LOCAL AUTHORITY REPORT

TO

THE SCHOOLS ADJUDICATOR

FROM

Wiltshire Council

30 JUNE 2009

Report Cleared by: Bryan Cash Education Officer (Admissions)

Date submitted:

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SECTION 1

FOR THE ACADEMIC YEAR IN WHICH THE REPORT IS MADE - 2008 - 2009

Please complete using data/information for the period 1 September 2008 to date of report

Code 4.9 a) (i) how well the Fair Access Protocol has worked and how many children have been admitted to each school in the area under the protocol;

The Code at 3.44 requires (1) each local authority to have a Fair Access Protocol and (2) all schools and Academies to participate in their LA area's protocol

a) Please confirm that the LA has a Fair Access Protocol that has been agreed with all the relevant schools in its area.

Protocol not yet agreed by all schools and academies?

Original protocol was accepted at heads' forum meetings. Revised Protocol has not yet been formally agreed by all maintained schools and the academy.

b) Give your assessment of how well the Fair Access Protocol has worked since 1 September 2008:

a. in placing children in schools;

Since in Wiltshire where we have schools which are geographically quite far apart or for which travelling times are long (where links exist at all) we operate a local schools for local children policy. We find that most children can be found a place at their local school. Our FAP only kicks in when the normal admissions process has broken down and so the numbers involved have been quite small. Our current protocol has worked to some extent but does require revision. (see c below)

b. the co-operation of schools and Academies in implementing the protocol; and

Collaborative working is in its infancy. There are signs of an increasing desire of schools to work together within their area collaboratives.

c. any issues you have had in implementing the protocol.

Difficulty in getting schools to take young people in Year 10 and

even more in Year 11. This is not just a feature of FAP it is a general reluctance to take children into existing examination groups.

Our original protocol was identified as having some basic parts missing. Who should initiate the FAP, a set timetable for dealing with issues and what happens if a collaborative agreement can't be reached were the three areas of concern. These have been rectified in our revised protocol but this hasn't yet gone to all schools for their formal agreement.

Reducing the time that children and young people are out of school is a key priority for us but we have been frustrated at times that the whole process has taken too long because of having to deal with schools who are their own admissions authorities. Parents often seem to name preferences when their chance of getting into a full school mid term is often difficult, and as a result we are looking at ways of better informing parents of what is available prior to them completing an application form.

The whole principle of who should be working to find places for any hard to place children is always under review. Our hard pressed admissions team do find it difficult because proportionally hard to place youngsters take much more time to sort out than normal round or other in-year admissions. Therefore engaging with our Educational Welfare Service and others in Targeted Support has been vital in getting dialogue going with schools and settings.

c) In Appendix A, please record for each school the number of children directed to (column O) and admitted (column P) to the school under the protocol between 1 September 2008 and date of report.

This has not been done for all schools since the overall numbers involved are too small.
In Chippenham, six young people met the FAP criteria and were shared out between the three secondary schools.
In other instances an individual school has taken the child and so the formal FAP has not been used.
All schools have taken children on roll when directed.
As previously stated in a rural situation it isn't always easy to find an alternative school which it is reasonable to expect a child to attend so very often a local school will take ownership of the child and this means the FAP is not used.

Code 4.9 a) (ii) whether primary schools are complying with infant class size legislation

Please include in your comments the number of schools where qualifying measures are being taken.

A small number of schools have had to breach the class size regulations. These have all been as a result of exceptional circumstances. In the majority of cases it is because there is no reasonable alternative within a safe distance of the school. As a result of natural pupil movements (in a county where there is high mobility in many schools) these situations have corrected themselves.

In one school (Amesbury Archer) the local authority is providing free transport to the next nearest school because of the medical condition of the child's mother.

In 2009 1 school has been reported as breaching ICS and if there is no pupil movement additional staffing will have to be put in place as a qualifying measure.

The number on roll and class organisation is monitored three times a year by an officer in the School Admissions Team.

Schools have reported that the 'Managing Compliance with the Infant Class Size Duty' guidelines are unclear in regards to the position of HLTAs. They have commented that they find sections 2, 3 and 4 of Annex A inconsistent and contradictory.

