

Schools Organisation, Capital and Admissions Group: Notes of meeting on Tuesday 26 September 2023

Key Issues for DEF to Note:

2. RAAC:

DEF to note the excellent coordination across SW Norse, working with maintained schools, Diocese and DCC colleagues in ensuring swift inspections of all schools where presence of RAAC was a possibility.

3. SW Norse Update:

Noted a number of maintenance areas appear to be out of tolerance within the Devon Academies Maintenance Agreement, due to a number of MATs using premises management software which is not linked to the central C2 system, which generates compliance reports.

4. In-Year Admissions – Moving to Direction:

SOCA recommends to DEF that it endorses the LA proposal to move to direction for in year admission applications where a decision to admit has not been made within statutory timeframes – non determination.

8. Elective Home Education and Children Missing Education

DEF to note intention that SOCA considers wider issues around Access to education.

9. SCAP Commentary

DEF to note that the Local Authority does not have a statutory right to access vacant school places within a school's premises where own admissions authorities do not increase PAN to address rising admission applications.

School Organisation:

Admissions:

Attendance

DCC

Simon Niles (chair)	Strategy, Schools Planning and Admissions
Shona Meek	Senior School Organisation Officer
Andrew Brent	Senior Policy Officer
Fran Butler	Early Years and Childcare Sufficiency Lead
Heidi Watson-Jones (notes)	Service Support Officer (E&L)

Devon Schools Leadership Services

Primary

Penny Hammett	FORT Federation
David Perkins	Littletown Academy

Secondary

Graham Hill - Apologies	Pilton Community College
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Special School Heads

Stuart Allman- Apologies	Pathfield School
Jennie Harvey	Lampard School

DAG

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Ian Rogers

Diocesan Representatives

Vacancy	Diocese of Plymouth
Christina Mabin	Exeter Anglican Diocese (Admissions)
Richard Power - Apologies	Exeter Anglican Diocese (Capital)

Union Representative

Nigel Williams	Corporate Forum (Education) NASUWT
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In Attendance

Nick Cook - part	South West Norse
Clare Breckin - part	Chief Engineer (Highways & Built Environments)

Minutes of Previous Meeting – 23 May 2023

Outstanding actions:

- Noted issues nationally ref LAs not being able to access vacant capacity being held within schools who are their own admissions authority. Discussion on SCAP included in this agenda.

Non Pupil days

- It was noted that schools are not always sharing their term dates with the LA for publication, and changes late in the term can impact on individual members of staff who may already have booked holidays.
- NW raised concerns around expectation that school days lost to poor weather or exceptional circumstances are made up. It was felt this could have an impact where staff are expected to work additional hours above those contracted. NW agreed to raise this concern at Corporate Education Forum.
- SOCA considered practice since pandemic around delivery of online learning during in adverse circumstances. Mindful of statutory duty on maintained schools to provide 190 days of learning. Heads felt that there were very few exceptional circumstances that would lead to a complete school closure given the ability to provide remote learning
- Noted Early Years settings are asked to make up any days lost wherever possible, and where this is not feasible, parents are offered provision in another setting to make up lost hours.
- Minutes were agreed as an accurate record.

ACTION:

- **NW** to raise issues around making up school days lost to exceptional events at Corporate Education Forum.
- **Bill Aplin / Fran Butler** to review compliance expectations around lost school days to be set out in a further report to SOCA.
- Updates to be circulated through DSLS and Headteacher update
- **Devon SLS** to encourage schools to remind their parents that individual school term dates may differ from those stated on the LA website.
- **Shona Meek** to review messaging on school term dates website.

2. RAAC Update

- SOCA noted excellent coordination across SW, schools, diocese and DCC colleagues.

