



Office of
the Schools
Adjudicator

Office of the Schools Adjudicator Annual Report

1 January 2024 to 31 December
2024

July 2025

Contents

Introduction and executive summary	3
Part 1 - Review of OSA work in the period 1 January 2024 to 31 December 2024.....	5
Objections to and referrals of admission arrangements.....	7
Variations to determined admission arrangements of maintained schools.....	10
Directions to maintained schools to admit a child and advice to the Secretary of State on requests to direct an academy to admit a child.....	11
Discontinuance and establishment of and prescribed alterations to maintained schools	14
Land matters for maintained schools	14
Part 2 - Summary of local authority reports September 2023/August 2024	15
Admissions in the normal round.....	15
Admission other than at normal points of entry (In-year admissions)	28
Appendix 1 - The role of the OSA.....	46
Appendix 2 - OSA expenditure	48
Appendix 3 - Table Index	49
Appendix 4 Local authority Questionnaire Template.....	50
B. Looked after children and previously looked after children.....	54
C. Children with special educational needs and/or disabilities.....	55

Introduction and executive summary

1. This report to the Secretary of State for Education (the Secretary of State) covers the work of the Office of the Schools Adjudicator (OSA) during the calendar year 2024 and the local authority reports made to us in accordance with the School Standards and Framework Act 1998 relating to the academic year September 2023 to August 2024. We hope that the findings drawn from adjudicator casework and from local authority reports will be of use to the Secretary of State, Ministers and officials, local authorities, faith bodies, academy trusts and school governing bodies.

2. Part 1 of the report deals with adjudicator casework. Part 2 of the report summarises the local authority reports. Where it seemed most helpful, we have drawn together under the headings in Part 1 observations derived from casework and local authority reports.

3. We have taken over the role of Chief Adjudicator on joint and interim basis following the departure of the previous Chief Adjudicator in April 2024 and pending recruitment of a permanent appointment to the role. We commend the work of the previous Chief Adjudicator to the Secretary of State. Ms Shan Scott undertook the role successfully for many years.

4. In terms of OSA casework, the number of new cases submitted to the OSA in 2024 was 351. This was a 20 per cent increase on the 292 submitted in 2023. Over the past year, the pattern of our casework has changed. Previously, the bulk of our cases were objections to admission arrangements. These were received by the 15 May deadline and our determinations were largely completed during the period from May to October/November. We are now receiving large numbers of cases throughout the year. While there was an increase in the number of objections to admission arrangements, the focused workload during the summer months no longer makes up the bulk of the team's work. During 2024, the number of applications for approval of proposed variations to admission arrangements has increased significantly. These have, most commonly, been requests to approve proposals to reduce published admission numbers (PANs) for primary schools. The number of requests for advice to the Secretary of State on directions to admit named pupils to academies continues to increase, albeit more slowly, but unlike in the previous year when there was a large influx of cases in October/November, the requests came in consistently across the year. As in recent years, there were few statutory proposals referred to us (three in total) and this year only one land transfer case and one appeal against a school closure.

5. This has been a challenging year, with only eight Schools Adjudicators, two not taking a full case load and the two of us taking cases whilst also undertaking the role of Chief Adjudicator. It is a significant achievement that we have managed to complete an increased number of cases by the end of the year. We are grateful to two former adjudicators, Phil Whiffing and Ann Talboys, for temporarily coming out of retirement to help us with cases during the summer months.

6. We are mindful of the challenges which schools and local authorities are facing, and we are grateful to all parties who have been involved in the cases which have come before us for their time and their cooperation with our processes in the interests of the children who are the focus of all we do.

Mr Thomas Brooke and Dr Marisa Vallely

Chief Adjudicators

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Part 1 - Review of OSA work in the period 1 January 2024 to 31 December 2024

7. We began 2024 bringing forward from 2023 a total of 28 cases comprising ten objections to and referrals of admissions cases, ten requests for variations and, eight requests for advice on the admission of named pupils to academies. While there is a deadline for the making of objections to admissions arrangements, which means that this element of our work is seasonal and peaks in the summer, other types of case can be, and are, referred at any point of the year. It is inevitable that some cases will be referred to us in one reporting year but completed in the next.

8. The previous Chief Adjudicator has reported in past years on a trend of increasing numbers of direction and direction advice¹ cases. Numbers this year have not increased significantly, although eight cases were carried over from 2023. As stated above, however, the main difference has been that these cases have been coming in throughout the year. Since 2019, when the OSA first started taking on these cases, numbers have increased significantly.

9. The number of objections to and referrals of admission arrangements rose from 138 to 154, with several 'multiple objections' (objections on the same point made by a large number of people). We are endeavouring to encourage multiple objectors to submit one form on behalf of all of the objectors as it is more time consuming to deal with large numbers of forms making the same point expressed slightly differently and consequently decisions take longer.

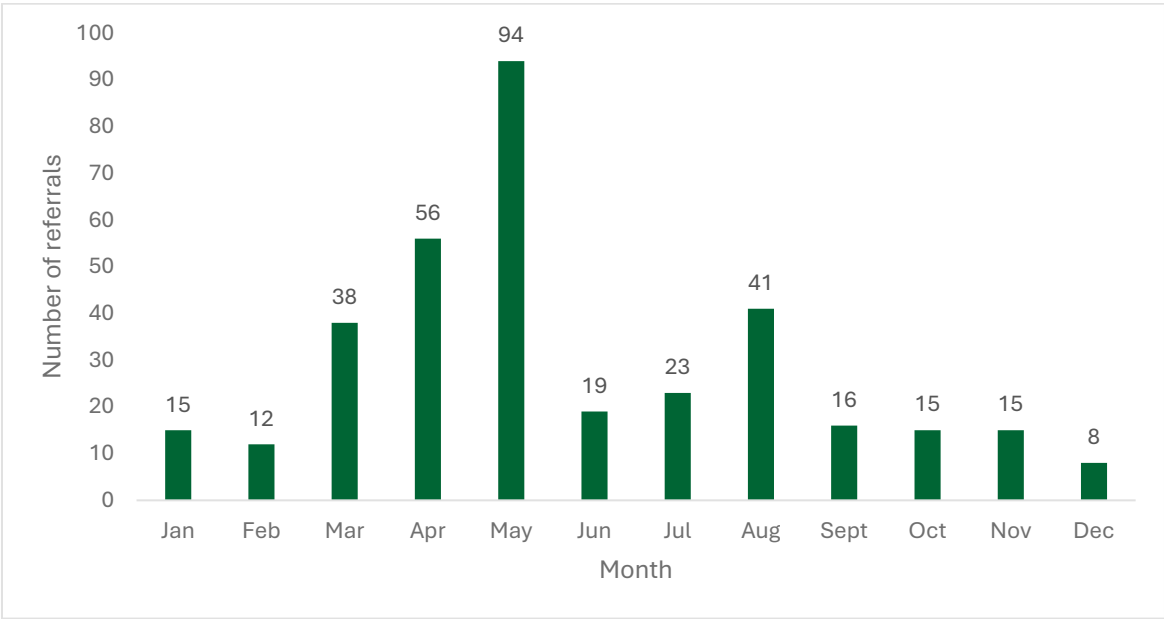
10. The most significant increase this year was in the number of applications for approval of proposed variations which rose from 92 new referrals in 2023 to 132 in 2024, an increase of more than 40 per cent. As mentioned above, almost all variation requests were applications to reduce the PANs of primary schools due to a fall in applications for school places.

11. We are a very small team, and all adjudicators have worked significantly more than their contracted hours in order to complete cases within good time. As we mention later in the Report, we have since managed to successfully recruit five new adjudicators who started in December 2025.

12. As figure 1 shows, the total number of cases referred was 352. May remained the month with the highest number of cases referred (94 or 27 per cent). However, 257 cases (73 per cent) were referred in other months.

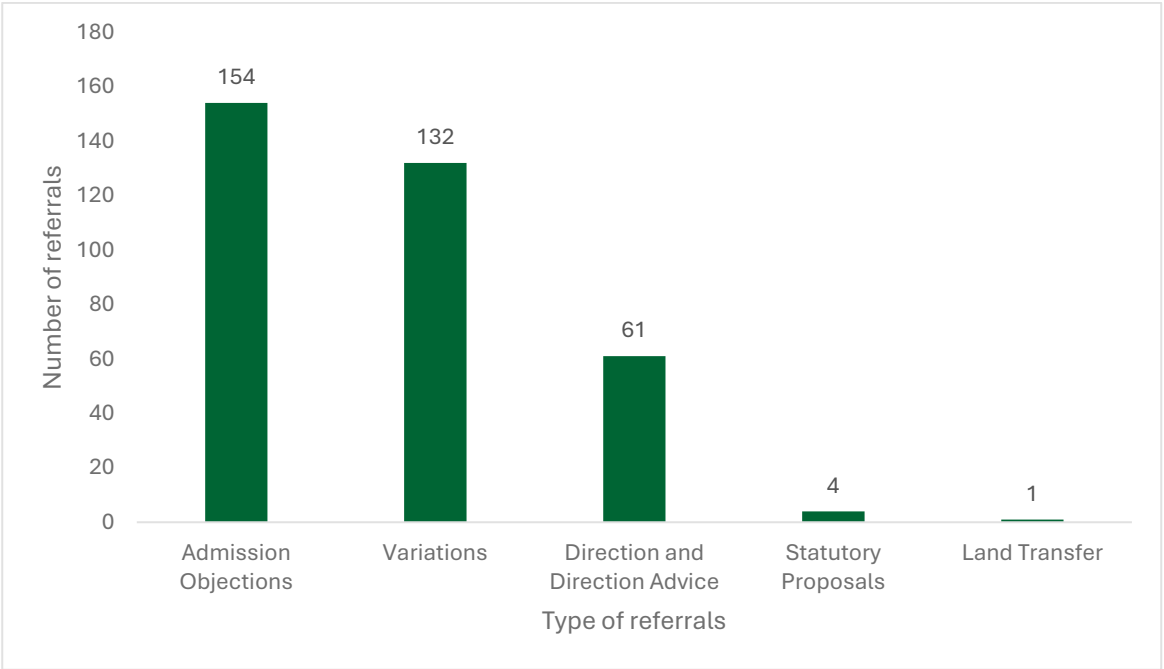
¹ Direction cases are referrals by maintained schools of a notification by a local authority of its intention to direct the school to admit a named pupil. Direction advice cases are requests by the Secretary of State for advice on whether she should direct an academy to admit a named pupil.

