



Office of
the Schools
Adjudicator

**Template for
Local Authority Report
to
The Schools Adjudicator
from**

Merton Local Authority

to be provided by

31 October 2022

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Date submitted: 27 October 2022

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Website: [Office of the Schools Adjudicator](#)

**Please email your completed report to: [Office of the Schools Adjudicator](#) by
31 October 2022 and earlier if possible**

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Introduction

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 3.30 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. Paragraphs 6 and 3.30 of the Code require that each local authority publish its report locally. Local authorities do not have to include this introduction and guidance in their locally published report.
2. In 2020 and 2021, we asked far fewer questions than in previous years, asking only for the minimum information required by the Code. This was in response to the pressures on local authorities and others in the light of the Covid-19 pandemic. This year, we have again sought to keep the information requested to the minimum. We have, at the request of the Department for Education, asked a small number of additional questions relating to the impact of the new Code which came into force on 1 September 2021.
3. The new Code also changes the period to be covered by reports to the adjudicator and the deadline for submitting reports to the adjudicator. **This year's report must cover the 2021/2022 academic year and be submitted to the Office of the Schools Adjudicator by 31 October 2022.**

Guidance on completing the template

4. In a departure from previous practice, we have included all the guidance on completing specific parts of the template in this section. We hope that this will be helpful. This is in response to feedback that including guidance and definitions in the body of the template could make the report harder for readers to follow and less accessible. There is no requirement for local authorities to include the introduction and the guidance in their published reports, but they are free to do so if they wish.
5. We should be grateful if in completing questions which ask for information about primary and secondary schools and/or pupils, local authorities would follow the approach to classification of schools used in statutory provisions and in the Department for Education Statistical First Release¹ and the Education Middle School (England) Regulations 2002².
6. Guidance on specific questions and/or meaning of specific terms in this report:
 - a. "in-year admissions": This means admission at the start of any school year to a year group 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

¹ [Department for Education Statistical First Release](#)

² [The Education Middle School \(England\) Regulations 2002](#)

primary school) **and** admission during the course of any school year after the end of the statutory waiting list period (31 December) in normal years of admission.

b. Not applicable means at questions:

Section 1: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 1: B.v. that there were no schools for which the local authority was the admission authority at 1 September 2021.

Section 1: B.vi. that there were no schools in the local authority's area for which the local authority was not the admission authority at 1 September 2021.

Section 2: B.i. - B.iv. that there were no children falling within the relevant definition.

Section 2: C.i. that there were no children falling within the definition.

Section 2: D.iv. that there were no hard to place children referred to the protocol.

7. We welcome all comments that local authorities make in the comment boxes and we aim to reflect those comments in the Annual Report, but we ask for the comments to be entered under the right headings. Section 3 invites comment on any other matters not specifically addressed in this template if local authorities wish to do so. The views expressed in previous years also remain a matter of public record.
8. We ask that where possible, you return the template in Word instead of PDF formatting. A number of you have commented on the formatting of the template and we have tried to make it as accessible as possible, but we are aware that some local authorities use different versions of Word.

Information requested

Section 1 - Normal point of admission

A. Co-ordination

i. How well did co-ordination of the main admissions round work?	Not well	A large number of small problems or a major problem	Well with few small problems	Very well
Reception				X
Year 7				X
Other relevant years of entry				X

ii. Please give examples to illustrate your answer if you wish:

All schools continue to support the co-ordinated admission process. All schools work with the authority to meet key deadlines within the process and to ensure their ranking data is ready on time and can be checked by the LA. All AA schools ensured their admission arrangements were updated in line with the new Code and that the new LAC definition was used for ranking applications.

B. Looked after and previously looked after children

i. How does the admissions system in your local authority area serve the interests of looked after children at **normal points of admission**?

Not at all Not well Well Very well Not applicable

ii. How 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 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 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

- v. Please confirm that your local authority has included children adopted from state care outside England in its definition of previously looked after children in admission arrangements for schools for which it is the admission authority

Yes No Not applicable

- vi. How confident are you that all other admission authorities in your area have included children adopted from state care outside England in their definitions of previously looked after children in admission arrangements for schools for which they are the admission authority?

Confident all have Confident some have Not aware of whether all or some have Not applicable

vii If you wish, please give examples of any good or poor practice or difficulties which exemplify your answers about the admission to schools of looked after and previously looked after children at **normal points of admission**:

All AA schools provide ranking data to the LA prior to allocations commencing. This allows the LA to complete a 'sanity check' on the data and confirm that Looked After pupils have been ranked accordingly.

C. Special educational needs and/or disabilities

Please provide any comments you wish to make on the admission of children with special educational needs and/or disabilities at normal points of admission:

n/a

Section 2 - In-year admissions

A. Effect of Code changes on in-year admissions

Please provide any comments you wish to make on the effect of the changes to the Code's provisions for in-year admissions. It would be particularly helpful to have comments on whether you think the changes have made it easier or not for parents to secure places for children in-year?