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- Reinforced Autoclaved Aerated Concrete (RAAC) was feasible in 139 maintained schools which have now all been inspected.
- 23 where inaccessible spaces (e.g. outbuildings, roof areas) require further inspections, or fuller surveys which may be complicated with asbestos – these schools have been notified. The risk of RAAC being identified is considered extremely low -a 'belt and braces' approach is being taken.
- Understand VA schools are also now inspected and are RAAC-free.
- Own admissions authorities (Academy chains etc.) are reporting back on their own due diligence. Colyton Grammar have identified presence of RAAC.
- Diligence question around RAAC will be included in CTA for future transfers of schools into or between Multi Academy Trusts.
- SOCA formally thanked SW Norse colleagues for their professional and thorough approach to undertaking RAAC inspections in a very short timescale.

ACTION

- **SW Norse** - Update on 23 follow up surveys at November SOCA
- **DEF** formally recognise professional input into management of RAAC by SW Norse

3. SW Norse Update

- DMP (Devon Maintenance Partnership) numbers reduced slightly due to academy conversions.
- DAMA (Devon Academies Maintenance Agreement) numbers stable but SW Norse to look at different arrangements as academies are now mainly in a MAT, which generally have well-established property maintenance functions.
- Noted a number of maintenance areas appear to be out of tolerance within DAMA, and it is likely to be due to a number of MATs using premises management software which is not linked to the C2 system, with reports reliant on MATs engaging with that central system.
- Lift service contractors have undertaken to improve their performance – linked to issues around access during summer holidays. Automatic Doors contractor is working with DCC compliance officers to get back on track.
- New service contracts to be issued from October for 1 April onwards. Current contracts all terminate end March 2024.
- Report noted.

4. Admissions: Compliance

- The admission authority for a school must reach a lawful decision within statutory timeframe whether a place can be offered.
- Schools are asked to respond to an application within 5 days to enable coordination of any preference for more than one school and send confirmation to the parents. A written response must be sent to parents within 15 school days. The Admissions Code sets out a framework for such decision-making.
- The LA has found that decisions appear to be increasingly outside of the statutory timeframe and sometimes in breach of the Admissions Code.
- The LA proposes to move to direction for in-year applications where a decision has not been timely (non-determination). This will ensure parents are able to appeal any refusal in a timely fashion.
- After 25 school days the LA will assume that admission is being refused (no decision has the same impact on a child as a refusal which is challengeable as non-determination). This may then result in placing the child on roll (community or voluntary controlled schools), to direct the

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school to admit (foundation and voluntary aided schools) or to request a direction to admit (academies).

- Diocese is keen to work with the LA to ensure that offers and refusals are managed in a timely manner.
- Data is now being collected by the LA on timeframes for all admissions.
- SOCA noted that the LA is expecting this to be outlined and agreed in the in-year coordination policy.
- Mindful that there will still be circumstances where admission decisions remain complex, challenging and time consuming.
- Noted that smaller schools are not automatically notified of online admission applications.
- **Subject to feedback from secondary representatives at DSLS Schools Executive Committee, SOCA agreed to make the recommendation that DEF support the LA approach.**

ACTION:

- **SOCA recommends to DEF that it** endorses decision to move to direction for in year applications where a decision has not been timely – non-determination.
- **AB** to look at how smaller schools are notified of in-year online admissions applications.

5. Admissions: Admissions Round 2023

- Noted surplus places now emerging in Primary schools.
- Local Learning Community data has been shared with all schools with discussions and briefings being offered with school planning officers.
- LA is engaging with LLCs, encouraging schools to look strategically across their areas to consider issues, particularly where there are small rural schools.
- Noted concerns around Early Years sufficiency - additional places will be required for 9mth – 2 year olds, particularly with rise in entitlement from 15 to 30 hour provision.
- Noted that there can be discrepancies between available data, and the pupil numbers that subsequently come through. It was felt that the information available has generally improved and is accurate, but it is important for schools to continue to strategically plan how capacity can be most effectively used.
- Currently predicting a bulge in Y6. Discussed particular pressures on grammar school places, and whether there were trends away from the independent sector.
- Report noted.