Many smaller schools and those with falling rolls are finding the financial burden of providing suitable qualified teachers to avoid ICS issues quite a challenge.

Code 4.9 a) (iii) the number of admissions appeals held for each and every school in the area, and the number of appeals that were upheld.

Please insert the data covering the period 1 September 2008 to the date of the report in Appendix A to show for each school:

- column Q - the number of appeals held;
- column R - the number of appeals upheld; and
- column S - the number of appeals pending from the date of the report onwards.

Code 4.9 a) iv the extent to which the local authority and appeal panels in the area complied with the requirements of the Appeals Code, with reference to ensuring the timeliness and transparency of appeals, effective communications with parents and any other relevant matter.

Please include in your comments, where there is evidence of non-compliance, what action have you taken.

The local authority administers appeals for all community and voluntary controlled schools; the Diocese of Salisbury has provided a service for its schools using expertise from a neighbouring Diocese.

The LA does not collect in statistical information about the number of appeals in the VA and F schools so this is not included in the appendix. Those schools report their appeals information directly to DCSF.

There have been two complaints made to the LGO regarding appeals for two community schools both have been dismissed.

The local authority is not aware of any non-compliance in the way VA and F schools run their appeals. Some use our panel members and at times we extend our sessions to include the VA or F school at the end after other appeals have been heard.

There have been a significant number of appeals at Sheldon and Hardenhuish schools in Chippenham and also at St Augustine's RC Catholic College in Trowbridge. Although at other schools places are refused it is often the case that a place becomes available before the appeal is heard due to someone declining a previous offer and thus releasing a place.

4.9 d) iii any other matters which affect the fairness of admission arrangements for schools for schools in the area.

Please complete with reference to Choice Advice provided to parents applying for a secondary school place for the 2009/2010 school year.

Appendix 5 of the Code requires local authorities to provide an independent Choice Advice service that is focused on supporting the families who most need support in navigating the secondary school admissions process (paragraph 5). Choice Advice must be independent and free from any potential conflict of interest between the need of the local authority to allocate places and the advice that parents receive (paragraph 8). As a minimum, local authorities must ensure that Choice Advisers are not in the same management chain or reporting lines as the local authority's admissions staff (paragraph 9).

a) Please confirm that your local authority has an independent Choice Advice service in place.

YES we have engaged our independent Family Information Service to provide the Choice Advice Service too.
The Local Authority is confident in the service which is available to our residents.

b) Please explain how you ensure the independence of the Choice Advice provided (for example, the Choice Advice service may be situated in the Parent Partnership service or Family Information Service).

ASK is an independent Family Information Service. Initially they were commissioned to provide information to pre-school children but have expanded their operation to include SEN and now secondary Choice Advice.

c) Please confirm that your Choice Adviser(s) are in not in the same line management chain or reporting lines as staff on the admissions team.

YES – they are independent and are not Council employees. They do not operate from County Hall.

Choice Advice must be targeted at those parents who most need support with the secondary school admissions process (paragraph 10). Local authorities and Choice Advisers should market their service to ensure that they reach the families most in need of their support and that other relevant agencies and professionals are aware of the service they provide (paragraph 11). Choice Advisers should be proactive in reaching 'hard to reach' parents and should develop good links with organisations that may be able to refer parents to them (paragraph 12).

d) Please explain how you ensure Choice Advice reaches those parents who are most in need of it.

Choice Advisers are sent information on who has and who has not applied for school places. They target individuals by making phone contact or by writing letters. CA service also contacts all Year 5 pupils to ensure they know about the service they offer and the deadlines for admissions.
There is still work to do to reach the most vulnerable parents as described by the TOR for CAs.

e) Describe how has Choice Advice contributed to the fairness of the admissions process.

The two Choice Advisors sit on our Admissions Forum. They provide a report as a standing item on the agenda of every meeting. The CAs set targets and are especially keen to reduce the number of applicants who miss the deadline. Regular reports are made to the School Admissions Team and we have regular meetings (roughly two months apart).
CAs look at proposed admission arrangements and make comments on publications the School Admissions Team produces

Local authorities may provide Choice Advice at the primary school admission stage and for in-year applications (paragraph 5).

f) Choice Advice is offered at the primary admissions stage?

