



Office of
the Schools
Adjudicator

Local Authority Report
To
The Schools Adjudicator
From

Wigan Local Authority

30 June 2017

Report Cleared by (Name & Title): Alan Lindsay, Assistant Director - Education

Date submitted: 3 July 2017

By (Name & Title): Audrey Guest, Policy Officer

Contact email address: a.guest@wigan.gov.uk

Telephone number: 01942 486036

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

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

Introduction

Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Schools Adjudicator (CA) then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other issues. The report **must** be returned to the Office of the Schools Adjudicator by **30 June 2017**.

The questions have been revised for 2017 with the purpose of:

- a) making the information gathered statistically robust and as useful as possible to the local authorities which provide the information; that is: the Office of the Schools Adjudicator (OSA) which receives the information; the Department for Education (DfE) to which the CA provides her annual report; and the children and families for whom the Code is designed to make sure that places are allocated and offered in an open and fair way;
- b) minimising the work required by local authorities in providing information; and
- c) avoiding duplication of effort.

This revised format therefore, in addition to statutory requirements as described in the Code, explores: points raised by local authorities in previous reports and matters which have arisen in the CA's Annual Report and areas of interest to the DfE. If information is already collected elsewhere, such as the number and type of schools and data relating to appeals, then it is not asked for again here but will be available for inclusion in the CA's Annual Report.

Information requested

1. Looked after children and previously looked after children

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children.

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

Not at all Not well Well Very well

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

Not at all Not well Well Very well

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

Not at all Not well Well Very well

Please give examples of good or bad practice or difficulties which support your answer and provide any suggestions for improvement:

All looked after and previously looked after children are given priority places for schools in Wigan. Wigan's school admissions team will negotiate with or direct schools to take these children if the placement is seen to be in the best interests of the child. A multi-agency officers group meets weekly to find solutions to admissions and expedite start dates for children. Wigan Virtual School and admissions team sit under the same service manager which supports our processes.

Other authorities can often delay start dates for Wigan's looked after children as they have monthly panels which delay admissions decisions, different panels for general admissions and special admissions, priority places given to children in care to their own authority.

Some authorities' virtual school heads have little influence in the decisions regarding admissions of looked after children in their authority. Giving a voice to the Virtual School Head would allow an advocate for all looked after and previously looked after children to prioritise places and speed up admissions processes. Wigan Council must then consider whether to pursue a direction where this is permitted under the SA code.

2. Children with disabilities and children with special educational needs

It is a requirement of the Code that there is information in the local authority's annual report about how admission arrangements in the area of the local authority serve the interests of children with children with disabilities and children with special educational needs.

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

Not at all Not well Well Very well

- b. How well served are children who have disabilities and/or special educational needs who do not have an education health and care plan or a statement of special educational needs?

Not at all Not well Well Very well

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

We have a number of special schools across the primary and secondary sectors and children attending those schools are served well and are supported to meet their needs. However there are significant pressures on special schools in part due to the increasing numbers of children requiring placements due to mainstream school

placement breakdowns and exclusions. This is more prominent for children presenting with social, emotional & mental health issues. Due to budget and performance pressures some mainstream schools are becoming less inclusive of children with difficulties. We are receiving more complaints of poor practice in mainstream schools who are failing to deliver a graduated approach and therefore are not supporting well enough children with SEND. We are working with our schools to manage this and will be undertaking a detailed review in the Autumn term to inform our strategy going forward. The LA recently bid for a Free School and capital funding through DfE to increase the number of schools/places for children with SEND, but were not successful. The vast amount of housing planned for Wigan LA over the next 20 years i.e. 22,000 new homes by 2036 will have a significant impact on mainstream and specialist provision needed.

There is a significant shortfall in the Capital funds available to meet current and future demand for specialist provision. We estimate that we will need approximately £35 - £40 million to maintain and expand our special school provision over the next 10 years. Unfortunately we have so far only been allocated £500k by central government. A full consultation will be carried out as part of and following the strategic review to determine accurately the future provision need.