Figure 1: Referrals of cases by month in 2024



13. The number of cases of each type referred to the OSA during the year is shown in figure 2.

Figure 2: New Referrals by type 1 January 2024 to 31 December 2024



14. We have attended the Department for Education (DfE) convened admissions group. We have also attended meetings and held discussions with other stakeholders, as have colleague adjudicators.

Objections to and referrals of admission arrangements

Table 1: Admissions cases by year and outcome

	1 January 2024 – 31 December 2024	1 January 2023 – 31 December 2023
Number of cases considered	164	144
Number of new cases	154	138
Cases carried forward from previous year	10	6
Number of individual admission authorities within new cases	85	72
Cases finalised	160	134
Objections fully upheld/found not to conform with requirements	45	33
Objections partially upheld	78	34
Objections not upheld/found to conform	30	57
Cases withdrawn	6	3
Cases out of jurisdiction	1	7
Cases carried forward into following year	4	10

15. We received 147 new objection cases by the 15 May statutory deadline for objections to admission arrangements and accepted jurisdiction for a further seven referrals submitted after that deadline giving the total of 154 cases.

16. As in past years, new objections and referrals related to all categories of schools: seventeen to the admission arrangements for community and voluntary controlled schools in eleven local authorities; seven to voluntary aided schools; four to four foundation schools; and 126 cases related to 64 academy schools, including free schools. Parents and members of the public remained the single largest group of objectors. Local authorities and governing bodies of schools were also among those who made objections. Table 1 above gives the category of outcome for cases completed. In 30 of the cases where a conclusion was reached by 31 December 2024, the adjudicator

found no fault in the arrangements – either in the matter complained of or in his or her own consideration of the arrangements. In 27 of these cases, where the objection was not upheld or the matter originally complained of was found to comply with the relevant requirements of admissions law, other matters were found not to comply with those requirements. In 45 cases, the objection was upheld/arrangements found not to comply. In 78 cases, the objections were partially upheld. Six cases were withdrawn and one was found to be outside of our jurisdiction.

17. Given the overall increase in cases this year and the small number of adjudicators working on cases, we are pleased to report that the number of cases carried over from last year to this year is lower than in previous years. As stated previously, this necessitated adjudicators significantly exceeding their minimum contracted hours. As in previous years, objections covered a wide range of matters and, unsurprisingly, many of those matters had arisen in earlier years and have been covered in past reports. Those reports remain available at [OSA annual report - GOV.UK](#). For the past two years, the annual report has included a table giving details of where further information about particular matters can be found in earlier reports. We again include an updated version of that table here.

Table 2: Matters covered in past reports

Matter	Annual Report (paragraph numbers in brackets)
Admission outside normal age group (including but not restricted to summer born children)	2015/2016 (34) 2016/2017 (23) 2018/2019 (97-98) 2023 (17)
Banding	2022 (16)
Catchment areas (including those created by use of “nearest school” criterion)	2015/2016 (36) 2016/2017 (16-18) 2018/2019 (18-19) 2019/2020 (13) 2023/2024 (18)
Complexity of arrangements	2015/2016 (45) 2016/2017 (20)
Consultation	2015/2016 (24-26, 49) 2016/2017 (13, 36-40) 2017/2018 (20) 2018/2019 (15-16)

Matter	Annual Report (paragraph numbers in brackets)
Faith based arrangements (including that schools with a religious character do not have to have faith-based arrangements)	2015/2016 (41-44) 2016/2017 (21-22) 2021 (25-27) 2022 (17-20)
Feeder schools	2015/2016 (37-40) 2016/2017 (18) 2023 (15)
Home address	2021 (19-24)
Indirect discrimination on the basis of race	2022 (17-21)
Priority for children who have attended a school's nursery	2015/2016 (33)
Published admission numbers	2016/2017 (26) 2018/2019 (23) 2021 (13-18) 2022 (15)
Selection (including partial selection) and grammar schools	2016/2017 (19) 2018/2019 (22) 2019/December 2020 (14) 2022 (15)
Siblings	2015/2016 (35) 2016/2017 (15)
Sixth form admissions	2018/2019 (21)

18. We received a number of objections about arrangements for admissions outside the normal year group and deferred/ part-time admissions to Reception. These were based upon non-compliance with the requirements of the School Admissions Code and DfE Departmental Guidance. We repeat what was said by the former Chief Adjudicator in last year's report that a number of admission authorities continue to state or imply in their arrangements that **part-time attendance or deferred entry to school for children**

below compulsory school age is something parents need to secure agreement to from schools. Part-time attendance and deferred entry for children below compulsory school age are entitlements. They are not requests to be considered by schools and possibly refused. Paragraph 2.17 of the Code sets this out simply and makes it clear that this must be covered in the admission arrangements for schools admitting such children. It may be that there is a lack of understanding of the difference between such part-time and deferred entry and the separate issue of **delayed admission of summer born children** whose parents wish them to join Reception at the time their age cohort is moving into Year 1. Delayed admission of summer born children is not a right but may be requested by parents and decisions are then made in the best interests of the child (paragraphs 2.18-2.20 of the Code). There is guidance on this at [Guidance on handling admission requests for summer born children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guidance-on-handling-admission-requests-for-summer-born-children), however some admission authorities do not appear to be following it.

19. We continue to see some cases (though probably not as many) where the definitions used for looked after children (LAC) and previously looked after children (PLAC) are not in accordance with the very clear definitions used in the Code. We find it hard to understand why admission authorities do not simply adopt the wording provided there.

20. In December, we received two letters before claim threatening applications for judicial review. We indicated that we intended to defend both challenges robustly. One of the claims appears not to be proceeding. The other claim has been lodged with the Administrative Court, and the Claimant has been granted leave to pursue the claim.

Variations to determined admission arrangements of maintained schools

21. Once determined for the relevant school year, admission arrangements can only be varied, that is changed, in limited, specified, circumstances. An admission authority may propose a variation if it considers that there has been a major change in circumstances. Such proposals for a maintained school must be referred to the adjudicator. Proposed variations to academy arrangements are a matter for the Secretary of State under the academy's Funding Agreement. Some variations, for example to comply with a mandatory requirement of the Code, do not require approval by either the adjudicator or the Secretary of State as the case may be.

Table 3: Variations to admission arrangements

Variation to admission arrangements	1 January 2024 – 31 December 2024	1 January 2023 – 31 December 2023
Total cases dealt with	142	105
Approved	96	73
Approved with modification	1	2
Not Approved	7	14

Variation to admission arrangements	1 January 2024 – 31 December 2024	1 January 2023 – 31 December 2023
Out of Jurisdiction	0	0
Withdrawn	35	6
Decisions outstanding	3	10

22. The total number of variations considered in 2024 was 142, of which 132 were referred in 2024 and ten brought forward from 2023.

23. Following the pattern of recent years, the most common reason for seeking a variation was to reduce the PAN in a primary school. There were only five requests to reduce the PANs in secondary schools. A total of 96 proposed reductions in PAN were approved, seven proposed reductions were not approved.

24. Variations were also proposed for other reasons. These included changes to admission arrangements due to the addition of a sixth form; a proposed PAN increase due to expansion of a school's catchment area to include the catchment area of a school which was closing; amendments necessitated following the approval of statutory proposals; and the closure of the Interfaith Network. We received 28 applications for approvals of various changes to secondary school arrangements which were subsequently withdrawn. A further seven applications were also withdrawn. One was an application for approval of a change to a school's catchment area; five related to reductions in published admission numbers; and one related to a statutory proposal which was not approved.

25. We are concerned about requests for approvals of PAN reductions being lodged after the closing date for applications for admission, in circumstances where it is clear that some parents who have applied for places at a school in good faith with virtual certainty that a place at the school will be offered, will not receive such an offer on National Offer Day if the requested PAN reduction is approved. Approvals will not usually be granted in such cases except where refusal will cause severe adverse financial consequences for the school and where there are sufficient places for displaced children at other local suitable schools situated within reasonable distance of the families' home addresses. We strongly urge admission authorities to submit approval applications before the closing date for applications and, where possible, in advance of applications being made.