SOME on request

g) Choice Advice is offered for in-year applications?

SOME on request

It is good practice for Choice Advisers to provide support during the appeals process, particularly to those parents who accessed Choice Advice at the application stage.

h) The Choice Adviser provides support during the appeals process?

Yes in some cases. Choice Advisers provide advice to parents who are appealing and at times request information to assist parents write their appeal. Have attended two appeals panels to support appellant.

i) We plan to provide support during the appeals process in future?

YES

SECTION 2

FOR THE ACADEMIC YEAR WHICH STARTS AFTER THE REPORT IS MADE – 2009-2010:

Code 4.9 b) (i) the extent to which admission arrangements for schools in the authority's area serve the interests of children in care, children with disabilities, children with special educational needs and service children.

Note: You may wish to point out if specialist staff from within the Council has contributed to this report.

Children in Care – all applicants have been offered their first preference. Virtual headteacher for LAC has negotiated with schools individually on some in-year admissions. Difficulties arise if admissions are for Year 10 and 11 where the fit of exam courses is critical. Since most schools will take their in-area children without any direction this has not been a major issue. Where schools share designated areas (in Chippenham in particular) there has been some reluctance of schools to take in children over PAN.

Children with disabilities -high priority is given to these children and no issues have arisen.

Special Educational Needs – children without statements are considered using the normal admission arrangements. Those with statements go to the named school and the policy is unless in exceptional circumstances to put the child into their preferred school.

Service children – Wiltshire has a very high concentration of service families. We have a member of the Service Families Education Team on our Admissions Forum. We comply with all aspects of the Code. There can be issues when service families move into quarters which are in residential areas (i.e. mixed with civilian housing) especially if the move is out of normal round. Since we cannot reserve places and the service families cannot be treated as exceptions to the ICS they often face refusals and appeals.

Code 4.9 b) (ii) the effectiveness of co-ordination.

Note: You may wish to report on the authority's assessment of the effectiveness of any scheme for co-ordinating:

a) the admission of pupils to relevant schools in the authority's area in the next academic year to begin after the date of the report, and

b) the admission of pupils in the authority's area to other relevant schools in that academic year.

The normal admissions round co-ordination runs effectively. There are still some minor issues surrounding admissions to VA and F schools but these have been dealt with. Co-ordination is accepted practice. However there are a small number of schools and admin officers who can't see the need for what they see as red tape but they follow the co-ordinated scheme. Any scheme we develop for in-year co-ordination needs to ensure that children are out of school for a short a period as possible and some schools fear that the process may delay their ability to make a quick decision about some transfers.

The effectiveness of data transfers with other local authorities are improving year on year. We have sent out more reports to schools in Wiltshire on the number of applications being received and offers made, schools attended and so on. Schools have appreciated this.

In area co-ordination for intake to primary schools is accepted. Without the need to do cross border co-ordination, the data transfer issues do not arise.
We are happy to move to a system of cross border co-ordination for the normal intake rounds with effect from the 2011 intake.

In Year Co-ordination. This will be a major issue and challenge for September 2010 onwards. Wiltshire is happy that there should be in-year co-ordination but do not see any advantages in having this cross authority borders. If a parent is interested in a Wiltshire school we would be happy to deal with their enquiries and application wherever they live. Getting them to go through their home authority seems to be adding an unnecessary administrative process. Securing places a soon as possible would be helped if the maintaining authority dealt with the application rather than the home authority.

SECTION 3

FOR ADMISSION ARRANGEMENTS THAT HAVE BEEN DETERMINED IN THE APRIL IMMEDIATELY BEFORE THE DATE OF THE REPORT IS MADE (determined by 15 April 2009 for admission in September 2010):

Code 4.9 c) (i) a statement of whether or not admission arrangements for maintained schools in the area complied with the mandatory requirements of this Code and admissions law.

Are you satisfied that the admission arrangements for all maintained schools in your area are fully compliant with the Code?

For those schools who have followed the statutory process to the letter YES. It is still an issue getting all schools to respond as per the Code but those who do not are the ones who are undersubscribed so are unlikely to need to apply their oversubscription criteria.