6. Admissions: Admissions Policies for 2025-26

- Report noted

7. Children offset from the normal year group

- Report noted

8. Elective Home Education and Children Missing Education

- Keen for SOCA to consider wider issues around Access to school in the future.
- CME strategy and reporting to be developed.

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- EHE policy to be reviewed. Devon is a clear outlier with high levels of elective home education as a % of total school population.
- Discussed the impact of schools offering flexi-school offers where this supports parental lifestyle choices. Understand the LA does not formally record flexi-schooling, and queried how absence is being recorded by the school.
- Understand that the LA and many Heads do not generally support flexi schooling arrangements. This has wider consequences around attendance, safeguarding duties, impact of move to secondary phase and blocking school places which could be allocated to another child.
- SOCA discussed issues around ongoing safeguarding responsibility for a child whose parent refuses to engage further with a school.
- In these circumstances it is the LA's intention to challenge the parent to discharge their legal responsibilities around school attendance, and this will be laid out in a refreshed policy.
- It was agreed a clear DCC policy position would be useful for all schools, fully endorsed through DEF/Cabinet

ACTIONS:

- **SN / AB** to revisit a DCC flexi-schooling policy and provide update on flexi-schooling to next SOCA.

9. SCAP Commentary

- Noted that the Local Authority does not have a statutory right to access vacant school places within a school's premises where own admissions authorities are not willing to exceed PANs to accommodate rising admission applications.
- The Growth fund is being reviewed to encourage schools to make additional places available where there is local need but is currently in a deficit position.
- SCAP return to DfE had been shared with SOCA members.
- Noted similar issues being experienced with Early Years capacity, with heavy reliance on private sector investment to create new places.
- SEND sufficiency currently being developed and will be considered further at a future meeting.

10. School Organisation Update

- Noted delay in Matford Brook opening due to need for remedial work. Hoping new site to be opened by Sept 2024. Children are being temporarily accommodated at St Luke's site. Early Years and KS1 offer to be confirmed by DfE which could have implications for the emerging new community
- Noted that DfE have formally been asked to confirm there are no longer term issues regarding the Free/PSPS schools built in Devon reference issues experienced in schools in Cornwall and Somerset and off site modular construction methods.
- Engagement events for Cranbrook Special Free School has resulted in 3 applications begin submitted (all from MATs already providing education in Devon) which the DfE will consider. LA will have involvement in the evaluation process. Land negotiations for the site moving forward.
- Noted objections received to proposal to increase places at Mill Water special school. Schools Adjudicator to make a decision.
- Glendinning proposal to remove post-16 offer has completed consultative process and decision awaited from Regional Director.

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- Noted proposals and approvals to lower age range at Landkey, Lady Seawards, Langtree, Highweek, Denbury and Georgeham.
- Proposal to close hearing support centre at Clyst Vale to be considered by Regional Direction following consultation; no children will be displaced.
- Still awaiting RD decision on Axminster Primary proposal to increase places.
- SOCA noted changes to Multi Academy Trusts, and school conversions to academy status.
- Considered reasons behind school decisions to move into a multi academy trust.

9. Any Other Business

Items for next meeting:

- CME
- Flexi schooling
- Updated nursery admissions policy
- Admission appeals update
- Appeals to Tribunal and directions to place in special schools

- Agreed renewed focus on purposeful discussion and debate.
- Considered importance of Early Years data monitoring which can inform future patterns of admission and attendance at school. Identification of demographic trends is useful.
- Requested report on admission appeals to provide an overview of schools oversubscribed, and appeal outcomes.
- Noted that current SOCA is primarily mainstream focused. Issues around tribunal directions and appeals can impact on special schools re. capacity place allocation and safeguarding duty.

Future meeting dates:

- **Tuesday 5 December 2023** (9.30 – 11.30)
- **Tuesday 5 March 2024** (9.30 – 11.30)