Directions to maintained schools to admit a child and advice to the Secretary of State on requests to direct an academy to admit a child

26. Under sections 96, 97, 97A and 97B of the School Standards and Framework Act, the admission authority for a maintained school may, in certain circumstances, be notified by a local authority that it is to be directed to admit a child. The admission authority for

that school can in turn refer the notification to the adjudicator and the adjudicator will then make the final decision. We refer to these as direction cases. For academy schools, where a local authority considers that an academy would be the most appropriate school for a child without a school place and the academy does not agree to admit the child in question, the local authority may make a request to the Secretary of State, to direct the academy to admit the child. In such cases, the Secretary of State may seek advice from the adjudicator. We refer to these as direction advice cases, and we understand that most, if not all direction applications received by the Secretary of State are referred to the adjudicator. Table 4 shows the total number of such cases (covering both maintained schools and academies) dealt with by the OSA in 2024 and in 2023.

Table 4: Directions to maintained schools to admit a child and advice to the Secretary of State on requests for a direction to an academy to admit a child

Directions to admit	1 January 2024 – 31 December 2024	1 January 2023 – 31 December 2023
Total cases considered	69	61
Maintained schools – decision to:		
• Admit the child	2	1
• Not admit the child	2	0
Advice to Secretary of State to:		
• Admit the child	28	28
• Not admit the child	10	10
• No recommendation given	1	0
Out of Jurisdiction	0	0
Withdrawn	24	14
Decisions outstanding	2	8

27. In relation to maintained schools in 2024, we dealt with five referrals of a local authority's direction to a maintained school to admit a child. One of these cases was withdrawn; two were upheld and the school required to admit the child; two were not upheld and the schools were not required to admit the child. For the first time, to our knowledge, a school which had been directed to admit a child refused to do so, and the case had to be referred to the Secretary of State for enforcement.

28. For academies, the number of cases was, as in recent years, much higher than the number of referrals for maintained schools. This reflects the fact that most direction and direction advice cases concern secondary aged children and most secondary schools are academies. In 2024, we considered 64 requests for advice to the Secretary of State on whether an academy should be required to admit a child. In 28 cases we advised that the school should be directed to admit the child and in ten that it should not. Twenty-three cases were withdrawn and in one case no recommendation was given. Two cases, referred in November or December, were carried forward into 2025.

29. Taking direction advice and direction cases together, the 61 new referrals in 2024 represented the highest ever annual total. The number of local authority areas involved was 31, a decrease from the 40 in 2023. Of the cases considered in 2024 (that is the new referrals and those brought forward from 2023), 33 concerned LAC. 14 of these cases related to children who were being looked after by one local authority but living in the area of another local authority – sometimes living very many miles away from the area of the local authority looking after them. There were 36 cases concerning children who were not looked after. We completed 66 cases during the year and carried two forward into 2025. Table 5 below gives some characteristics of the children involved in these cases.

Table 5: Children subject to Direction/Direction advice cases in 2024

	Looked After	Not looked after	Not known if looked after	Total
Primary	5	4	0	9
Secondary	25	31	0	56
All Through	3	1	0	4
Total	33	36	0	69

30. All direction and direction advice cases are given the highest priority by OSA staff and adjudicators as they involve children and young people who may be missing education. We have worked closely with the Schools Complaints Compliance Unit (SCCU) of the DfE to revise the request for a direction form to make clear the basis upon which advice is given by the adjudicator and decisions are made by the Secretary of State. We hope that this has clarified the process. The form also sets out in detail the information local authorities are expected to provide at the time of application. We think that the revised form is working effectively. It has obviated the need for adjudicators to request such information and allow time for it to be provided, which has reduced delays in the process. We are pleased to report that most schools and local authorities are cooperative with our processes. Where adjudicators ask for detailed additional information from admission authorities about their reasons for refusing to admit the child in question, we impose short deadlines for a response as it is important that these cases do not suffer any unnecessary delay. For the most part, admission authorities meet these deadlines.

Discontinuance and establishment of and prescribed alterations to maintained schools

31. We considered and approved three sets of statutory proposals in three different local authority areas. One concerned a proposal to discontinue (close) a maintained infant and junior school and two concerned prescribed alterations. One case was carried over into 2025.

Land matters for maintained schools

32. We had one case in 2024 relating to land.

Part 2 - Summary of local authority reports September 2023/August 2024

33. 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 the 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 of the Code 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.

34. We are, as ever, grateful to local authorities for the thoughtful comments made in their reports. We were invited to appear before the Education Select Committee in February 2025, and were able to relay some of the information we had received about the difficulties which some local authorities are experiencing in relation to in-year admissions. In response to feedback on the previous template for responses, and in the light of consultation with a group of local authorities, changes have been made to various sections of this year's template. The questionnaire completed by local authorities is reproduced in Appendix 4.

Admissions in the normal round

A. Co-ordination of admissions at normal points of entry

35. It is pleasing to be able to report once more that there is a very strong consensus among local authorities that the co-ordination of admissions at the normal points of entry to schools worked well during 2023/2024.

36. In previous years, local authorities were asked a direct question about their views as to how well the process had gone in their area at the different normal points of entry within the school system in the year in question. The previous Chief Adjudicator was able to say in her last report that, by comparing what had been said about the process in successive years, local authorities could be seen to be telling her that the overall process was not only successful but improving generally year-on-year. However, we also noted last year that while matters were still improving for admissions to Year R, there had, for the first time in recent years, been increasing difficulties for Year 7 admissions to secondary schools.

37. This year, the views of local authorities were solicited through a slightly different approach – by asking directly whether the process had been more, or less, challenging than it had been for admissions in 2022/2023. This year we are reporting with more certainty on the views of local authorities about the relative state of affairs in the two most recent admission rounds. Table 6 below shows this data.

Table 6: The views of local authorities comparing the 2023/2024 admission round with the 2022/2023 admission round for each normal point of entry to schools (number of local authorities and the percentage of those reporting in brackets)

Admission Year	Much less challenging	Less challenging	No change	More challenging	Much more challenging
Reception (total 151)	4(3)	22(15)	115(76)	9(6)	1(0)
Year 7 (total 151)	3(2)	15(10)	96(64)	30(20)	7(4)
Other years (where relevant) (total 110)	4(4)	4(4)	95(86)	5(5)	2(1)

38. It is clear from the high percentage of local authorities that have said there was no change in how challenging the admissions process was between the two years across all normal points of admission, that the positive view of how well the admissions process works for children generally remains. It is also possible to say that:

- (i) more local authorities have said that the process for admissions to Year R was less challenging than in the previous year;
- (ii) more local authorities have said that the process for admissions to Year 7 was more challenging than in the previous year; and
- (iii) the great majority of local authorities who responded reported no change in relation to admission to other year groups.

39. The general picture of the continuing high level of effectiveness of the co-ordination of admissions by local authorities at the normal points of entry has again been attributed by many to good cooperation with all schools (including own admission authority schools (OAA Schools)), good cooperation with neighbouring local authorities, and, in a few cases, to an increase in the use on-line applications by parents. An illustrative comment from a shire county local authority was:

“All applicants were offered a place at a school. All schools were notified of the allocations to their schools before the relevant national offer day. A higher percentage of pupils were allocated their preferred school than the previous year in all admissions rounds. There was an increase in on time applications, particularly with using the online portal. This in turn led to fewer applicants being allocated a non-preferred school and fewer late applications. This resulted in greater certainty for schools about the required number of classes and teaching staff in advance of the new school year. We have set an internal target for 95% of applications that are made on time to be made online, which was exceeded in the 2023/2024 academic year.”

40. The Pan-London scheme, first established in 2005, continues to operate effectively and to develop further. We have noted the following comments from local authorities:

“All London and some fringe local authorities have formed the London Inter Admissions Authority Group (LIAAG). The coordination process is reviewed in triannual meetings. LIAAG works collectively and issues are dealt with [with] minimal disruption.”

“Pan-London co-ordination with the eAdmissions portal continues to deliver a simple, clear and transparent application process for home residents.”

“...the Pan London co-ordinated process continues to work well and is successful in achieving its aims of eliminating multiple offers, simplifying the application process, and increasing the number of pupils who receive an offer from one of their preferred schools.”

41. One local authority told us that the process had been helped because all the secondary schools there use the same (commercially available) admissions portal as itself, which “ensures efficiency, particularly when exchanging secure data and audit checks between the schools and the LA”. Another told us that “there were severe data corruption issues caused by the software and servers set up by [the same company]. As a result, we will no longer be using their software or services from the 2024 coordination season onwards.”

42. Where co-ordination has worked smoothly, local authorities were often keen to tell us that this was because there were enough school places in the relevant age groups in their area, and that this had been because of timely action taken by them to ensure that this was the case. One local authority said:

“As there was a shortage of space in secondary schools within [LA] for the 2023/2024 intake the local authority was pro-active for the 2024/2025 intake. The local authority approached all eighteen secondary schools within [LA] to see if they would increase their PAN for Year 7 to ensure there was enough places. Out of the eighteen [LA] schools seven increased their PAN for the 2024/2025 intake. By the 31 August 2024 everyone who had applied for a secondary school had received an offer of a school place.”

43. The reasons given by a minority of local authorities for general difficulties with the co-ordination of admissions repeated those of previous years. Some local authorities still experience problems with the exchange of admission data with their neighbours, some continue to find working with OAA Schools problematic, and some have again complained about the difficulty caused in the normal admission round by the different deadlines for the admissions process at Year 7 and for the completion of Education, Health and Care Plans (EHCPs). We are happy to report that fewer local authorities referred to these matters this year.