If NO, please specify what action you are taking – please see paragraph "Referring objections to the Schools Adjudicator" on page 10.

The LA has been chasing three schools for their admission arrangements. We have had to ring round several schools since we need to incorporate oversubscription criteria into our composite guide which has to go for printing by 1 July.
No referrals to Schools Adjudicator have been necessary.

Following the compliance exercise in 2008, the Chief Adjudicator wrote to all local authorities with details of where the admission arrangements for schools in their area may not be compliant with the Code. Subsequently, local authorities were asked to report on the action that had been taken to amend the arrangements.

Are you satisfied that all the necessary action that was said to be needed has been taken for the arrangements determined by 15 April 2009?

YES

If you are not completely satisfied, what further action are you taking?

N/A

The Schools Adjudicator and local authority reports

*Code 4.10 local authority reports play an important part in monitoring schools' compliance with this Code and ensuring an open and fair admissions system. The Schools Adjudicator **must** ensure that admission arrangements which come to his attention via local authority reports, and any Admission Forum reports that he receives comply with this Code and admissions legislation. This will form the basis of an annual report to the Secretary of State which will also include how fair access is being achieved locally. The Schools Adjudicator's annual report to the Secretary of State on fair access replaces the biennial report of the Schools Commissioner.*

*Code 4.11 where a local authority report, under section 88P of the SSFA 1998, states that admission arrangements for maintained schools do not or may not conform with statutory requirements or the mandatory requirements of this Code, the Schools Adjudicator **must** decide whether the arrangements are compliant. In the case of Academies he may advise the Secretary of State on whether he considers the arrangements are compliant and the Secretary of State will reach a decision on any changes that are necessary.*

Referring objections to the Schools Adjudicator

*Code 4.12 local authorities **must** refer an objection to the Schools Adjudicator if they consider, or are made aware of any admission arrangements proposed by any other admission authority that are unlawful, that do not comply with the mandatory requirements or guidelines in this Code, or that appear to be unfair, unclear and subjective or encouraged social segregation. Local authorities **must** refer the objection as soon as such admission arrangements come to their attention. Local authorities may refer such an objection with their report or separately.*

*Code 4.13 local authorities **must** also consider carefully any representations they receive from parents about the admission arrangements for schools for which they are not the admission authority and whether they will use their power to make an objection to the Authority.*

Using Appendix A, please identify any schools (column U) that you have referred to the OSA, or may be referring to the OSA by the 31 July 2009.

SECTION 4

OTHER MATTERS:

Code 4.9 d) (i) details about the current membership of the Admission Forum for the area

Please list the bodies represented and the number of representatives in each category. Do **NOT** give the names of members.

Elected Members	**3**
Diocesan Reps	**4**
VA Primary Schools	**1**
VA Secondary Schools	**1**
Foundation Secondary Schools	**2**
C&VC Primary Schools	**1**
C&VC Secondary Schools	**2**
Parent Governors	**3**
Children's Education Advisory Service (MoD)	**1**
Educational Welfare Service	**1**
Young Peoples Support	**1**
SEN	**1**
Choice Advisers	**2**
LA Admissions Team	**3**
Other LAs	**3**

Please add any comments on the transition from the previous to the new constitution of the Forum; the effectiveness of the Forum in challenging non-compliant admission arrangements; the contribution of the Forum in promoting fair access.

A review of membership has been requested by the Forum for their consideration at their meeting in September 2009. Due to recent council elections there will be a change of chair and elected members so it was felt appropriate to wait until the dust had settled before changing the forum membership.
The new membership is likely to be very similar with reps invited as above – though not all will attend every meeting.

The Admission Forum may make a report to the Schools Adjudicator. If the Forum wishes to make such a report it would be helpful to include the report with the report from the local authority. Please indicate:

The Admission Forum wishes to make a report to the Schools Adjudicator and has included/attached it with this report OR

The Admission Forum wishes to make a report to the Schools Adjudicator and will send a separate report by …….. OR

The Admissions Forum does not wish to make a report to the Schools Adjudicator in 2009.

Whether or not the Admission Forum is making/submitting a report, please confirm that the Forum has seen, or will see, this LA report.

