Local Authority Report

to

The Schools Adjudicator

from

Cheshire East Borough Council Local Authority

to be provided by

30 June 2019

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Date submitted: June 2019

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www.gov.uk/government/organisations/office-of-the-schools-adjudicator
Please email your completed report to: osa.team@schoolsadjudicator.gov.uk by 30 June 2019 and earlier if possible

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Introduction and guidance on completing the report

1. Section 88P of the School Standards and Framework Act 1998 (the Act) requires every local authority to make an annual report to the adjudicator. The Chief Adjudicator then includes a summary of these reports in her annual report to the Secretary for State for Education. The School Admissions Code (the Code) sets out the requirements for reports by local authorities in paragraph 6. Paragraph 3.23 specifies what must be included as a minimum in the report to the adjudicator and makes provision for the local authority to include any other matters. The report must be returned to the Office of the Schools Adjudicator by 30 June 2019.

2. Please note that the specified date for returning this form by 30 June is a Code requirement; this is why some data are asked for by financial year.

3. We have made some changes to the information and categories of information sought this year:

a. we have removed references to “all through” schools and instead would be grateful if local authorities would follow the approach used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002², and

b. we have decided not to use the term “own admission authority schools” to mean those schools for which the local authority is not the admission authority (that is foundation, voluntary aided and academy schools). This is because a large number of arrangements are now determined by multi-academy trusts. We will therefore refer to ‘schools for which the local authority is not the admission authority’.

4. Local authorities will notice that we have not included this year a number of questions which have been asked in past years. This is because we judge that we are unlikely to receive much information that adds to the existing body of knowledge and do not wish to take up local authorities’ time unnecessarily. We have not asked:

a. for details of the particular provisions of admission arrangements determined by other admission authorities challenged by local authorities;

b. local authorities’ views of how well the interests of children with special educational needs or disabilities are met at the normal points of admission;

c. about the advantages and disadvantages of co-ordinating in year admissions;

d. about the reliance on paragraph 3.12 of the Code by other admission authorities in the local authority’s area;

e. for information about admission authorities’ approaches to deciding whether or not they had places available in year; or

¹ Department for Education Statistical First Release
² The Education Middle School (England) Regulations 2002
f. for the number of children refused admission to a school under the fair access protocol.

Local authorities are, of course, free to comment on any of these matters if they wish to do so under section 6. The views expressed by local authorities in previous years also remain a matter of public record.

5. We are asking new questions this year about:

   a. the proportion of schools with other admission authorities in the local authority area for which the local authority ranks preferences for the schools concerned on the admission authorities’ behalf;
   b. use of oversubscription criteria which give priority to children adopted having previously been in care abroad; and
   c. how well served are children who are looked after by another local authority but being educated in the area of the local authority submitting the report.

6. We continue to ask about the use of the premiums in admission arrangements but have provided further guidance on this in footnote 11. In particular, we ask local authorities to include in their responses schools using part of any of the premiums (such as free school meals eligibility). Please consider this footnote before answering the questions on this matter.

Information requested

Section 1 - Normal point of admission

A. Determined arrangements

i. Please give the date your local authority determined arrangements for admission in 2020 to its voluntary controlled and community schools.

   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.

   □

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

   https://www.cheshireeast.gov.uk/schools/admissions/admission_arrangements/ad
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

<table>
<thead>
<tr>
<th>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?</th>
<th>Primary</th>
<th>Secondary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

vi. Please provide any comments on the determination of admission arrangements not covered above. The Catholic Diocese has purported to reduce the number of criteria within their arrangements for their schools but they have done this by creating sub categories (siblings and children of staff). The LA has fed back that this makes applications much more complicated to administer and difficult for parents to understand where they fit within the criteria. The LA also questioned the use of terminology such as catechumen which may not be easy for parents to understand particularly where English was an additional language. The LA raised this under 1.8. Some schools have taken on board comments. Another school had cross referred to catchment of another school which was consulting on removing catchment. This was highlighted and replaced in the final arrangements with a map of the geographical area. The same school was introducing aptitude criteria but in the original wording cross referred this to another criteria and the LA made some comments. These were taken on board and changes made in the final arrangements.

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 does provide guidance to schools when they consider conversion Academy status. However some schools still require further support in undertaking their obligations in relation to the School Admission Code. There have been a small number of errors made in the allocation of criteria and the LA has worked with schools to ensure that these are rectified and parents are not disadvantaged.

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

<table>
<thead>
<tr>
<th>v. How well did co-ordination of the main admissions round work?</th>
<th>Not well</th>
<th>A large number of small problems or a major problem</th>
<th>Well with few small problems</th>
<th>Very well</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reception</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Year 7</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Other relevant years of entry</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

vi. Please give examples to illustrate your answer: Good relationships established with the majority of schools. Assistance was provided when requested or needed if an error was found. There can be difficulties in planning in that the LA is required to ensure that there are sufficient places for all applicants but there are a proportion of parents who will choose to decline places, for example, to go to the independent sector. This means that schools have to have sufficient accommodation and staffing for pupils who may never attend and they will never receive funding for.

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

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

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

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


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.

3

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.