44. About three quarters of the 37 local authorities which reported that there were more difficulties than in the previous admission round for Year 7 provided us with their comments on why they thought this had been the case. Almost without exception, this was attributed to pressure for places, but the sources of these increased numbers and the difficulties which have resulted from them have varied across the country. Several local authorities say that larger cohort sizes resulting from higher birth rates a decade ago are now at their peak. One put their own situation into the following words:

“We have seen the impact of the birth rate increase for the academic year 23/24 at its height, this has meant that whilst we still perform well in terms of first preferences for families (91.2% first preference and 97.9% for one of parents three preferences), where families have not been able to access one of their preferences or have submitted late applications we have struggled to find local schools for them, this has resulted in increased contact from parents.”

45. Some county local authorities say that these pressures are not universal in their areas, but confined to geographical pockets, where they have struggled to meet demand, with at least one such local authority citing “housing growth”. For example:

“Secondary transfer has been challenging due to it being one more year of a population peak moving through to the secondary sector. Again, we have some areas of significant pressure but other areas in the county...where pupil numbers are lower. Overall, we have sufficient places but not necessarily located in the areas we have significant pressure.”

“Year 7 applications have proved challenging as a result of particular areas of pressure, with substantial oversubscription at [school]. Patterns of application in this area have shifted significantly in recent years, and there is insufficient space to accommodate catchment demand.”

46. Two metropolitan areas cited, for the whole of their area, place pressures resulting from “new arrivals”. For example:

“[LA] experienced a significant and unexpected increase in the number of new arrivals from abroad requiring two additional bulge classes to be created at short notice.”

47. One local authority, which had tried to increase the number of Year 7 places, said that it had found working with OAA Schools the source of the challenge it faced. It said:

“Year 7 intake continues to present challenges. There have been more pressures with [OAA Schools] working with us to ensure sufficient capacity to meet demand in areas of the city. Although we are able to make offers to all children who apply on time, the real challenge lies in accommodating inward migration and handling the high volume of late applications. This has also had impacts on appeal outcome with panels allowing high number of appeals based on [OAA Schools] not understanding their appeal responsibilities, combined with difficulty having alternative places to suggest to children. Additionally, we face ongoing issues with [OAA Schools] not adhering to timelines, delaying decisions, and sharing

information promptly. This lack of timely information sharing impacts our coordination, despite clear legislative requirements for [OAA Schools] to prioritise it.”

48. By contrast, another local authority said:

“The Year 7 Secondary Admissions Round was more challenging as we had a large cohort of pupils who needed places. The Authority worked alongside the Secondary Academies to create further places to enable all pupils to receive a school place offer on the National Offer Day.”

49. Other sources of challenge for Year 7 which local authorities told us about were: a secondary school changing its admission arrangements by the introduction of fair banding which “caused more parental queries where they are unclear on the process”; delays in the delivery of additional school places through capital projects; local government reorganisation reducing the capacity of a school admissions team; and school reorganisation from three to two tiers resulting in excessive demands on that local authority’s admissions team from confused parents.

50. For admissions to Year R, about half of the 26 local authorities who said that the process had been easier than in the previous year gave us their reasons. Virtually all said that this was because of a straightforward easing of the pressure for places as a result of the lower cohort size. One mentioned that this was offset in some localities by “net inward migration” and that “there continues to be pressure across a small number of primary schools.” A small number of others referred to what they described as the consequential effect on the “sustainability” of primary schools in their area as a result of falling rolls.

51. In one case, a large urban local authority reported that:

“Falling birth rates and surplus places have presented a different challenge with some schools anxious to fill. Consequently, a small number took matters into their own hands by offering places directly outside of the co-ordinated admissions scheme. This resulted in offers being retracted which caused upset with parent/carers, as well as writing to/meeting the relevant Head teacher to address the non-compliance. We also had to manage complaints and conflicts between neighbouring schools who felt their children were being poached.”

Thankfully, this appears to be an isolated phenomenon.

52. More than one local authority has complained this year about what is seen as the absence of any power on their part to act to ensure the adequate supply of school places in their area when dealing with OAA Schools. In the light of the foregoing paragraphs, this is clearly most relevant at the moment to the supply of Year 7 places, although not uniquely so. There are provisions in the Children’s Welfare and Schools Bill which are intended to address these issues. The Bill remains subject to Parliamentary approval.

53. A number of local authorities have told us that they have difficulty in “reserving” places at schools for children for whom the EHCP process has not been completed during the normal admission round, and that the consequence is frequently over-PAN admissions if schools are popular. The Code makes no provision for places to be reserved in this way by a local authority during the co-ordination process, and it is difficult to see how such a provision could reasonably be made.

54. One local authority said that the absence from the co-ordination of admissions of University Technical Colleges (UTCs) and studio schools causes them challenges. While free schools must participate in co-ordination in the second and subsequent admission rounds after their opening, this is not the case for these other two types of academy.

B. Looked After Children (LAC) and Previously Looked After Children (PLAC) at normal points of entry

55. Local authorities report that LAC and PLAC have again been well served, or very well served by the admissions system in the school year 2023/2024. Virtually all local authorities have said this was the case, across each of the categories of child concerned. However, there has been a clear change, again for all categories of child, with marginally more local authorities categorising the effect of the admissions system as serving children “well” as opposed to “very well” compared to the previous year. Table 7 shows the relevant data.

Table 7: How well LAC and PLAC were served by the admissions system at normal point of admission in 2023/2024 compared to 2022/2023. Response of local authorities (percentage reporting for each category).

Group of children	2023/2024 Well	2023/2024 Very well	2022/2023 Well	2022/2023 Very well
LAC in home LA	6.6	93.4	4.0	96.0
LAC in another LA	25.8 (not well/well combined)	74.2	18.8 (not well/well combined)	81.2
LAC from another LA	16.1	83.9	12.8	87.2
PLAC in home LA	16.6	83.4	10.0	90.0

56. While this is an unwelcome development, it is important to keep it in perspective. The overwhelming response is of a system which continues to work very well for these disadvantaged children. The change represents a shift of between four and 12 more local

authorities in the different categories saying that the system works only “well” as opposed to “very well” compared to the previous year.

57. Three authorities (compared to one in 2022/2023) said that they considered that children for whom they were the home authority were not well served by the admission system in other local authorities. Of these, two have provided me with their comments, but have not referred to this assessment.

58. Otherwise, the comments made by local authorities generally echo those of the previous year. Many again reported that all the schools in their area (including those of a religious character who may choose only to prioritise LAC and PLAC of their faith) gave the highest priority to looked after and previously looked after children, and that all schools complied with the requirements of the Code.

59. The largest number of comments, from about one in four authorities, again highlighted the effectiveness of their local authority’s Virtual School in securing positive school admission outcomes for this group of children. Nearly all of these said that there was close collaboration between their Virtual School and the local authority’s school admissions team, with specific procedures and protocols in place to ensure that these children’s needs were met. Some of the comments made illustrate the matters highlighted by local authorities:

“We have a robust process working alongside the Virtual School to identify Children in Care resident in [LA] who are in transfer group cohorts. These children are tracked to ensure applications are received. The Virtual School co-ordinates with the Care Team to ensure applications are submitted.”

“The [LA] School Admissions team collaborates closely with our Virtual School to proactively identify and support [LAC]. We prioritise the admission of LAC to ensure they have the best possible educational opportunities. By working together, we can identify LAC at the earliest stages of the admissions process, allowing us to implement appropriate support measures and facilitate a seamless transition to their new school. This includes coordinating with social workers, foster carers, and other relevant professionals to ensure that LAC receive the necessary guidance and resources to succeed in their education.”

“[LA’s] school admissions service works collaboratively with Virtual School and Fair Access to raise the profile of looked after children and works positively to offer places in a timely manner. At normal points of admission, the local authority processes are clear and information is easily accessible online. The school admissions team maintains a close working relationship with the Virtual School to ensure that all looked after children submit an application on time.”

60. A number of local authorities were keen to say that they experienced good cooperation from other local authorities, and it was noticeable this year that an increasing number of local authorities within the orbit of the Pan-London co-ordination system praised the positive effect which it had for these children:

“The Virtual School for children in care’s experience with Pan London admissions via the [LA] admissions service has been overwhelmingly positive and effective, particularly in the context of ensuring that looked after and previously looked after children are given the highest priority in their school placements.”

61. Sadly, there were isolated reports of poor working relationships between authorities, which we find difficult to understand given the needs of the group of children concerned and the fact that all LA’s must of necessity understand that to be the case. Similarly, a tiny number of local authorities reported that OAA Schools, particularly those not in their own area, could prove awkward over the admission of this group of children, or that schools in their own area could “push back” on proposed admissions when they were fully subscribed.

62. Last year, we gave details of how difficulties can arise over the status of previously looked after children, especially when admissions are requested “across borders”. This year there seem to be continuing problems in this area for a small number of local authorities. One told me:

“For those children who are LAC or PLAC within [LA] we can confirm their status through information sharing processes with the relevant teams. However, children who are looked after or previously looked after by other Local Authorities (residing in [LA]) often require more intensive resources to gain confirmation of the applicant’s status. Although this task is always completed in a timely manner, the level of resource is far greater than gaining confirmation from a [LA] looked after or previously looked after applicant.”

