



Office of
the Schools
Adjudicator

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

Merton Local Authority

to be provided by

31 October 2023

Report Cleared by: Tom Procter

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Please email your completed report to: [Office of the Schools Adjudicator](#) by 31 October 2023 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 of 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.
2. **This year's report must cover the 2022/2023 academic year and be submitted to the Office of the Schools Adjudicator (OSA) by 31 October 2023.**
3. Please note that, in response to feedback on the draft template, changes have been made to section 2C of this template.
4. Please also note that the OSA and Department for Education are planning a small project to ensure that the report is as useful as possible to local authorities, the OSA, DfE and others. As a result of this, there are likely to be changes made to the template for the 2023/2024 academic year.

Guidance on completing the template

5. We have included all the guidance on completing specific parts of the template in this section. 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.
6. 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.
7. Guidance on specific questions and/or meaning of specific terms in this report:
 - a. "in-year admissions": This means admissions (that is children admitted to a school and not applications for places):
 - i. 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 primary school); and

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

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

- ii. after the end of the statutory waiting list period (31 December) to a year group which is a normal year of admission for the schools concerned (such as Year R and Year 7).

b. Not applicable means at questions:

- i. Section 1: B.i. - B.iv. that there were no children falling within the relevant definition.
- ii. Section 2: Ai - iv that there were no children falling within the relevant definition.
- iii. Section 2: B.i. that there were no children falling within the relevant definition.
- iv. Section 2: C.v. that there were no children falling within the relevant definition.

8. 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.

9. 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 points 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. The co-ordinated process is well supported through the pan London agreement and via London Grid for Learning. Communication across all London boroughs helps ensure the process runs smoothly.

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. 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. 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 does 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 the **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 the processes put in place within the borough and between schools work well, concerns remain around the process of allocating Looked After Children. Notification that Looked After Children have been placed in the borough is often late or is not received at all. This causes delays and leaves the child out of education for longer that would be preferred. The lack of discussion before placement can lead to a 'no offer' outcome from the named school. This again causes delays as talks then take place over what actions will be taken.

It has been noted that many children Looked After to LAs outside of London are being placed in London. Having queried this with one LA, we have been advised that they see this as better for the child who will then be placed in a more multicultural area that will make it easier to settle. Whilst we can understand the thinking behind this, there is a concern that it will place additional pressures on schools who will be asked to take a larger number of Looked After children on roll. Many such cases arrive with support needs and are placed after October census meaning schools being required to support with little or no funding. Requests to Virtual Schools for Pupil Premium Plus funding are hit and miss. Conversations between schools and

Virtual Schools around funding needs is another source of delay when it comes to placing pupils into education.

B. 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:

Significant work has been done with schools to ensure they understand their responsibilities around taking children with additional needs. Processes have been drawn up and shared with schools to make sure they are aware. Further awareness of the fair access agreements has also taken place.

Whilst these actions have helped, there are still concerns over the impact on schools that are unsubscribed. Schools with places will end up taking a higher proportion of pupils arriving with needs. Often these are pupils arriving after October census so come with no initial funding. School budgets are already stretched and requests to admit further pupils with complex needs often leads to concerns being raised by heads over the impact this will have on their cohorts, their staff and their budget. With no way to provide interim funding between October censuses, the issue is very hard to resolve. An ability to recognise the issues schools face with such cases and to provide support funding would help alleviate this issue and thereby speed up the process of placing pupils into education.

With regards placing in year pupils with EHCPs, concerns remain that some schools will make unreasonable demands regarding the level of funding required. Such disagreements take time to resolve. This takes up vital admin resource within

an already stretched SEN team whilst also delaying the pupil being placed into education. An increase in the number of pupils with EHCPs requiring placement combined with an approach to place more pupils into mainstream settings, together with stretched resources in those mainstream schools, is placing significant strain on the whole process.

C. 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 2022 and 31 July 2023?

Type of school	Number of Primary aged children admitted	Number of Secondary aged children admitted
Community and voluntary controlled	0	144
Foundation, voluntary aided and academies	1	78
Total	0	222

- iv. If you have seen a change in the number of children referred to your Fair Access Protocol between 1 August 2022 and 31 July 2023 compared to the previous academic year please indicate what you consider the key reasons for this change to be?