The report has been circulated to all members of the Forum. Some minor amendments have been incorporated into the report.
The Forum will not be submitting a separate report.

Code 4.9 d) (ii) the proportion of children currently on free school meals at each school in the area.

The data provided by the Local Authority to the DCSF in January 2008 has been “cleaned” and is included in Appendix A at the end of this template.

If the data for 2009 is significantly different please state how it differs.

Using and interpreting the data, please comment on any features associated with Fair Access to allocation of school places and meeting parental preferences.

Code 4.9 d) (iii) any other matters which affect the fairness of admission arrangements for schools in the area.

Please provide evidence about or any information, that in your view affect the fairness of admission arrangements by improving or reducing the fairness for schools in your area.

No particular issues have surfaced this year which would indicate that the admissions system isn’t providing a fair process for our residents.

SECTION 5

RANDOM ALLOCATION OF SCHOOL PLACES

1. Was random allocation being used in any way by the local authority in allocating places at community and/or voluntary controlled schools for September 2009:

(a) infant/primary/middle deemed primary schools?

YES

If yes, please specify how?

As a last resort if distance cannot separate applications we would do a random allocation by drawing lots.

(b) in secondary/middle deemed secondary schools?

YES

If yes, please specify how?

As a last resort if distance cannot separate applications we would do a random allocation by drawing lots.

2. Do the determined admission arrangements for admission in 2010 use random allocation in the same way as 2009 arrangements?

YES

If no, please specify the changes that have been made.

3. What are your views on whether the outcomes of random allocation as used by the local authority result in fair outcomes for parents?

The random allocation tie break had not been used this year.

4. What evidence do you have of parental reaction to the use of random allocation and parental understanding of how the system works?

One foundation school considered random allocation. There were as

many parents who supported this as opposed it.

In a rural county like Wiltshire it is difficult to see how a random allocation system would benefit applicants. Having clear designated areas for schools is accepted practice.

5. For all foundation and voluntary aided schools in your area, please indicate in Appendix A (column T), those schools that use random allocation in any part of its admission arrangements.

Some do as per the local authority tie break.

Only one VA school (St Joseph's Devizes) used a random allocation to allocate places for children in their last admission criterion.

One (Sheldon Secondary in Chippenham) suggested part random allocation in their consultation document but this was removed prior to determination of their 20010/11 policy.

SECTION 6

ADMISSION OF TWINS TO THE SAME SCHOOL

1a). What is your policy on the admission of twins (and multiple births) to primary schools?

We will admit over PAN unless this would create an Infant Class Size issue. If we cannot find a place for both twins we would offer a school where we could though the parent would have the option of splitting the twins.

b). What is your policy when the last place of the admission number is allocated to one twin (or fewer than all born in a multiple birth)?

We will admit over PAN unless this would create an ICS issue. The elder twin would be admitted if they were split.

2a). What is your policy on the admission of twins (and multiple births) to secondary school?

We will admit over PAN.
If we could not find a place for both twins we would offer a school where we could though the parent would have the option of splitting the twins though this is very unlikely to happen in secondary schools.

b) What is your policy when the last place of the admission number is allocated to one twin (or fewer than all born in a multiple birth)?

We will admit over PAN to accommodate twins.

3) Please indicate below, those Foundation and Voluntary Aided schools within your area, that do not have a policy on admission of twins (and multiple births).

Following advice the LA has sent out, all schools have a reference to twins in their policies and most follow the LA policy above. Some schools will let the parents choose which twin to offer a place to if they are the last one to be offered a place. However twins are accommodated in all schools unless an ICS issue exists.

The Local Authority would welcome twins being made a permitted exception to the ICS regulations. We are considering making amendments to our 2011 policy to push twins higher up the

oversubscription criteria – by treating them as vulnerable children who would be looked at before any in area siblings which in effect would mean we would admit twins in most circumstances. However just because the LA does it wouldn't mean all of our foundation or VA schools would follow suit. If twins applied late outside the normal round they still might have top be split if an ICS was being created so the only way of guaranteeing that twins are kept together would be for them to be permitted exceptions to the ICS regulations.