“We do encounter some difficulties with collecting information relating to the status of previously looked after children. Where a child is previously looked after we ask for a copy of the adoption, child arrangements or special guardianship order and documents or a letter showing that the child was previously in care. Parent/carers are made aware that it is their responsibility to provide the necessary evidence. We provide support and guidance, for example, by explaining what kind of evidence may be acceptable and where the parent/carer might be able to find it. In some cases, parent/carers do not have access to documentary evidence, or the relevant local authority no longer retain any record of the child’s previously looked after status.”

This same local authority went out of its way to recognise that:

“In relation to priority admission for children adopted from state care outside of England, the guidance published by the DfE in July 2021 has been helpful in understanding what evidence may be accepted for the purpose of determining eligibility.”

63. As last year, a small number of local authorities have mentioned the effect of faith schools in their area not giving equal priority to all looked after or previously looked after children based on their religious affiliation. This seems to be a localised problem, but a persistent one. One local authority cited the following example:

“However, for the first time a child in care did not secure the first choice school of carer and social worker as corporate parent due to the faith related admissions criteria of the setting for KS2/KS3 that placed children in care at a lower priority than those not in care but of a specific faith. An appeal was unsuccessful and the child was unable to attend the most appropriate school for them. This has been raised with the local authority and Diocese as a situation of vulnerability and concern.”

64. At least one local authority has called for a revision of the Code concerning this matter, in the following terms:

“... some may be disadvantaged because faith schools can give priority to children of the faith above looked-after and previously looked after children not of the faith. The Code should be revised to ensure that more looked-after and previously looked after children are able to access ‘Good or ‘Outstanding’ faith schools.”

C. Children with an EHCP at normal points of entry

65. In another change from previous years, authorities were invited to say how well they thought children possessing an EHCP were served at normal points of entry. This had been reported on by the written comments of local authorities set out earlier in this report, but not addressed expressly. Table 8 shows the 2024 responses.

Table 8: How well local authorities say children who had an EHCP were served in 2023/2024 at normal points of entry (number of local authorities and the percentage of those reporting in brackets)

Not at all well	Not well	Well	Very well
0 (0)	12 (8)	79 (53)	59 (39)

66. Paragraph 1.6 of the Code makes it very clear that all schools must admit any child whose EHCP names the school.

67. Overall, the admission of this group of children is considered to be taking place effectively, with over 90 per cent of local authorities saying that the children are either well, or very well served. We have however looked specifically at the comments made by the small group of local authorities who do not consider this to be the case. These local authorities have referred to:

- (i) increasing pressure for EHCP assessments;
- (ii) an insufficiency of specialist provision in their area;
- (iii) increasing demand from parents for specialist schooling;
- (iv) increasing resistance from schools to the admission of children with EHCPs; and
- (v) the problems caused by the short gap between the deadline for EHCPs to be finalised and the requirement for Year 7 places to be offered.

68. The remarks of two of the local authorities are illustrative:

“At several critical points of admission and transition, the SEND team and schools face substantial challenges due to rising demand, limited specialist placements, and a lack of parental confidence in mainstream options... Schools are seeing more children entering early years with significant and often complex SEND needs... The demand for specialist placements far exceeds availability, creating a gap between what families need and what the current system can provide. This shortage can lead to delays in securing appropriate placements, causing frustration for parents and, in some cases, prolonging the time children spend in settings that may not fully meet their needs. Parents often advocate strongly for specialist placements due to concerns about their child’s ability to thrive in mainstream settings, which adds pressure to the system as families push for limited spaces in specialist schools... This lack of parental confidence in the mainstream system often results in a preference for specialist placements, even when a mainstream school might be suitable with the proper support.”

“[LA] has experienced a surge in Education, Health and Care Needs Assessments that have resulted in some children and young people receiving EHCPs after the National Offer Day. Our SEND Team continues to work closely with schools to identify provision to be named on an EHCP. The SEND Team have experienced higher numbers of schools returning negative consultation responses for point of entry and this has resulted in directions. There have been a number of local settings who have refused to admit children after the direction has been made. We are working with the Department for Education Regions who are supporting us with an inclusive approach working in collaboration with local school leaders.”

69. The majority of local authorities said that there was very close working between separate SEND admissions and early years teams, and several others told us of the work of dedicated teams of officers established to coordinate the admission to schools of children who have an EHCP. Examples are:

“The local authority has a dedicated SEND Admissions team that organises EHCP admissions and the additional support packages given to schools as a result of the specific needs of individual students as defined in their EHCP. In order to ensure that children who have had a school named in their EHCP are taken account of in the allocation of places, the Admissions team liaises with the SEND Admissions team prior to the allocation. A Working Together Agreement (WTA) exists which sets out the roles and responsibilities of each team and the timescales that must be met in order to ensure EHCP placements can be taken into account during the mainstream admissions process. The WTA provides a structured way to review and improve the way the two teams work together and share information.”

“[LA] works closely with early years settings, schools and professionals across health and social care to identify needs at the earliest point to aid children’s transition into school and forward plan suitable specialist placements accordingly.”

“The local authority has an established Placement Planning Forum dedicated to reviewing current and forecasting future demand of school places, for children with an [EHCP]. At Key Stage Transfer, and throughout the year, the Place Planning Forum will identify and allocate individual school places appropriate to a child's needs whilst taking into account the views, wishes and feelings of both the child and parent/carer. The Placement Planning Forum will ensure allocation of resource to deliver the special educational provision as set out in Section F of the EHC plan. The SEND Assessment, Planning & Review Team and mainstream admissions have an agreed way in which to share information, between teams, during the key stage transfer window. This includes a dedicated link role within the statutory SEND team. This ensures children who have had a school named in Section I, of their EHC plan, are taken into account within allocation of places.”

70. From an administrative point of view, the reason which many see as the cause of them struggling to ensure that children with an EHCP are admitted to a school appropriate to their needs is the deadline of 15 February for the completion of plan revisions and the short time between this date and the 1 March national offer date for Year 7 places. The difficulties have been exacerbated by the rise in demand for EHCP plan assessments. About one in eight authorities mentioned this in their comments, the following being typical:

“... a strong partnership has been in place for many years between SEN Team and Admissions Team at the Council to ensure information flow about those with EHCPs and where their amended Plan names them for the following September. There are risks involved because the SEN Team is often working to the absolute deadline to have all phased transfer children with an amended EHCP by 15 February whereas this date is quite late in the allocation process for phased transfer secondary from an Admissions Team point of view so that all notifications are sent correctly on National Offer Day on 1 March.”

71. Authorities also described the same sequential chain of increased demand for EHCP assessments, increasing resistance from some schools, decreasing parental confidence in mainstream settings to meet their child's need, leading to increasing levels of parental demand for under-pressure specialist school places.

“The significant and unprecedented rise in the number of children receiving an EHCP has led to an increase of both primary and secondary pupils not being placed at the beginning of the academic year in Reception and Year 7. There have been insufficient [LA] special school places to accommodate the growing number of children and independent special schools have also responded negatively to consultations due to capacity. The delay in the identification of a school that can meet individual pupils' needs led to some children being without provision in the Autumn Term 2024.”

72. About one in eight of all authorities said that there was insufficient specialist provision in their area, and more authorities than last year told us that they were making capital investments to redress this. For example:

“Admission into specialist schools has been significantly impacted by the lack of placement sufficiency within the local area. This has resulted in children remaining in mainstream for longer with a high level of need, and parental preference of school not being secured when deemed not to be inappropriate by the LA. To help resolve this, the LA has secured funding for a new specialist school and new resource bases in order to increase the number of specialist spaces available.”

“The development of Specialist Resource Provisions both within primary and secondary settings has allowed for greater inclusion for children and young people in receipt of [EHCP]. During the next three years the capital builds project underway will add further capacity.”

73. Many authorities have reported that all children in possession of an EHCP naming a school in their authority area were routinely admitted by schools, such as in:

“All schools and academies support the admission and make suitable adjustments where necessary to support the admission of pupils with an EHCP. “

“All [LA] schools meet their statutory responsibility to admit children with an EHCP that names them. Rarely has a school sought to refuse or discourage a parent.”

74. However, an increase in the “push back” from some mainstream schools was also reported on by some authorities. We are aware that the 2018 model Funding Agreement for Academies allows such a school to ask the Secretary of State to determine whether a local authority has acted unreasonably in naming it in an EHCP. Authorities told us:

“There are also concerns that whilst an EHCP is intended to reduce barriers (both perceived and real) to accessing education for learners with high SEND, in some instances the ECHPs provides a mechanism through which a mainstream school is able to refuse to place a child with an EHCP on the basis they cannot meet need. This route would not be available to the school should the pupil not have an EHCP. Strengthening the presumption for mainstream through greater powers for both the Local authority and Secretary of State to direct would be helpful. Granting local authorities the power to direct academy schools to place a child with an EHCP would be a welcome change to the SEND code of practice, and SEND legislation.”

“Phase transfer from Year 6 to Year 7 can be pressured where secondary schools are saying they cannot meet need for mainstream EHC plans. We are working with our schools to support them to develop their inclusive practice and feel confident to return a positive consultation response and this is starting to have positive impact.”

“We continue to work with mainstream settings to ensure they understand the statutory duties in respect of the consultation and admissions process. Whilst the LA challenges mainstream settings where appropriate to do so, in some cases where discussions have taken place between the school and a family, the family has lost confidence in the school’s ability to meet their child’s needs. The family

will then request an alternative, or specialist placement and in some cases, they pursue this through the SEND Tribunal process.”