3. Consultation

Paragraph 1.44 of the Code states who needs to be consulted if consultation on admission arrangements is required. The CA has noted that these requirements are not always fulfilled in the arrangements which come to the attention of the OSA and, in particular, consultation with parents is not always as full as it should be. The OSA therefore wishes to get a better understanding of the wider situation and provide examples of good practice.

- a. When did the local authority last consult on its arrangements?

Please provide the year.

2013/14 – full consultation for all schools

Consultations for individual schools have taken place in subsequent years

- b. Please describe the means by which the local authority consulted with parents. Highlight all those means used:

- Committee paper on the local authority's proposals on admissions on the council's website.
- Consultation paper designed for parents on the local authority's proposals on admissions on council's website.
- Request to all schools to provide information on the local authority's consultation on its admission arrangements to parents and providing support to make this possible such as posters, leaflets and links to the relevant information on council's website for the schools' newsletters.

- Request to all early years settings to make information on the local authority's consultation available to parents by providing support to make this possible such as posters, leaflets and links to the relevant information on the council's website for the settings' newsletters.

- Social media (please provide some detail).

Council's Facebook and twitter pages

- Adverts in local press.
 Articles in local press.
 Posters in supermarkets, doctors' surgeries, early years health centres and similar

- Other (please specify)

How confident are you that other admission authorities in your area are consulting parents properly as required by paragraph 1.44a of the Code?	Not at all confident	Many concerns	Few concerns	Completely confident
c. Voluntary aided				x
d. Foundation				x
e. Academy				x
f. Free				x
g. UTC				x
h. Studio				n/a

Please give examples of good practice by schools that are their own admission authority. Examples of good practice in consulting with parents whose children are under compulsory school age will be particularly welcome.

The Local Authority currently consults on admission arrangements on behalf of all Wigan schools.

We are currently looking at ways of increasing the profile of the consultation to increase responses including how it is presented and publicised.

4. Pupil, service and early years pupil premiums

Has your local authority consulted for admissions in 2018 on using any of the pupil premiums as an oversubscription criterion in community or voluntary controlled schools?	For entry to reception year	For entry to year 7
a. Pupil premium	No	No
b. Service premium	No	No
c. Early years premium	No	N/A

- d. If the local authority consulted on any of the pupil premiums please provide a summary of the responses received:

e. If you did not consult on introducing the **pupil premium** please indicate up to three main reasons for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children displaced;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or

i. Other (please explain):

f. If you did not consult on introducing the **service premium** please indicate up to three main reason for not doing so:

- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Would introduce unnecessary complication;
- Lack of capacity; or
- Other (please

explain):

g. If you did not consult on introducing **early years premium** please indicate up to three main reasons for not doing so:

- Application of early years' pupil premium priority for those attending a nursery at the school could unfairly disadvantage those who did not choose to use the nursery at the school;
- Application of early years' pupil premium priority for those attending a nursery at the school could affect the sustainability of other early years' provision;
- Unsure how it will help social mobility;
- Unsure how it will reduce educational inequality;
- Could displace children living locally to a school;
- Potential transport cost to local authority for local children who might be prevented from being offered a place at their local school;
- Some very disadvantaged families do not apply for free school meals and so would be further disadvantaged;
- Feel community needs already well met;
- Would introduce unnecessary complication;
- Lack of capacity; or

Other (please

explain):

How many community or voluntary controlled schools in the local authority area will use pupil premium as an oversubscription criterion for admissions in 2018?	Primary including middle deemed primary	Secondary including middle deemed secondary
h. Pupil premium	<u>0</u>	<u>0</u>
i. Service premium	<u>0</u>	<u>0</u>
j. Early years pupil premium	<u>0</u>	N/A

How many own admission authority schools consulted you on the use of a pupil premium oversubscription criterion for admissions in 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
k. Voluntary aided	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
l. Foundation	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
m. Academy	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
n. Free	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
o. UTC	N/A	N/A	N/A	<u>N/A</u>	<u>N/A</u>
p. Studio	N/A	N/A	N/A	<u>N/A</u>	<u>N/A</u>