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. The local authority considers that these children are covered within the criteria of cared for and previously for criteria. The local authority checks cared for and previously cared for status as part of the co-ordination process. Potential difficulties include asking for relevant documentation to show previously cared for whilst abroad and difficulties in translation of documentation that may be provided.

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:

Section 2 - In year admissions

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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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.
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.

<table>
<thead>
<tr>
<th>Number of in year admissions</th>
<th>Primary aged children</th>
<th>Secondary aged children</th>
</tr>
</thead>
<tbody>
<tr>
<td>between 1/9/17 and 31/8/18</td>
<td>1630</td>
<td>531</td>
</tr>
<tr>
<td>between 1/9/18 and 31/3/19</td>
<td>1529</td>
<td>528</td>
</tr>
</tbody>
</table>

Figure given is based on
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\(^5\) ☒ None ☐ Minority ☐ Majority ☐ All
   b) Secondary: ☐ Not applicable\(^5\) ☒ 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.

In general, co-ordination of applications works well and allows us to monitor applications and work with other teams such as Children Missing in Education to ensure that every child has a place where needed. However there are a small number of schools who have refused places even when under PAN. This is addressed direct with the schools. A number of schools who have recently converted to academies do not always respond in writing to parents when giving decisions on applications. The LA provides guidance to these schools at conversion. Changes in staffing can sometimes impact on procedures followed. We have no involvement in admissions to UTC/studio schools.

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\(^6\)

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

\(^6\) 'Not applicable' will only be appropriate if there are no children falling within this definition.
ii. How well do the in year admission systems in other local authority areas serve the interests of your looked after children?

☐ Not at all  ☐ Not well  ☐ Well  ☒ Very well  ☐ Not applicable

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

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

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:

Virtual School is based within the same Service and works closely with Admissions to resolve any issues.

### 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

ii. How well served are children with special educational needs and/or disabilities who do not have an education health and care plan when they need to be admitted in year?

☐ Not at all  ☐ Not well  ☒ Well  ☐ Very well  ☐ Don't know

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

Place planning for children and young people transferring from primary to secondary school starts in year 4. Transition events are held to ensure that any necessary training / adaptations/ reasonable adjustments required are highlighted as early as

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7 ‘Not applicable’ will only be appropriate if there are no children falling within this definition.
possible so that the schools can respond accordingly and parents/careers can be reassured that appropriate provision is in place for their child. Meetings take place early on in the academic year of transfer to discuss Nursery children and Post 16 transitions. Students in Cheshire East with EHCPs attain good outcomes, higher than the national average. Pupils with an EHCP are prioritised in accordance with the Admissions Code. However for pupils without an EHCP then places will be allocated according to the oversubscription criteria for the relevant school. Therefore it is a potential difficulty that the confirmed school will not be known for main round admissions until national offer day of the preceding academic year (1st March: Secondary and 16th April: Primary). There can also be a difficulty for oversubscribed schools if an EHCP is finalised too late to be taken into account for the main allocation of places that places will have been allocated up to the published admission number and pupils with an EHCP that was finalised after this would still need to be admitted. The national date for EHCPs to be finalised for September transition (15th February) is incompatible with the Admissions timeline as to comply with national offer day as the LA needs to have all data checked and be co-ordinating with other authorities in ample time to ensure that offer day can run smoothly. The work described above about early pupil planning is seeking to address this issue and limit the circumstances in which late (i.e. not in time for offer day) notifications of EHCPs can arise.

E Other children

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:
Part of in year process, LA regularly chases schools for decisions on applications and works well with colleagues in EWO and CME service.

F Fair access protocol

i. Has your fair access protocol been agreed with the majority of state-funded mainstream schools in your area?

☒ Yes for primary  ☒ Yes for secondary

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

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

<table>
<thead>
<tr>
<th>Type of school</th>
<th>Number of children admitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary aged children</td>
</tr>
<tr>
<td>Community and voluntary controlled</td>
<td>1</td>
</tr>
<tr>
<td>Foundation, voluntary aided and academies</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
</tr>
</tbody>
</table>

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

Please make any relevant comment on the protocol not covered above.

The Secondary FAP protocol was reviewed in Nov 2018 and launched in Jan 2019 following consultation with all head teachers. The new protocol reflects the changing needs of the authority and schools and criteria’s were changed accordingly. The most significant change to the Secondary protocol was to reflect the number of KS4 in year applications that schools receive. Therefore additional criteria were added which allows schools to refer year 10 applications into FAP during the summer term & all year 11 applications into the FAP panel.

The Secondary FAP monitoring group consisting of LA officers and all 4 FAP panel chairs meet termly to discuss how the new protocol is working and discuss any case studies and ways of working effectively pan Cheshire East.

The Primary protocol has been embedded following review in September 2017. A number of FAP panels have been held and placements found in a timely manner.

Schools in both primary and secondary sectors adhere to the protocol in that unless a child meets the challenging behaviour criteria, a school must admit an ‘eligible’ child without delay if they have vacancies. This practise is reflected in the low number of FAP admissions to schools. Other reasons are that managed moves are frequently offered to parents by the school they have applied for so that if the move does not work out for the child they have the option of returning to their home school. Successful admissions for managed moves are not recorded as FAP admissions.