75. Fewer authorities this year mentioned the difficulty which can be caused by the naming of schools across authority borders in EHCPs. Nevertheless, some have again called for there to be clearer requirements in this area:

“Schools understand that they must admit children with an EHCP that names their school. However, the lack of data sharing required between LAs with regards to named mainstream schools is not helpful, i.e. – if a child lives in LA A but is named a school in LA B, LA A is not required to provide any information to LA B. This results in some named schools going over number unnecessarily, particularly if we are made aware much later on in the process. Schools are already under pressure and it would be helpful for them to have these children accounted for in their PAN where possible.”

D. All children with special educational needs and/or disabilities at normal points of entry

76. Children who have an EHCP are of course only part of the special educational needs and/or disabilities (SEND) spectrum. As in previous years, comments were also invited concerning the wider group of children with SEND. A similar number of local authorities to last year (about one in five) said that the overall effectiveness of the admissions process for all children with SEND in their area was due to the quality of their administrative arrangements.

77. For children who do not have an EHCP, many local authorities have told us that admissions are prioritised in schools in their area under an oversubscription criterion in their admission arrangements for “medical/social need” (or similar), and that they, therefore, take place without difficulty. One described the current situation in the following terms:

“The admissions criteria for all [LA] community and voluntary controlled schools contain a criterion for exceptional medical or social need. This can give priority, after children in local authority care and those previously in care, to children where medical evidence supports a placement at a particular school. A number of [OAA Schools] also provide priority for children with a social or medical need, but not all, and we have seen a number of schools remove this as a criterion in recent years.”

78. We reported last year that the difficulties which local authorities have told us about concerning SEND admissions generally are interconnected, and this has been evident again this year. These difficulties mirror those identified by authorities which take the view that the difficulties in the admission of children with an EHCP were so severe that these children could not be seen to be well served in their area. The difficulties pointed to across all authorities were, unsurprisingly, the same as those set out earlier in this report.

79. Regrettably, one authority reported this year on a worrying development concerning the admission of children with SEND to primary schools in its area:

“SEND is not a legitimate reason to refuse admission to children so we ensure children with SEND are treated fairly. However, we have noticed an increase in concerns from primary schools, for Year R admission, around the severity and rate of SEND of incoming pupils. We have been disappointed to hear from a small number of parents this year that schools have potentially attempted to turn their children away or encourage the family to delay entry to Year R due to SEND.”

It is good to know that this authority also said:

“This has been addressed with the relevant schools.”

Admission other than at normal points of entry (In-year admissions)

A. Overall Level of Challenge

80. This year we asked local authorities to describe the overall level of challenge they experienced in respect of in-year admissions compared to that in the previous year. Table 9 below summarises the responses.

Table 9: The views of local authorities comparing the challenge of in-year admissions during 2023/2024 compared with 2022/2023 for primary and secondary admissions (number of local authorities and the percentage of those reporting in brackets). Please note that out of a total of 153 local authorities, 152 answered the questionnaire.

	Much less challenging	Less challenging	No change	More challenging	Much more challenging
Primary Admissions (152)	4 (3)	4 (3)	65 (43)	59 (39)	20 (13)
Secondary Admissions (152)	2 (1)	3 (2)	38 (25)	79 (52)	30 (20)

81. The increased challenge reported by many authorities was attributed to an increased demand for in-year admissions, fewer available school places and a greater reluctance from schools to admit additional pupils. One local authority stated that they felt “overwhelmed” at times. Reasons given for the increased demand for places included an increase in permanent exclusions and migration from overseas and elsewhere in the UK. A small number of local authorities identified some children who had been educated in independent schools but were returning to the state school system due to forthcoming changes in VAT and the associated increase in school fees. In some local authorities, the increase in demand was linked to the building of new homes:

“There is significant pressure for school places in some parts of the County. In year admissions are more challenging at both primary and secondary due to rapid house building without the appropriate infrastructure in place. In some districts, all year groups are full, resulting in higher numbers of admission appeals and the need to use the provisions of the Fair Access protocol to negotiate places. The CME [Children Missing Education] list is growing with priority given to the increasing number of asylum seekers and Forces children, due to their vulnerabilities.”

82. The matter of elective home education (EHE) was of great concern to many local authorities, with increased pupil movement due to children returning to the school system after a period of EHE. One local authority described the challenges such learners may present as follows:

“The rising number of children who are electively home educated (EHE) has presented additional challenges. In our experience many of these children become home educated because of difficulties at school (e.g. poor attendance) or a breakdown in the parent/school relationship. They tend to be home educated for a relatively brief period before wanting to return to the school system and applying for an in-year place at a new school. Along with our schools, we are concerned that this provides a route to ‘school-hopping’. This not only leads to gaps in a child’s education but is likely to impact on their ability to work through challenging situations and build personal resilience. From a school’s perspective, there is a reluctance to admit children who have been electively home educated for short periods as this is seen as an indicator of unresolved issues, usually associated with challenging behaviour, particularly at secondary level (e.g. parents choosing to home educate before their child is permanently excluded).”

83. A shortage of school places was reported by many local authorities; this was often, but not always, in respect of secondary schools. Local authorities described children being required to attend a school 20 or more miles from their home, with the associated impact on the children concerned and on home to school transport budgets. Some expressed notable frustration on this matter, including one local authority which stated, “This has been raised several times with the DfE but no solutions have been offered.” Particular challenges were reported in placing children in higher year groups, with some relying almost exclusively on Fair Access Protocols (FAPs) for those in Years 9 to 11. Local authorities state that this was due to a shortage of places as well as reluctance from schools to accept these pupils.

84. Some local authorities linked a lack of places (or of places which parents view as suitable) with an increase in EHE:

“As schools are full the potential for moves between schools when pupils move house or experience bullying etc, are limited. As parents do not have options to change their child’s school in these situations is resulting in some parents withdrawing their children onto [EHE] in a bid to, in their view, keep them safe mentally or physically which is then placing increased pressure on that service.”

85. Conversely, other local authorities described the impact of surplus places:

“We have an increasing number of vacancies in the borough which results in a higher level of mobility for children hopping from one ... school to another. This can have an impact on schools who are admitting children regularly throughout the year and also on the work required in the team which can fluctuate regularly.”

86. The matter of schools for which the local authority is not the admission authority; that is schools within multi-academy trusts (Trusts) and others which are OAA Schools was raised by most, if not all, local authorities. Responses generally focused on the lack of information, power and oversight which local authorities have for these schools, including the number of available places. Several local authorities described difficulties caused by schools choosing to reorganise their class structure in order to address financial issues, resulting in fewer pupil places than had previously been the case. Many reported schools “capping” their admission numbers:

“We are finding more academies and schools are capping their PAN for year groups that are not the normal point of entry. Sometimes the capping is due to organisational or financial reasons, although we find schools do not always provide a clear rationale for doing so. This can then lead to a lack of school places in areas of need and have transport implications for the local authority. It also impacts on children and families having to then access a school place outside of their local community.”

87. It is disappointing that, despite the extensive clarification that has been provided in previous OSA reports, some local authorities continue to erroneously refer to the PAN in year groups other than the normal years of entry or to “working PANs”, a term which does not appear in the Code and has no basis in law. Many expressed frustration that Trusts and OAA Schools do not admit pupils through in-year admissions, at least up to the point of the PAN which applied when the cohort joined the school. Other local authorities recognised the definition of PAN but suggested that assigning some sort of admissions limit to other year groups would enable in-year admissions to function more effectively:

“PANs are only relevant to the normal point of entry and not for in-year admissions. So, this causes difficulties when schools decide to adjust their organisation in higher year groups. It is usual practice for the number of places in each year group to be the same as the PAN however we have some secondary schools that set their admission number significantly below their PAN for in-year admissions. This causes confusion as to whether they have places available and creates problems for future sufficiency planning. We have asked admission authorities to confirm their ‘agreed admission number’ for each year group in advance of the academic year and confirm that this will remain the same for the remainder of the academic year. It would better serve all children if schools were required in the code to have an admission number for each year group. The requirement under section 2.27 of the code can be difficult to meet when secondary schools lower their admission number lower than their PAN. The number of places offered sometimes changes mid-year without any notice”.

88. We must be clear that the role of the schools adjudicator is to uphold the Code and the law as it relates to admissions. The test for refusing a child a place is whether their admission will cause prejudice to the provision of efficient education or the efficient use of resources, and for a looked after child whether that prejudice would be serious. Adjudicators have found in their determinations that seeking to apply an admission number to any year group other than the normal year of entry (where the PAN is a minimum number who must be admitted if sufficient applications are received) is contrary to the Code. We cannot support any setting of admission limits in respect of year groups other than the normal year of entry unless there is a change in the Code to allow this.

89. The matter of refusals under paragraph 3.10 of the Code, for children of all ages, was raised by many local authorities, with some linking this to other pressures faced by schools including in respect of funding. Paragraph 3.10 states:

“Where an admission authority receives an in-year application for a year group that is not the normal point of entry and it does not wish to admit the child because it has good reason to believe that the child may display challenging behaviour, it may refuse admission and refer the child to the Fair Access Protocol.”

90. The Code defines challenging behaviour as follows:

“For the purposes of this Code, behaviour can be described as challenging where it would be unlikely to be responsive to the usual range of interventions to help prevent and address pupil misbehaviour or it is of such severity, frequency, or duration that it is beyond the normal range that schools can tolerate. We would expect this behaviour to significantly interfere with the pupil’s/other pupils’ education or jeopardise the right of staff and pupils to a safe and orderly environment.”

