

SCHOOL ADMISSIONS – SOCA FOLLOW UP

It is recommended that Devon Education Forum:

- Notes the issue accessing physical built capacity as detailed in paragraph 2;
- Notes the potential position of the LA regarding reducing PAN as set out in 2.7;
- Discusses the Y6 to Y7 secondary admission round as highlighted in 1.2 and detailed in paragraph 3.

1. Background

- 1.1 At their meeting in March 2023, School Organisation, Capital and Admissions (SOCA) forum were briefed on the challenging secondary normal admissions round for September 2023 and issues regarding accessing the built capacity in schools to support local children accessing a place. It also raised the issue of 'working PAN' in schools and the impact for in year movement and fair access;
- 1.2 SOCA members also raised concerns regarding the distribution of Children and Young People (CYP) with Education, Health and Care Plans (EHCP) for the secondary normal round.
- 1.3 The relevant actions for DEF were:
 - Support the LA in their discussions with the Regional Director's Office over the challenges they are having accessing state funded education capacity;
 - Scrutinise and discuss the 2023/24 Year 6-7 transition round for learners with EHCPs given the level of concerns about the strategy and equity of decisions being made, and implications for those schools seeing large numbers of students being allocated a place.

2. Accessing State Funded Capacity

- 2.1 Schools, in particular own admissions authorities, have taken decisions to reduce their PAN to ensure they are able to deliver a financially sustainable offer and react to local demographics. Generally, the Local Authority has not objected to these decisions at a time of falling rolls, often with an in-principle agreement that local children would not be refused if for example, parental preference increased. Schools have also moved to working PANs in some year groups. All of these decisions effectively reduce the number of places available to the Local Authority to meet their statutory responsibilities despite having built the physical capacity.
- 2.2 With rising numbers moving from primary to secondary, there are a number of instances where children are now being refused their local secondary school, whether it be through normal round or in year, despite there being the physical capacity. In one case, a full year group has been refused with students having to travel past their catchment school funded through the home to school transport budget.

2.3 A review of policy has summarised that the Local Authority has:

- No statutory powers to direct an academy to increase its PAN through their annual consultation;
- No statutory powers to insist an Academy admits over their consulted PAN despite there being physical capacity;
- No statutory power to object to working PANs

It should be noted that the Local Authority does have these powers for Community and VC Schools.

2.4 These issues have been discussed at a Regional Cross Border Network hosted by DCC Officers, which has highlighted a potential system-wide challenge which could have a greater impact in rural authorities where there is often a single catchment school.

2.5 It should be noted that decisions being made by schools are legally compliant with the Admissions Code and their determined policies. DCC Admissions have defended appeals for these schools.

Schools have flagged the following issues when making these decisions:

- The revenue impact of opening up classes at a time of significant financial pressures;
- Numbers do not reflect a full year group with financial challenges and the risk of in year applications;
- The level of students' additional needs in a particular year group;
- Staff recruitment and retention;
- Concerns over the effectiveness of the size of a school as built;
- A desire to support the viability of other schools.

In terms of in year applications, many schools are concerned about the potential 'bumping' of students from other schools.

2.6 Since the SOCA meeting in March, Devon has managed to engage in discussions with colleagues in the DfE and will continue to press for changes in policy that will ensure the Local Authority can access the public sector funded infrastructure. Devon will be writing to all schools where we believe the consulted PAN will not be sufficient to meet need for September 2024. Alongside this work, DCC is continually reviewing its Growth Fund policy, although funding is limited following Schools Forum agreement to a one-year transfer of funds to support the High Needs Block.

2.7 It is clear an unintended consequence of working in partnership with schools, in particular reducing of PAN, has resulted in the Local Authority not being able to access their built capacity. Therefore, in order to reduce the risk of this in the future, the Local Authority should consider not supporting any reductions in PAN from any school, no matter their governance. Clearly a change in national policy would negate the need for this approach.

3. Y6 - Y7 Transfer for Learners with EHCPs

- 3.1 It should be noted that learners with EHCPs have priority in terms of admissions to mainstream schools as highlighted within oversubscription criteria in all schools' determined admissions policies, see extract below:

Oversubscription Criteria

To be used only when there are more applications for places than there are places available.

A child whose Education, Health and Care Plan names the school will be admitted without regard for these criteria.

- 3.2 The parental preference for mainstream places for learners with an EHCP aligns to the general level of preference from the wider admissions round with popular schools being oversubscribed.
- 3.3 The SEN 0-25 team has confirmed that when considering parental preference, the council is under a duty to name unless there are specific exceptions, which are set out in the regulations.

This includes the following, in priority order:

1. If the school is appropriate for SEN of the child – this looks at whether it is most appropriate to meet the needs with the skills and expertise in the school considered;
2. If the placement will affect the efficient education of others at the school – this looks at space and the numbers of children in the class and if the SEN needs are compatible across the group;
3. If the placement is the best use of resources – this looks at the council resources, the high needs block.

An analysis of the secondary admissions round for September 2023 will be distributed to the Forum prior to the meeting for further scrutiny.

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