



Office of
the Schools
Adjudicator

Local Authority Report

to

The Schools Adjudicator

from

Wigan Local Authority

to be provided by

30 June 2019

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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 of 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.

24/01/2019
- 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.

15/03/2019
- iii. Please provide a link to where the admission arrangements can be viewed on the local authority's website on publication.

<https://www.wigan.gov.uk/Resident/Education/School-Admissions/Determination-Admission-Arrangements.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? | None | 2 |
| 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:

The LA assists schools in ensuring that the rankings are accurate and quality checks them to minimise the potential for maladministration.
The schools welcome our input and support.

- 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 | | | | |

- vi. Please give examples to illustrate your answer:

Coordination works well within Wigan. This is in part due to our close working relationships with schools.

Year 7 – some maladministration occurred with our Catholic schools due to issues with own admission authority supplementary information forms. The local authority is not responsible for checking this information on the admitting authority's behalf.

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**?

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

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.

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- 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.

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- 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.

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- 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.

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- 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.

No comment.

- 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**:

Good relationships between Virtual School Headteacher, school places team and schools allow for open discussion with the child at the centre.

The additional time given for special consideration of those children whose application is late due to transition etc means more looked after children are able to secure the best school to meet their needs.

D. Special educational needs and disabilities

Section 2 - In year admissions⁴

- 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:

We are seeing an increase in EHC assessment requests at these points of admission. We received a high proportion of requests from mainstream schools for plans to assist a move into special schools. We received an additional 51 requests across primary and secondary for starts in September and we have had to increase capacity by putting mobile classrooms on site to accommodate this increase.

We have also seen a 50% increase in requests for Early Years funding to move children into Reception from Nursery provision.

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:

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.

- 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?

A small minority of other admission authority schools do not use our in-year admission service and do not comply with 2.22 of the Code to notify applications for places and the outcome.

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 | | 538 |
| Number of in year admissions between 1/9/18 and 31/3/19 | | 337 |

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.

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

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.

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:

Previously looked after children are included in priority criteria.

Virtual Support Team has a designated member of staff who support admissions and placement finding for the education of any children previously looked after now living and looking for education in borough.

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

- 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

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

We are passionate about our work with children and will always endeavour to support children, to firstly keep them in mainstream, but, if this is not possible to support their transition into special school to ensure their needs are met. It is becoming increasing difficult to move children into special school. This is due to a number of reasons.

Special Schools are at capacity and even when they have places available, the age or the needs of the child may not be conducive with the place that is available. Schools are very conscious they do not upset the dynamics of a class by putting a child in, if they are not age appropriate or their difficulties may unsettle other children. This has been exacerbated due to the large numbers now being managed in classes and within the school. Actual classroom space is also an issue as schools no longer have, time out rooms or nurturing/sensory space which children need. Funding a major problem and is impacting on the experience of the child as many children are presenting with more complex needs and require 1:1 support and moving a child into special school can sometimes be dependent on that funding being made available which is not a

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

simple process. We hold a number of special placement panels throughout the year. We present cases that require mid-year admission to all the Special Heads at these meetings and we agree which school or schools working together are better placed to meet the needs of each child.

We have similar issues to those outlined above, including capacity, funding, appropriate space, appropriate provision to support their needs. The number of children without plans and requiring extra support has massively increased. SEMH and behavioural issues being the biggest factor. We do offer schools packages of funding to work more creatively with the child, but this is not always what schools want or need. We also offer Targeted Education support (TESS) and EP time. We promote the use of local community interest companies; which schools will commission to support the child away from the mainstream classroom. We work closely with a number of local providers to deliver alternative provision and have some good examples of how this has worked for children. We have developed three Engagement Centres positioned across the borough. These centres have been developed to support children with additional needs without EHC plans and provide interventions and access to wrap around services to re-engage the child and put them back on track by improved engagement in their mainstream education. However, we still have many children on tutoring as a school place is not available. It is becoming increasingly difficult to re-integrate these children back into mainstream. We have recently written a re-integration policy where we set out criteria for this integration and the support that the school can expect to receive.