The new code was introduced and all schools have agreed to work with the LA to meet the new requirements – both in terms of the Code itself and the fair access requirements. The new Code provides deadlines around placement following the receipt of an application. In the main we are seeing schools work to these deadlines. Some issues have been noted with AA schools. An exercise completed over the summer has found in year cases are being processed on average in 11 school days. Some issues have been noted around parents and how they complete applications. This can cause delays in processing applications. A small number of cases have also been identified where delays in the school's admissions process have seen admission taking longer that would be preferred. The findings of this exercise are to be shared with schools in an attempt to improve processes and reduce the small number of cases taking longer than 20 school days to place on roll.

Whilst the new Code provides some additional support for in year processing, it has not made things any easier for parents in securing placements in their preferred schools. The new Code does not adequately address the problem of AA schools throughout the country being able to change their capacity in year groups to meet their needs rather than the needs of the LA to provide sufficient places for all applicants or the need of parents to place their children locally. This issue is especially noticeable for secondary schools. The LA is responsible for ensuring sufficient capacity exists, however we have no control over decisions AA schools make around capacity of a year groups when in-year. Greater transparency is required around the capacity schools have and decisions taken to reduce capacity. Requiring schools to work to their PAN in all year groups would provide the necessary transparency in the system to ensure fairness to all involved. Furthermore, requiring all waiting lists to be held by the LA and offers to be made through the LA will ensure all offers are being made in compliance with published admission arrangements.

B. Looked after children and previously looked after children

- i. How does the **in-year admission** 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

ii. How 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 does your **in-year admission** 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 does your **in-year admission** system serve the interests of previously looked after children?

Not at all Not well Well Very well Not applicable

v. If you wish, please give examples of any good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for looked after and previously looked after children:

Whilst we have indicated 'Well' in the boxes above, this is due to the fact that local administrative processes have been put in place to best serve the needs of looked after children. The aim of these processes is to quickly identify and allocate looked after children. Whilst every effort is taken with our administrative process to support looked after children, the following concerns are noted. We believe that these concerns go wider than just Merton as we have heard similar comments from other boroughs and other Virtual Schools.

It has become apparent that the in year processes for placing Looked After children require some work in order to make them as effective as possible. Issues noted in Merton, and we suspect other areas, include applications being submitted long after a child has been placed in the borough, confusion over who is leading on a case – the carer, social worker or Virtual School, decision making around schools being named, and whether schools saying no will be challenged.

The aim with placement of Looked After children is to allocate them as quickly as possible and into the most suitable provision. The ability to do this is hindered where contact is not made to say the child is in the borough and no application is immediately submitted. The process in this area needs to be stronger to make sure a child is not left in the borough for a prolonged period and no application being submitted for them. Better practice, potentially supported by national guidance, would seem appropriate to ensure children are fully supported and placed quickly.

Where applications are made, the choice of schools are often arbitrary and not necessarily in the child's best interest. Often it appears carers will name schools they know or already have pupils attending. Virtual Schools sometimes appear to name schools they feel will admit without resistance rather than naming the most accessible and suitable schools for the child. This leads to an imbalance in LAC placements within the school system with one school taking a large number

and others taking very few. This has an impact on resources and efficient education.

When schools are approached and say they cannot offer, or uses means to delay to make it more difficult, the approach to this is varied. In our experience, many Virtual Schools will not challenge the decision but will instead ask for an alternative school. This again causes a situation where schools that are open to LAC placements end up taking a disproportionate number on roll.

More work is required in this area to make the process transparent from the start and to ensure a more even spread of placements with the needs of the pupil rather than the ease of admission driving the decision making process. This is an area that may benefit from national guidance or information on recommended best practice.

C. 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 well 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 well Not well Well Very well Do not know

- iii. Please give examples of any good or poor practice or difficulties which support or exemplify your answers about **in-year admissions** for children with special educational needs and/or disabilities:

Whilst we have indicated 'Well' in the boxes above as 'Not well' felt too harsh we have some concerns. Placement of pupils with SEN continue to be unevenly distributed. Concerns remain that there is anecdotal evidence that some schools will use informal means to discourage parents of SEN pupils from applying for them. These processes can take place before a parent submits an application or once preferences have been named and the parent approaches the school. If a parent is not made to feel welcome, or that their child's needs are going to be properly supported, they are unlikely to want their child to go to that school. Inclusive schools can then end up taking a disproportionate number of SEN pupils as a result. The LA is introducing a questionnaire for parents to complete to see whether there can be firmer evidence to enable the LA to challenge schools.

Greater transparency is needed to ensure parents are not given a false impression of the support a child can expect at a mainstream school so as to ensure a fairer distribution of SEN pupils. There are also concerns that some schools will make unreasonable demands to the Local Authority over what support they would

require to admit a child with an EHCP. This can take up a significant amount of time to resolve. These issues were apparent prior to Covid but have become more noticeable with increased pressures on schools and on school budgets. Whilst schools are reminded of their responsibilities at a local level, and this is a key piece of work that Merton is working on, it would help for a national reminder of the need for inclusive practice in all schools regardless of their admission authority status. The needs of the child, rather than the financial position of the school and their approach to admissions, needs to be the driving force behind the admissions process.