The high number of in year applications for Year 11 pupils has caused concern when trying to place young people in a school. Frequently schools struggle to provide a full time timetable for children entering a school late in the academic year. The Crewe panel have experienced a high number of over seas applications for Year 11s in the second term. The schools have offered bespoke alternative provision packages for each student but due to EAL issues and parents not wanting their child to travel to the provision there has been a lack of engagement and therefore subsequent referrals to CME made. The LA is trying to support schools with this by providing advice regarding alternative providers.

10 ‘Not applicable’ would mean that there were no hard to place children for which the protocol was required.
The LA has agreed to provide match funding to all 4 FAP panels if they set up provision to support vulnerable children in their schools. Two panels have taken up this offer with in Cheshire East so far. Both provisions are effective in reducing exclusions and supporting vulnerable children. The provisions are also available for schools from other FAP panels to buy back.

The Crewe FAP panel receive the highest number of secondary referrals through FAP. This is indicative of the level of movement between schools and other authorities and of applications coming out of the authority. This has caused some issues between schools when trying to place regarding cooperation and the challenge of some schools where a high number of students exit and other schools have to take.

The LA officers have set up a new data collection system which records all FAP cases and tracks their progress. This means that we are able to track applications and how long it takes for a child to be admitted into a school when identified at FAP. If the timescales are lengthy the LA then have the evidence to challenge schools.

### 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?

<table>
<thead>
<tr>
<th></th>
<th>Primary aged children (not looked after)</th>
<th>Primary looked after children</th>
<th>Secondary aged children (not looked after)</th>
<th>Secondary aged looked after children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary aided or foundation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**B.** Please add any comments on the authority's experiences of making directions in these circumstances.

N/A

**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?

<table>
<thead>
<tr>
<th></th>
<th>For primary aged children</th>
<th>For secondary aged children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**D.** Please add any comments on the authority’s experiences of making directions in these circumstances.

N/A
<table>
<thead>
<tr>
<th>E.</th>
<th>Primary aged children (not looked after)</th>
<th>Primary aged looked after children</th>
<th>Secondary aged children (not looked after)</th>
<th>Secondary aged looked after children</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>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?</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>How many requests were outstanding as at 31 March 2019?</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

F. Please add any comments on the authority’s experiences of requesting directions in these circumstances.

N/A

G. Any other comments on the admission of children in year not previously raised.
Section 4 - Pupil, service and early years pupil premiums (the premiums)\(^\text{11}\)

<table>
<thead>
<tr>
<th>A.</th>
<th>How many <strong>community or voluntary controlled schools</strong> in the local authority area will use each premium as an oversubscription criterion (including the tiebreaker) for admissions in 2020?</th>
<th>Primary</th>
<th>Secondary(^\text{12}) excluding grammar</th>
<th>Grammar(^\text{12})</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Early years pupil premium</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Pupil premium</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Service premium</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total number of schools using at least one premium in their oversubscription criteria</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B.</th>
<th>How many <strong>schools for which the local authority is NOT the admission authority</strong> in your area will use each premium as an oversubscription criterion (including the tiebreaker) for 2020?</th>
<th>Primary</th>
<th>Secondary(^\text{12}) excluding grammar</th>
<th>Grammar(^\text{12})</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Early years pupil premium</td>
<td>3</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Pupil premium</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Service premium</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^{11}\) Please include in these figures all schools whose arrangements give priority on the basis of eligibility for one or more of the premiums or part thereof except where the only sub-group is looked after and previously looked after children as all schools must give first priority to these children. Admission authorities can limit priority to specific sub-groups of those who attract a premium. Examples are:

- children of parents who are currently serving in the UK regular armed forces (rather than all children who attract the service premium); or
- children who are eligible for free school meals at the time of application (rather than all children who attract the pupil premium).

If such sub-groups have priority at any point within the oversubscription criteria, they should be included in the totals for this table even if there is no specific use of the terms, ‘pupil premium,’ ‘early years premium’ or ‘service premium’ in the arrangements. Paragraphs 1.39A and 1.39B of the Code provide the relevant exceptions to paragraph 1.9f (which prohibits giving a priority to a child according to the occupational or financial status of parents applying).

\(^{12}\) Do not include use in post 16 arrangements.
Total number of schools using at least one premium in their oversubscription criteria | 3

**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? | 385

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

The Admissions team sits within the same service as Elective Home Education and they work closely to ensure that any child requiring a school place is offered one. Transport sits within the same service so queries can also be resolved if this is a barrier to accessing a school place.

**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?

There continues to be a conflict in that the Admissions Code has a presumption in favour of increases in PAN and / or admitting over PAN where there is no prejudice. This means that the impact on other schools cannot be taken into account for appeals or for increases in admission numbers.

**Section 7 - Feedback**

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

There were a few technical issues with completing the template (boxes / text disappearing etc) that could be smoothed out to make it more user friendly.
Thank you for completing this template.

Please return to Lisa Short at OSA.Team@schoolsadjudicator.gov.uk by 30 June 2019