



Office of  
the Schools  
Adjudicator

**Local Authority Report**

to

**The Schools Adjudicator**

from

**Durham Local Authority**

to be provided by

**30 June 2019**

**Report Cleared by: Name Margaret Whellans**

**Services**

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**[www.gov.uk/government/organisations/office-of-the-schools-adjudicator](http://www.gov.uk/government/organisations/office-of-the-schools-adjudicator)**

**Please email your completed report to: [osa.team@schoolsadjudicator.gov.uk](mailto: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 Release<sup>1</sup> and the Education Middle School (England) Regulations 2002<sup>2</sup>, 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

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<sup>1</sup> [Department for Education Statistical First Release](#)

<sup>2</sup> [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.

06/02/2019

- 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.

12/02/2019

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

<http://www.durham.gov.uk/article/21013/School-admission-arrangements-2020-21>

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.		

## 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
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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: All parents received an offer of a school place on the same day and we work well with our neighbouring authorities to share information.				

### 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 applicable<sup>3</sup>

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 applicable<sup>3</sup>

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 applicable<sup>3</sup>

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 applicable<sup>3</sup>

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

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.

145

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.

11

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.

69

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.

19

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**:

In both the primary and secondary sectors, the highest priority awarded in the criteria for oversubscription is to Looked After Children and previously Looked After Children.

Durham Virtual School has strong relationships with headteachers and designated teachers and pre-admission consultations are routinely held for looked after children to ensure schools can meet the needs of the child and to determine the level of support for the school. Difficulties can arise when schools in some geographical areas of the county have taken large numbers of looked after children because other schools in the area are not rated good or outstanding.

There are around 80 Durham looked after children placed in non-Durham schools, most are placed in schools within the North-East region. Durham Virtual School works closely with the Virtual School Heads/Virtual Schools in the Local Authority in which Durham are accessing a school place. There is very close cooperation between the Virtual Schools in the North-East Region. Durham looked after children placed in out-of-county schools receive the same level of support from Durham Virtual School as those placed in Durham schools including the allocation of a Caseworker to oversee their progress and attainment. There are a very small number of Durham looked after children placed in schools at Distance, requiring a day's travel to visit, from County Durham.

In all but emergency placements, Durham Virtual School works closely with Social Care staff to ensure education provision is identified prior to any care placement move. Information is gathered from other Virtual Schools regarding quality of schools. More than one school is normally considered to ensure the needs of the child are best met.

## **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:

Children with exceptional medical needs are the third priority in the oversubscription criteria in both the primary and secondary sector. In accordance with the SAC, all pupils with a Statement of Special Educational Needs or an Education Health and Care Plan which names a particular school are allocated a place at that school.

## **Section 2 - In year admissions<sup>4</sup>**

### **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

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<sup>4</sup> 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.

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? (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? (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	2360	824
Number of in year admissions between 1/9/18 and 31/3/19	1915	733

## **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 applicable<sup>5</sup>  None  Minority  Majority  All

b) Secondary:  Not applicable<sup>5</sup>  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.

## **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 applicable<sup>6</sup>

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 applicable<sup>6</sup>

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 applicable<sup>6</sup>

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 applicable<sup>6</sup>

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

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

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:

In both the primary and secondary sectors, the highest priority awarded in the criteria for oversubscription is to Looked After Children and previously Looked After Children. Durham Virtual School has strong relationships with headteachers and designated teachers and pre-admission consultations are routinely held for looked after children to ensure schools can meet the needs of the child and to determine the level of support for the school. Difficulties can arise when schools in some geographical areas of the county have taken large numbers of looked after children because other schools in the area are not rated good or outstanding.

There are around 80 Durham looked after children placed in non-Durham schools, most are placed in schools within the North-East region. Durham Virtual School works closely with the Virtual School Heads/Virtual Schools in the Local Authority in which Durham are accessing a school place. There is very close cooperation between the Virtual Schools in the North-East Region. Durham looked after children placed in out-of-county schools receive the same level of support from Durham Virtual School as those placed in Durham schools including the allocation of a Caseworker to oversee their progress and attainment. There are a very small number of Durham looked after children placed in schools at Distance, requiring a day's travel to visit, from County Durham.

In all but emergency placements, Durham Virtual School works closely with Social Care staff to ensure education provision is identified prior to any care placement move. Information is gathered from other Virtual Schools regarding quality of schools. More than one school is normally considered to ensure the needs of the child are best met.

DVS has made schools and governors aware of their duty towards previously looked after children, including being the highest priority in their over subscription criteria so that there is no undue delay.

## **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 applicable<sup>7</sup>

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

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

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

All schools and academies support the admission and make suitable adjustments where necessary to support the admission of pupils without an EHCP.

## E Other children<sup>8</sup>

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:

Durham has arrangements in the Fair Access Protocol to support pupils with challenging behaviour via Primary and Secondary School Behaviour Partnership Panels. This avoids the potential for paragraph 3.12 of the code to be used inappropriately.

## F Fair access protocol

i. Has your fair access protocol been agreed<sup>9</sup> 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	12

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

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

Foundation, voluntary aided and academies	0	12
Total	2	24

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 applicable<sup>10</sup>

Please make any relevant comment on the protocol not covered above.  
All schools and academies support the admission of vulnerable students with a range of needs.

### **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	5	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.

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

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<b>E.</b>	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

<b>F.</b> Please add any comments on the authority's experiences of requesting directions in these circumstances.
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<b>G.</b> 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)<sup>11</sup>**

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

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

<sup>11</sup> 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).

<sup>12</sup> Do not include use in post 16 arrangements

Total number of schools using at least one premium in their oversubscription criteria	0	0	0
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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?

498

**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?

None

## **Section 7 - Feedback**

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

Template easier to complete and more relevant than previous years

Thank you for completing this template.

Please return to Lisa Short at [OSA.Team@schoolsadjudicator.gov.uk](mailto:OSA.Team@schoolsadjudicator.gov.uk) by 30 June 2019