We are, of course, aware the LAs have a directions power for children with EHCPs, but this process can take far too long and comes with no guarantee of success. Some schools are well aware of this and expect authorities to consider other, quicker options. As a result, there is still no level playing field to ensure complex cases are fairly considered regardless of the schools involved.

iv. If you wish, please provide any comments about **in-year admissions** in respect of other children:

Each year a number of applications are received for children arriving from abroad who have very complex needs but do not have an EHCP. The Code requires these children to be placed into a mainstream school while assessments are undertaken. The level of complexity for some of these cases is such that the impact on the allocated school is significant. Some discretionary funding being made available to the Local Authority to support schools where these placements are made would help ensure quick admission to the appropriate school with full support being provided. Updated national arrangements that recognise the need for a discretionary fund held by the Local Authority that enables schools to more quickly assess child with complex needs arriving from abroad to avoid potential disruptive and the concern of schools refusing to admit on the grounds of serious prejudice to efficient education.

D. Fair access protocol

i. Do you have a fair access protocol agreed 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:

n/a

iii. How many children were admitted to schools in your area under the fair access protocol between 1 August 2021 and 31 July 2022?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	0	100
Foundation, voluntary aided and academies	0	82
Total	0	182

iv. How well do you consider hard to place children are served by the fair access protocol in your area?

Not at all well Not well Well Very well Not applicable

v. Please provide any comments you wish on the protocol not covered above. It would be particularly helpful to have any comments on the impact of the Code changes on the operation of the FAP in your area and the ability to secure places for vulnerable children:

The revised Admissions Code have not presented any barriers or caused any major changes to the fair access process. All schools have signed up to the revised arrangements.

The vast majority of the 182 cases processed via fair access were due to there being no available capacity with the year group across all schools. As already highlighted, the need for the LA to be able to control capacity in schools and, ideally, the need for schools within Merton and more widely to work to PAN in all year groups is essential. We believe the majority of the cases processed via fair access could have been admitted via the standard admissions process had all schools in the borough been transparently operating to PAN in all year groups rather than to a reduced capacity in place to support their own needs and in the worse cases to deliberately avoid in-year admissions that are considered, in the main, to be problematic. Such an approach provides transparency and ensure all involved, especially parents and pupils, are treated fairly.

E. Directions

How many directions did the local authority make between 1 August 2021 and 31 July 2022 to maintained schools for which the local authority is not the admission authority to admit children (including children looked after by the local authority but resident in another area)?

Total Number of children	Of which, looked after	Of which, not looked after
0	0	0

F. If you wish, please provide any other comments on the admission of children in-year not previously raised:

An ongoing concern regarding in year admissions is the impact of October census. Pupils on roll by that date are funded. All in year joiners after this date are not until the following year. Undersubscribed schools are particularly affected by this. A child joining in year often costs more to educate than one who joins at the standard point of entry. Undersubscribed schools will take a larger proportion of in year pupils which has an impact on their budgets. A system that recognises the additional stresses this process places on schools and provides top up funding through the year would provide more support for schools accepting large numbers of in year pupils.

Connected to this point are the number of pupils who join after October census but leave before the end of the academic year. Schools have highlighted that the number of such children has risen recently. Effectively, schools are being asked to educate such pupils for free as they will never be noted on a census that leads to funding. Whilst funding only recognises numbers and not potential complexity, schools will not be correctly funded for the pupils they are supporting.

A final point would be on the matter of direction. A number of areas raised in our response could, potentially, be addressed via the directions process. We would note that this process takes far too long and comes with no guarantee of success. Some schools are well aware of this and expect authorities to consider other, quicker options. As a result, there is still no level playing field to ensure complex cases are fairly considered regardless of the schools involved.

Section 3 - Other matters

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

The number of pupils registered for home education remains significantly higher than pre Covid levels. Monitoring these cases takes a large amount of time and resource which Local Authorities have no additional funding for. Home education is also seen as a safeguarding risk. Additional powers and funding would enable Local Authorities to ensure children registered as home educated are receiving a proper education and are not being put at risk.

The Admissions Code has not been updated to clearly outline the expectations on all schools in the area of summer born admissions. We are aware that this has caused issues in some areas for Reception joiners; however the numbers in Merton have remained low. The concern now is that the first of these pupils are soon to be applying for Year 7. Applications for Year 7 will cross many borough boundaries and involve many more schools than Reception. Whilst the recent letter has been issued again asking schools to view out of cohort requests positively, there is no requirement for them to do so. This may lead to confusion and issues within the transfer to secondary process.

The impact of Covid on pupils is still be understood. The impact on attendance, and mental wellbeing, and behaviour are just three areas schools are supporting. For secondary schools, the support needed from the PRU is likely to grow. Additional funding for the PRU to help support schools who are themselves supporting vulnerable pupils affected by Covid would be welcomed.

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2023.

The form is easy to complete with the required information readily available.

Given the growing impact of home education on the system, we would recommend an additional section asking for the number of pupils registered as home educated within the authority.

Thank you for completing this template.

Please return to [Office of the Schools Adjudicator](#) by 31 October 2022