91. Several local authorities regard the Code as providing insufficient guidance regarding this provision:

“The Local Authority has noted a significant number of applications being declined under section 3.10 of the school admissions code, due to concerns about potential challenging behaviour exhibited by the child...This situation has led to an increase in cases being referred to the Fair Access Panel and has extended the timelines for processing applications. Additionally, schools are often waiting for information from previous schools and may delay responses to applications when no information is forthcoming.”

92. Last year’s report noted a significant number of responses expressing a wish for the law to require that all in-year admissions are coordinated by local authorities. This year such calls were amplified. Although some local authorities do coordinate all or most in-year admissions in their areas via agreement with Trusts and other OAA Schools, elsewhere local authorities described the lack of coordination as a source of frustration for parents, a cause of delays in children securing school places, and a safeguarding concern:

“The disadvantage to delegating responsibility for in year admissions is the inability to maintain an accurate record of place availability. There are also ongoing concerns that a child or children will come into the area and will be out of provision for a long period of time because a parent is unaware they can deal with the LA as well as directly with the school or vi[ce] versa. This is of particular concern relating to vulnerable children. We also have a concern that due to not having accurate records of place availability and the length of time schools take to come back to us with that information, there can be a delay in being able to find a school place.

An advantage of the LA co-ordinating all in-year admissions would be that we would be able to maintain more accurate record of place availability and have better information about the number of in year requests that were made in any given period. Patterns of movement and reasons for requests could be monitored more closely and all parents would receive consistent advice from one team within the LA. Co-ordinating of all in year requests would also improve consistency of advice between the LAs. Where children are vulnerable or there are concerns in relation to a child, the LA would be able to fully support the admission of that child into a school. For the co-ordination to work properly, it would need to be applied to all schools, including [OAA Schools]. These schools would maintain responsibility for decisions about admissions to the school, but the LA would co-ordinate the process as with admissions to the normal round. This would lead to a more consistent overall approach to admissions to all schools.”

93. A number of local authorities raised concerns about the approach of Trusts and other OAA Schools, including a failure to notify parents of the outcome of their application, in writing, within the 15-day limit set out in paragraph 2.30 of the Code. Some reported that schools were meeting with parents and children prior to applications being considered, with suggestions that such meetings were prompting refusals to admit. Such an approach would be in contravention of paragraph 1.9 of the Code which states that admission authorities **must not**:

“... interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place”.

94. Nevertheless, local authorities reported:

“We are seeing an increase in the number of parents contacting us to advise that they have had preadmissions meetings with schools who have advised them that their school cannot meet the needs of their child.”

“There remain instances where it appears that parents and carers have been discouraged from applying by visits to school and conversations with school staff. This can be because a school has been frank about resource challenges they face

and their capacity to do what the parent is looking for but there is a fine line between this and actively discouraging applications in-year for any child.”

95. A number of responses included the matter of communication and information sharing between different local authorities, with reports that cooperation and efficiency varied significantly. Some stated that other local authorities (as well as Trusts and other OAA Schools) request information that is not relevant to a school's admissions arrangements. One stated:

“the School Admissions Code is not explicit on what additional information admissions authorities/schools can consider in relation to in-year admissions which leads to delays in decision-making by some schools while they acquire more information about individual pupils from their previous schools.”

B. Looked After Children and Previously Looked After Children In Year

96. Most local authorities reported that LAC and PLAC are well served by the in-year admissions process (see Table 10). As reported earlier, some commented that establishing a child's PLAC status can be challenging, especially for children who have been adopted from overseas, as information provided by parents can be insufficient to prove such eligibility; one local authority stated that it may introduce a supplementary information form in a bid to address this.

Table 10: How well specific groups of looked after and previously looked after children were served by in-year admissions in 2023/2024 (number of local authorities and the percentage of those reporting in brackets)

Group of children	Not at all	Not well	Well	Very well	Not applicable
LAC in home LA (153)	0	7 (5)	52 (34)	92 (60)	2 (1)
LAC in another LA (153)	1 (<1)	28 (18)	76 (50)	42 (27)	6 (4)
LAC from another LA (153)	0	12 (8)	65 (42)	74 (48)	2 (1)
PLAC in home LA (153)	0	8 (5)	59 (39)	85 (55)	1 (<1)

97. The overall challenges local authorities face, as set out above, were reported to be heightened for LAC and PLAC applicants. Many attributed this to the lack of coordination of in-year admissions, with one local authority stating:

“Even with the LA advocating for the child, it still means that a person may have to make multiple applications, with all the time and stress that involves, for a single child's placement... we have had multiple cases of parents and carers having to apply to more than 10 schools. If we have to ‘direct’ a school to take a pupil, that

means an even longer period of time that those vulnerable children are out of school. The parent or carer, of course, has to wait for the responses of multiple schools, before they can confirm a place. [OAA Schools] handling their own in-year admissions doesn't work. It takes too long and leaves vulnerable children without school places. The risk to children is exacerbated by the fact it is impossible to track their movements effectively, meaning the risks of exploitation of the system and our children is too high. It is confusing, difficult for parents, and not fit for purpose. While not directly discriminating against LAC/PLAC applicants, there is indirect discrimination - they are the most affected, due to the frequency of movement, and the complexities of finding and maintaining placements."

98. The DfE document "Promoting the education of looked-after children and previously looked-after children" (2018) states, at paragraph 12:

"schools judged by Ofsted to be 'good' or 'outstanding' should be prioritised when seeking a place for looked-after children in need of a new school."

A shortage of places in such schools led to problems for some local authorities; this included where schools judged to be good or outstanding were obliged to admit what they considered to be a disproportionately high number of LAC and PLAC as their geographical neighbours had been judged to be less effective. We would welcome guidance from the DfE regarding the placement of LAC and PLAC following the recent changes to the system of inspection, which no longer awards schools an overall judgement.

99. The matter of some schools being repeatedly approached to admit LAC and PLAC was also raised in respect of those schools that are in particular locations, such as close to residential care provision. Additionally, it was noted that social workers may only be aware of a small number of schools, especially when working across local authority borders, leading to a disproportionate number of applications to those schools. A disparity between Trusts and other OAA Schools versus those schools for whom the local authority is the admission authority was reported as follows:

"A concern has been noted this year around Virtual Schools requesting places in non-academy schools where an academy has been approached and issued a 'no offer' outcome. Virtual Schools highlight the process of negotiating with academies and potentially directing them can take time. The preference is to switch to a non-academy school for a quicker outcome. The concern here is an imbalance in placement of Looked After children. Schools can become known as the 'go to' school for Looked After children. Overloading one school has a significant impact on their resources – and the school in question may not be the one best placed to provide support for the child being allocated."

100. Many local authorities reported that schools are increasingly reluctant to admit LAC and PLAC applicants, including those with SEND, Unaccompanied Asylum-Seeking Children (UASC) (who may also have special needs) and those in older year groups:

“We have seen more resistance from schools to admit [LAC] pupils in-year this year compared to 22/23. We feel this is due to a number of interlinked factors, including increased [LAC] (and UASC) populations, more children entering care at an older age, and less capacity within schools because of an increased SEND pressure in the general pupil population. The increased SEMH² SEND need has a strong correlation to prevalence of SEMH need in the [LAC] cohort. There is also more education disruption caused by [LAC] pupils experiencing multiple moves in home/care placement due to the national sufficiency challenge.”

“We experience some concern from schools in accepting LAC or PLAC pupils. Schools can be reluctant to accept pupils in Years 10 and 11 as this will affect their GCSE results and pupils will not always have the time to submit the necessary coursework. Where there is a language barrier and children do not speak English, this will require a large amount of resource from the school and, even with funding, schools may not have the staff to utilise this... Schools often state that they already have a large number of LAC and PLAC students and they do not have capacity to take any more and will not be able to meet their needs.”

101. Several local authorities reported that schools have refused admission to LAC and PLAC under paragraph 3.10 of the Code; some that the number of such refusals has increased. This is a matter that adjudicators have encountered when dealing with direction and direction advice cases for such children and it is deeply concerning. The Code states unequivocally, in paragraph 3.12, that:

“The provision in paragraph 3.10 cannot be used to refuse admission to looked after children, previously looked after children; and children who have Education, Health and Care Plans naming the school in question.”

102. In last year’s report the Chief Adjudicator discussed (at paragraphs 35-38) the matter of LAC and PLAC and FAPs; she explained that the Code allows for PLAC children to be included in FAPs but does not extend the same provision to LAC children. As stated in paragraph 37 of that report:

“the placement of these children should not wait upon the FAP but secured quickly using the local authority’s own direction powers or asking the Secretary of State to direct an academy to admit the child if necessary.”

Nevertheless, this year a number of local authorities reported that they chose to consider both LAC and PLAC under the FAP where places could not be secured via the usual in-year admissions process. Others suggested that LAC children should be eligible for consideration under the FAP, for reasons including avoiding unfairness to schools:

“The same schools in LA are being approached by neighbouring authorities to take LAC children that do not live in our borough. Closer good or outstanding schools are not being applied for. The school do not have the opportunity to argue disproportionality as LAC children cannot be presented at Fair Access. Resources

² Social, emotional and mental health difficulties.

are being saturated in these settings reducing their ability to effectively support [these] vulnerable children.”