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:

In year admissions where there is no history of behaviour or attendance issues are straightforward. However, we have experienced a massive increase in the number of in year applications referred to the LA under section 3.12 of the school admissions code for action under the Fair Access Protocol, mainly in the secondary

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

sector. In order to consider these requests equitably we require schools to submit evidence that both conditions of paragraph 3.12 are met i.e. the child is a 'challenging child' (at risk of permanent exclusion as defined in our Fair Access Protocol) and that the school already has a high proportion of challenging children. The majority of these can't be supported as the child or the cohort are not 'challenging'. Often the evidence submitted by schools is weak or cites inappropriate reasons such as low level behavioural issues, additional needs, social issues, curriculum not matching. Where both provisions are not strongly evidenced the LA does not support the refusal of a place under FAP. However, many own admission authority schools refuse the application anyway taking the risk that the parent will appeal or submit a formal complaint through the school's complaints procedure. An independent appeal panel recently refused an admission appeal for a pupil to transfer schools where the school the parent was appealing for had a vacancy and the refusal was not supported by the LA under the Fair Access Protocol.

Where the child concerned has a suitable school place, regardless of the reasons for parent/carer requesting a transfer, the LA is powerless to act. Where the child is 'unplaced' we carefully consider whether to formally consult to request a direction from the schools adjudicator or ESFA. However, this is an onerous process and means that pupils are often out of school for extended periods whilst the process is carried out often incurring additional costs for the LA providing tuition in the meantime. This process also damages the relationship between schools and the LA which has recently resulted in one secondary academy withdrawing from the LA in-year admissions service for 2018.

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 | 35 | 5 |

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

| | | |
|---|-----|----|
| Foundation, voluntary aided and academies | 76 | 34 |
| Total | 111 | 39 |

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.

In the majority of cases we are able to secure a school place through the protocol quickly.

In some cases, especially when the child is considered challenging, a period of consultation may be 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 | 1 | 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 | 1 |

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

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 | 1 | 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.

The lack of statutory regulation of in year transfers makes it more difficult for parents to transfer their children's school for reasons other than a change of address. The LA can only advise and negotiate with schools. We have no authority to enforce breaches of admissions law and guidance and must apply to

the schools adjudicator or EFSA where an own admission authority school refuses to admit an ‘unplaced’ pupil.

Where the local authority provides a service to administer in year admissions and appeals there is inevitably a conflict sometimes between the LA’s statutory duty to ensure all Wigan children have a suitable school place and relationships with our schools as ‘customers’.

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 excluding grammar | Grammar ¹² |
|---|---------|---|-----------------------|
| 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. How many schools for which the local authority is NOT the admission authority in your area will | Primary | Secondary ¹² excluding grammar | Grammar ¹² |
|--|---------|---|-----------------------|
| | | | |

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

| | | | |
|--|---|-----|-----|
| use each premium as an oversubscription criterion (including the tiebreaker) for 2020? | | | |
| 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 |

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?

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

It is extremely difficult to arrange admission to Wigan secondary schools for children who have been withdrawn from school previously to be home educated, particularly in the secondary sector. In many cases this is because the reasons for withdrawal were questionable e.g. behavioural issues or non-attendance. We have problems not only getting children admitted to a different secondary school but also to the secondary school they were withdrawn from when they apply to go back. In cases where we have referred a school's refusal to the relevant agency for a direction, we have had very little success.

We have tried to ease the situation by providing learning assessment, psychology assessment and re-integration support for individual children who have been out of education for a long time due to the provision being made by parents being unsuitable. This is very costly for the LA and we have no option but to use our high needs budget as home educated children do not attract any government funding whatsoever. Nor are we able to reclaim any funds from the school they left.

It would be useful if the recommendations of the Thomson report are implemented in relation to off-rolling and allowing pupils withdrawn to home educate the automatic right to return to their previous school.

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?

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