitive ability threshold for a child being able to access the secondary curriculum and the local authority agreed in advance not to press the school to take children who would not be able to access the secondary curriculum with support. As a result all of the cases we asked the school to take were agreed without further need for challenge. We did have some difficult meetings with parents, but the children are now in schools where their needs can be met. Primary schools are much better at making the adjustments necessary to include children with quite low cognitive profiles than secondary schools.

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:

Very well for primary - the LA has a quick turnaround for newly arrived primary school aged children as there is a sufficiency of places across the borough.

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

Well for secondary - For secondary aged children, it will often take much longer to secure a school place due to the limited number of places available. The LA supports parents in the application process to ensure they are applying to as many schools as possible in and outside of RBKC. Where it has not been possible to secure a school place within a reasonable time period, a placement will be secured via the RBKC fair access protocol.

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:

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	2	N/a
Foundation, voluntary aided and academies	3	5
Total	5	5

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.

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

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

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 looked after child?	
For primary aged children	For secondary aged children
0	0
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	0	0	0	0

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?				
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.

Whilst there has been no direction requests needed in RBKC, the following comment is made in respect of the experience of a pending direction in Westminster. As admission are overseen by one service across the two boroughs, the following comment will be just as relevant of a direction were to be required in RBKC in the future.

A key concern for the LA is the length of time it takes for a decision to be made for direction. We would like to see a much faster turnaround in the interest of the child/young person that is ultimately missing out on mainstream full-time education through no fault of their own. It needs to be taken into account that a direction is a very last resort that an LA does not make lightly. This decision will have followed much negotiation with the 'school/academy'. These would normally entail letters, emails and possibly meetings in an attempt to reach an outcome that is in the best interest of the child/young person, and also trying to maintain good relations with the school/academy. Once an LA reaches the last resort, it will be, more often than not, months after the initial refusal was made by the school/academy to admit the child/young person. Once a submission is made for a direction, there should be a quick decision made. The length of time it takes, as it stands, is likely to be the reason why many LAs do not take this route as often as they need to, and end up making alternative provision for a child /young person that may not be as appropriate to the child's needs as the school that has refused admission.

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

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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	1	N/A	N/A
Pupil premium	1	0	0
Service premium	1	0	0

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	0	n/a
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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?

67

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

Further to comments raised in last year's return, the LA have now introduced a policy whereby any child that was removed from an RBKC school to EHE is returned to that school if the arrangements are deemed as unsatisfactory, or the parent/carer has changed their mind. The LA where is of the view that, in conjunction with the '**Children not in school**' consultation, this should become a requirement for all schools if it to address the issue with misguided off-rolling by schools, and indirect attempts gain a place at another school by parent/carer.

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?

It would be useful for the report to ask question about illegal off-rolling. Whilst this is not an issue in RBKC, it would be useful to have an overview of where it is of concern and the type of schools where this practice is prevalent.

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