The majority of the 222 cases processed via fair access were due to there being no available capacity within the year group across all schools. Secondary capacity remains a significant issue in Merton as, I believe, it is in many London boroughs. Large numbers of applications are received each year but schools have no capacity to admit via normal admissions. This sees most cases going via the fair access process. As well as limiting choice for parents, this process makes it almost impossible for parents applying from outside of the borough to gain a place. The LA has very little control over capacity in non community schools whilst still retaining overall responsibility for ensuring sufficient places across the borough to meet expected demand. More powers are needed by the authority to control what capacity schools are working to, so as to make efficient use of resources and place pupils where physical space exists to do so. Without a change in this area, the issue will remain and LAs will be left with no option but to use additional funding to place pupils into education.

- v. How well do you consider children referred to the fair access protocol are served in in your area?

Not at all well Not well Well Very well Not applicable

- vi. Please provide any comments you wish on the protocol not covered above:

The process works well with the authority ensuring admissions are arranged promptly once an allocation has been confirmed. The issues with the overall process are outlined in the previous box.

D. Directions

How many directions did the local authority make between 1 August 2022 and 31 July 2023 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

E. Other points on in-year admissions

- i. For the schools for which the local authority co-ordinates in-year applications, in the year between 1 Aug 2022 and 31 July 2023 did you receive

- Significantly fewer applications than last year
 slightly fewer applications than last year
 about the same
 slightly more than last year
 significantly more than last year

- ii. For what proportion of schools in your area did the local authority co-ordinate in-year admissions during the 2022/2023 academic year

- None
 All
 Some but less than or equal to half
 More than half but less than all

- iii. If you wish, please provide any comments about how **well in-year admissions** works for children who are **not** looked after or previously looked after and/or do not have SEND:

Concerns remain over the very limited capacity available in secondary schools – in Merton and more widely across London. This issue makes placing secondary aged pupils complex and limits choice for parents. Schools in the Merton area work with the Local Authority to address the issue of placing home residents out of education, and managed moves between schools have increased. More powers are needed by the Local Authority to make capacity in schools transparent and to require schools to work to the PAN in all year groups. The LA has a responsibility to ensure sufficient capacity exists to place residents, however has limited control over schools cutting capacity. If the LA can only ask schools to provide data on vacancies, and cannot control a school dropping its capacity, fulfilling this responsibility is always going to be extremely difficult.

iv. If you wish, please provide any other comments on the admission of children **in-year** not previously raised (you may wish to include here any comments about cases where it has not proved possible to find places for children):

In year movement of pupils, especially those with additional needs, presents issues for schools where allocation takes place after October census. Schools are effectively educating those children with no funding for a period of up to one year. Where those pupils go off roll before the next census, the school has effectively educated them unfunded. With the number of complex cases increasing, a system is required to recognise the issues schools are facing with in year admissions and to provide interim funding between census points. This would ease the pressure on schools.

The current system also requires a child who has left the area with an EHCP to be reassessed if they return before the EHCP can be reinstated. Placing a child who had an EHCP into mainstream without funding for the assessment to be completed is extremely disruptive to efficient education. With school budgets already stretched, schools are reluctant to do this. We would welcome a system that enables the SEN team to provide funding on the basis of the previous EHCP to support reassessment where it is believed the EHCP is going to be reinstated. This would seem a common sense approach that is currently unavailable to SEN where an EHCP has lapsed/been ceased due to departure from the area.

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?

Home education remains a concern. Volumes remain far higher than pre Covid. Visibility of these cases is limited and the impact on schools when parents elect to return them to mainstream is noticeable. Further financial support for schools would be welcomed to recognise the issues schools face reintegrating pupils who have been removed from mainstream education for a period of time.

Section 4 - Feedback

We would be grateful if you could provide any feedback on completing this report to inform our practice for 2024.

As previously highlighted, we would welcome a change to the tick box options. A scale of 1 to 10 may prove more accurate than the current 'Well' or 'Not Well' options. Often we will indicate 'Well' and then provide clarification in the notes as there are concerns but not sufficient that we would want to say the outcome is 'Not Well'. The gap between those two options is actually large and, for political reasons, boroughs may be unwilling to say something is 'Not Well' when issues may exist.

Thank you for completing this template.

Please return to [Office of the Schools Adjudicator](#) by 31 October 2023