How many own admission authority schools in your area will use one of the premiums as an oversubscription criterion for 2018?	Primary including middle deemed primary			Secondary including middle deemed secondary	
	Early years	Pupil	Service	Pupil	Service
q. Voluntary aided	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
r. Foundation	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
s. Academy	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
t. Free	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
u. UTC	N/A	N/A	N/A	<u>N/A</u>	<u>N/A</u>
v. Studio	N/A	N/A	N/A	<u>N/A</u>	<u>N/A</u>

w. Do you have any further comments with regards to the pupil premiums in addition to the above?

As detailed in last year's report we consulted our schools concerning giving priority to children in receipt of the service premium in the admission arrangements for community and voluntary controlled schools for 2017/18 but decided not to go ahead as there was no demand from schools for it. The LA feels that the needs of service children are already served well by the provision in the SA Code to allow a place to be allocated in advance. Service children who move into the area are included in our Fair Access Protocol.

One academy primary school in Wigan included pupil premium in their oversubscription criteria for 2016/17 and this remained place for 2017/18. Determining eligibility was not straightforward and required a further administrative process at a cost to the school. The Academy Trust consulted and determined revised admission arrangements removing this priority for 2018/19.

5. Determined arrangements

The OSA has noted that some admission authorities have not determined their arrangements as required by the Code and so seeks further information on this. Paragraph 3.2 of the Code requires local authorities to refer admission arrangements determined by other admission authorities to the Schools Adjudicator if they are of the view that they are unlawful.

- a. On which date did your local authority determine its arrangements for admissions in 2018?

18 February 2017

- b. When were the determined arrangements published on the local authority's website?

Before 15.3.17

How many sets of admission arrangements of schools that are their own admission authority were queried directly by your local authority because they were considered not to comply with the Code?	Primary including middle deemed primary	Secondary including middle deemed secondary
c. Voluntary aided	0	0
d. Foundation	0	0
e. Academy	0	0
f. Free	0	0
g. UTC	N/A	0
h. Studio	N/A	N/A
i. Overall, in your consideration of the admission arrangements for 2018 determined by other admission authorities, which paragraphs of the Code gave you greatest concern because of possible non-compliance with requirements?		

- j. Further comment: please provide any examples or views regarding the determination of admission arrangements that have not been covered above

Wigan LA consults on proposed changes to admission arrangements on behalf of the admission authorities for all Wigan schools. Our admission authorities' value and take heed of advice given by LA officers regarding their admission arrangements and thus ensure that any proposed changes they put forward for consultation are compliant with the School Admissions Code.

6. Co-ordination

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
a. Reception			x	
b. Year 7			x	
c. Other relevant years of entry (please specify)				x
d. Please give examples to illustrate your answer: Issues exist with one neighbouring authority whose 'in house' school admissions MIS system is incompatible with our commercial MIS system which makes electronic co-ordination impossible thus requiring manual processes which are more time consuming.				

e. There has been an increase in the number of schools for which the governing body or academy trust is the admission authority. Please describe the effect of this on the admissions system in your area. All converter academy and foundation schools use the LA's services to co-ordinate their main intake admissions. This slightly increases the LA's workload as all ranked lists need to be approved by the admission authority. However, there is considerable benefit from the LA ranking applications on behalf of former community and voluntary controlled schools as this reduces errors.
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To how many schools of each type does the local authority delegate responsibility for in-year admissions?	Primary including middle deemed primary	Secondary including middle deemed secondary
f. Community	0	0
g. Voluntary controlled	0	0
h. What do you consider to be the advantages and disadvantages of this?		

For how many schools of each type does the local authority co-ordinate in-year admissions?	Primary including middle deemed	Secondary including middle deemed
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	primary	secondary
i. Voluntary aided	51	5
j. Foundation	1	3
k. Academy	14	5
l. Free	N/A	1
m. UTC	N/A	1
n. Studio	N/A	N/A

o. What do you consider to be the advantages and disadvantages of this?

All 15 own admission authority secondary schools and 66 of the 70 own admission authority primary schools in Wigan use the LA in year admissions service under a service level agreement.

Advantages:

- One single point of contact and source of advice for parents/carers applying for places at the majority of Wigan schools. Reduces the time a child may be out of school whilst a place is being sought.
- LA ensures that parents are advised of their right of appeal and how to exercise this at the point of refusal of a place.
- Enables LA to track pupils transferring between schools and those new to the area to ensure that a suitable school place is offered and involve support services where needed.
- Enables LA to identify where there are no available places within a reasonable distance and a place needs to be offered using the in-year Fair Access Protocol.
- LA able to offer places at the same school for siblings who move into the area without a school place.
- LA oversight of in year transfers across the borough allows us to highlight any issues such as a shortage of places in a particular area or issues with transfers out of particular schools.

Disadvantages:

- Increasing occurrences of own admission authority schools wanting the LA to refuse a place on their behalf without sufficient justification and therefore in contravention of school admissions law and guidance. This can create a conflict of interest for LA officers between our relationship with schools as our 'clients' and our statutory duty to advise schools on their legal duties and ensure that all children have a suitable school place.
- Increased workload for LA staff dealing with issues relating to in year transfers outside of the actual processing of applications.
- Where a pupil already has a suitable school place and parent/carer applies for a transfer to another Wigan school that then refuses to admit, applicants often do not understand the distinction between community schools and schools that are their own admission authority. We often have to explain that for an 'own admission authority school' the LA's legal position is as 'agent' with no jurisdiction to enforce admission.

If responsibility for co-ordinating in year admissions were returned to the LA it may give us more perceived if not actual legal authority with own admission authority schools that are reluctant to accept pupils in year.

7. Appeals

Information on the number of appeals lodged and the proportion upheld is collected separately so this information is not requested again. The information requested below is to add to that information.

	a. How many schools of each type engage the local authority to provide all aspects of the appeals process?		b. How many schools of each type engage the local authority to provide some aspects of the appeals process?	
	Primary including middle deemed primary	Secondary including middle deemed secondary	Primary including middle deemed primary	Secondary including middle deemed secondary
Voluntary aided	<u>0</u>	<u>0</u>	<u>29</u>	<u>1</u>
Foundation	<u>1</u>	<u>3</u>	<u>0</u>	<u>0</u>
Academy	<u>12</u>	<u>6</u>	<u>1</u>	<u>0</u>
Free	<u>n/a</u>	<u>1</u>	<u>0</u>	<u>0</u>
Studio	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
UTC	<u>N/A</u>	<u>1</u>	<u>N/A</u>	<u>N/A</u>

c. Any comments related to this:

All Academy (except one Primary school that is in a MAT with 3 former VA schools), Foundation, Free schools and the UTC currently use the LA's services for main intake admissions, in year transfers and admission appeals under a Service Level Agreement.

Voluntary aided CE schools and 2 Wigan Catholic primary schools in the Salford Diocese use the services provided by the Council's Democratic Services Department to organise appeal hearings including venue, panel, clerk etc. on an ad hoc basis as required.

The Liverpool Catholic Archdiocese schools department administers appeals on behalf of all their schools in Wigan.

d. How confident are you that admission appeals for schools which are their own admission authorities meet the requirements of the School Admission Appeals Code?

Not at all confident many doubts a few doubts Very confident

e. Please describe your areas of concern, if any:
Some Statements of Case are lacking in detail as is knowledge regarding alternative schools

f. Please provide examples of good practice which have come to your attention:

8. Fair Access Protocol

a. Do you have a Fair Access Protocol agreed with the majority of state-funded mainstream schools in your area?

Yes No

b. If no, please explain why:

c. How many children have been admitted or refused admission under the Fair Access Protocol to each type of school in your area?

Type of School	Number of children admitted		Number of children refused admission	
	Primary aged child	Secondary aged child	Primary aged children	Secondary aged children
Community	23	1	0	1
Voluntary controlled	3	N/A	0	N/A
Voluntary aided	28	2	1	3
Foundation	1	3	1	0
Academy	9	1	1	4
Free	n/A	1	N/A	1
UTC	N/A	0	N/A	0
Studio	N/A	N/A	N/A	N/A

d. 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

Please explain your answer giving examples of good and bad practice; successes and difficulties as appropriate.

The needs of children who move into the area without a school place are served very well by our In Year Fair Access Protocol, particularly in the primary sector as the protocol allows us to place siblings in the same school.

However, we have experienced a significant increase in schools referring in year applications to the LA for action under the FAP for alleged 'challenging behaviour'. This is particularly evident in the secondary sector where schools are increasingly reluctant to admit pupils where there is any hint at all of behavioural issues.

In order consider a referral to the LA under the protocol we require evidence that both conditions of section 3.12 of the School Admissions Code 2014 are met i.e.

1. That the child has 'challenging behaviour' AND
2. That the school already has a 'higher than average proportion of pupils with challenging behaviour'.

Neither of these conditions is defined in the code which leads to disagreements between the LA, schools and parents/carers about what actually constitutes 'challenging behaviour'. Schools identify, record and deal with 'challenging behaviour' differently. We are working on a local strategy to determine equitably whether a child can be considered to have 'challenging behaviour' and how we can collect quantifiable data for individual schools to allow suitable comparison of their cohorts.

A panel of LA officers from a variety of agencies within the Education Service meets at least weekly, more often if necessary, to consider applications which may fall under the Fair Access Protocol relating to 'challenging behaviour'. So far during the current academic year the panel has considered 101 cases; 85 secondary and 16 primary.

9. Directions

How many directions did the local authority make between 31 March 2016 and 31 March 2017 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
a. Voluntary aided			1	
b. Foundation				

c. Please add any comment with regard to strengths or difficulties relating to this.

- Some very difficult situations have been resolved at the consultation stage without the need for the issue of a formal direction through protracted negotiations with the school and governing body.
- The case detailed above was referred to the Schools Adjudicator by the school. The Schools Adjudicator determined in favour of the LA.
- Due to the significant increase in the number of applications referred to the LA under section 3.12 of the School Admissions Code the LA has formulated a process and is consulting on this with secondary schools to clarify for all parties:
 - which applicants will be considered to require an alternative school place,
 - how the LA identifies a suitable school place,
 - how negotiations with the headteacher and governing body are conducted
 - how the LA will proceed with a direction (or request for a direction) where

a school refuses to admit a child without our agreement to accept a referral under the FAP.

How many directions did the local authority make between 31 March 2016 and 31 March 2017 for looked after children in another local authority area?

	For primary aged child	For secondary aged child
d. Community		
e. Voluntary controlled		
f. Voluntary aided		
g. Foundation		

h. Please add any comment with regard to strengths or difficulties relating to this.

No directions were made by Wigan LA for Looked After Children during this period.

How many requests for directions did the local authority make to the EFA between 31 March 2016 and 31 March 2017?

	For primary aged children (not looked after)	For primary aged looked after children	For secondary aged children (not looked after)	For secondary aged looked after children
i. Academy				
j. Free				
k. Studio	N/A	N/A		
l. UTC	N/A	N/A		

m. Please add any comment with regard to strengths or difficulties relating to this.

Please see above.

- Some very difficult situations have been resolved at the consultation stage without the need to request a formal direction from the EFA following protracted negotiations between the LA and academy trust.

10. Other matters

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

We still await revised legislation/guidance regarding delayed entry to reception class. The current situation is confusing for parents and schools and takes up far too much time/resource in proportion to the number of parents requesting it.

Thank you for completing this template.

Please return to Lisa Short at OSA.Team@osa.gsi.gov.uk by 30 June 2017