103. Relationships and processes between different local authorities and how these affect the placement of LAC were raised, with some local authorities reporting that they are not always notified when a looked after child moves into their area, causing delays in the child being admitted to a school. The following local authority described difficulties when children looked after by them sought admission to a school within a different local authority area:

“Experiences for our [LAC] who are applying for in-year school places can vary dramatically depending on which local authority we are applying to. At least one local authority this year has requested their in-year application form be submitted via post which has increased time taken for processing. At least one local authority has requested significant amounts of behaviour information from a child’s previous school (signed by the headteacher) before processing the application and forwarding to schools for consideration – again, leading to delays.”

104. The matter of the amount and nature of information that is requested as part of the in-year application process for LAC was raised by a number of local authorities, with some maintaining that demands for such information are excessive:

“We have an increasing picture of other LAs seeking excessive information about a looked after child before placement in local schools. This prevents us from meeting the statutory expectation, negatively impacts placement stability and creates increased learning gaps.”

105. Some local authorities expressed dissatisfaction with the Code and suggested how it may be amended in order to better serve the interests of LAC and PLAC. These suggestions centred on a perceived lack of clarity, including:

“It would provide greater clarity and strength for Local Authorities if the School Admissions Code regarding the in-year admission of looked after and previously looked after children were more robust.”

“It would be helpful to have clarity within the Admissions Code, around the expectation that schools should admit LAC and [PLAC] over number where they are the preferred school.”

106. As we have discussed above, the PAN applies only to the normal year of entry and there is, therefore, no such thing as being “over number” in any other year group. More importantly, the test for refusing a child a place outside the normal year of entry is whether admission will cause prejudice to the provision of efficient education or the efficient use of resources and for a looked after child whether that prejudice will be serious.

107. As a final point on the matter of in-year admissions for LAC and PLAC, we note a concern expressed by one local authority regarding the validity of data:

“We are also aware that statistics on the distribution of [LAC] are held based on the Virtual School responsible for the child. The issue here is where Virtual Schools are placing many or all of their [LAC] in other boroughs. For example, Borough A has six [LAC] but places them all with carers in Borough B. Borough B has two [LAC] which they have placed with schools within the borough. The statistics would show that Borough A has six [LAC] and Borough B only has two when, in reality, Borough B is educating all eight. Greater transparency on the movement of [LAC] and recognition as to where they are actually being educated would be welcomed.”

C. Placing Pupils who have SEND In Year

108. Many authorities reported that numbers of children with SEND have risen, and as a result schools judged their resources to be stretched by existing pupils and were reluctant to admit new applicants. One local authority told us that “The number of children without an EHCP but with complex needs continue to rise,” another that:

“The volume of EHCPs has risen dramatically in a short space of time, as is the case nationally, and the legislative and funding nationally and locally are currently unable to cope with this context.”

109. The lack of coordination of in-year admissions was raised in respect of children who have SEND, with some local authorities expressing concern that their lack of power when placing children leads to disparity between schools:

“Some schools continue to decline admission based on the grounds that they ‘can’t meet the child’s needs’ even though the child’s needs are deemed able to be met within a mainstream environment. This has an impact on the schools that are fully inclusive, with them receiving more than their fair share of children with additional needs, from in-year admissions from neighbouring schools in the city.”

110. Local authorities attributed the increasing reluctance of schools to admit children with SEND to a number of factors, including the schools’ financial situations and the way that funding is distributed:

“More challenges are presented to schools for in year admissions of children who have special educational needs and or disabilities (SEND), particularly for those who may not require an [EHCP], however have presenting needs which require additional support via increased SEN Support (Notional) funding. Some children arriving in year miss the School Census date, which results in schools not receiving the required amount of notional funding in relation to pupil numbers with SEND. This is significantly challenging for schools who have high numbers of SEND pupils and are also in financially difficult circumstances.”

111. Previous OSA reports have discussed the matter of children with SEND who have arrived into the country and need to be admitted in-year. This remained a concern for many local authorities, including in respect of the additional difficulties these children may face and the corresponding challenge of securing school places and providing appropriate support. The lack of assessment places for such children was reported as an issue in some areas. The following local authority described the difficulties it had encountered:

“... children who arrive in [our area] having fled unsafe and unstable countries are more likely to suffer from mental health conditions having experienced psychological trauma and have disproportionately higher levels of SEND. Around 40% of [our] in-year applications in 2023/24, were in respect of children from overseas, and a significant proportion of those were for children from families seeking refuge or asylum in the UK. Whilst the majority of these children were swiftly placed in local schools, the process takes longer for those with profoundly complex additional SEND, some with no previous diagnosis or history of education. This creates particular challenges for schools as some children’s needs are so complex that they require full time one-to-one, and in some cases two-to-one support, at a time when many schools are already undergoing financial difficulties and facing increased pressures on their English as an Additional Language (EAL) and SEND resources.”

112. Last year many local authorities reported a shortage of places in special schools. This was again the case this year, with one local authority stating that schools “are being asked to educate children who would, in previous times, be educated in special schools.” Another described the steps it has taken to address the concerns of schools and the impact that the shortage of special school places has had on children despite the local authority’s best efforts:

“The in-year admissions for children with Special Educational Needs and Disabilities (SEND) but with no [EHCPs], has presented significant challenges for the Local Authority. Many of these children have complex needs, which has made it difficult for mainstream schools to effectively provide a suitable education. As a response to these challenges, the Local Authority has recognised it needed a more proactive approach to assess the needs of these new students and determine whether a special school assessment placement is necessary. By addressing the concerns raised by mainstream schools, who have expressed frustration over their limited capacity to support children with intricate needs, the revised process has greatly enhanced the efficiency of admissions, ensuring that vulnerable children secure school placements in a timelier manner. Despite this positive shift in admissions practices, a pressing issue remains regarding the capacity in special schools. As demand continues to rise, the availability of spaces for those needing specialised education has become increasingly strained. This shortage contributes to delays in admission decisions and reflects a systemic challenge within the education sector. Consequently, some children may experience extended waiting periods before they can access the appropriate educational environment that meets their needs.”

113. As with LAC and PLAC applicants, processes between different local authorities were raised as a factor which can hinder effective in-year admissions for children with SEND:

“The process for admitting a child with an [EHCP] is heavily reliant on effective communication between the two local authorities. This is inconsistent and the lack of a national approach to the [EHCP] process means that the timeliness and content of [EHCP] files being transferred is variable. This can lead to delays in the needs of the child being understood and the appropriate placement being identified. Sufficiency of specialist provision across the country strongly affects the ability of local authorities to make placements in a timely manner where an [EHCP] necessitates that level of provision. Furthermore, a lack of parental understanding of the process for children with a plan means that there can often be multiple touchpoints with the local authority and an inconsistency in approach and customer experience.”

114. Despite the complex challenges reported by many local authorities, most judged that children with SEND are well served by the in-year admissions process. However, as the data in Table 11 shows, the picture is less positive than last year with fewer local authorities reporting that children with an EHCP are very well served.

Table 11: How well local authorities say children who had an EHCP were served in 2023/2024 by the in-year admissions process compared to 2022/2023 (number of local authorities and the percentage of those reporting in brackets)

Children with an EHCP	Not at all	Not well	Well	Very well	Not applicable / Don't know
2023 (151 LAs)	2 (1)	11 (7)	69 (46)	63 (42)	6 (4)
2024 (148 LAs)	16 (11)	16 (11)	78 (53)	38 (26)	0

D. Fair Access Protocols and In Year Admissions

115. Many local authorities reported that a shortage of places and what they describe as “capping” by Trusts and other OAA Schools, both matters which we have discussed earlier in this report, have led to greater use of the FAP. One stated that Trusts and OAA Schools sometimes “reduce admission limits and close year groups” and that this can be “purely for the purpose of being able to refuse applications which forces the LA to trigger FAP.”

116. The consequence of a shortage of places, however caused, is that in some areas most FAP referrals concerned children categorised as "out of school for four or more weeks with no school vacancies within a reasonable distance." As last year, some local authorities proposed that the four-week stipulation be removed or revised to enable children to be considered by the FAP more swiftly. Local authorities also described the impact of so many referrals under this category (paragraph 3.17I in the Code) on the consideration and placement of more vulnerable children:

“The increase in children being placed under category L has also applied further pressure to the placement of children with more challenging behaviour, who are vulnerable or where greater support is needed to ensure they are successful in a mainstream environment. The large numbers having to secure a school place through fair access is potentially impeding the process for those challenging or more vulnerable cases. Like last year, there has also been a high number of children falling under category D, Children in alternative provision who need to be reintegrated into mainstream education or who have been permanently excluded but are deemed suitable for mainstream education.”

117. It was commonly reported that increases in migration had increased the number of cases being considered via the FAP, with one local authority stating:

“referrals have quadrupled since an OSA report submitted in 2021, seeing a rise from 40 annual referrals up to the current number of 350+ for the academic year 2023/24. The vast majority of in year admissions applications across both primary and secondary schools are due to the fact that increased new to city numbers are seeing areas of the city that historically have had vacancies available for new arrivals, no longer seeing place availability. Therefore, these cases are requiring a [FAP] referral in order for the local authority to evenly distribute as best as possible across schools so no school is disproportionately disadvantaged given high numbers are arriving in small pockets of the city located around a small number of schools.”

118. Other factors we have already outlined also drove the increase in FAP referrals, including schools stating that they were unable to meet the needs of pupils with SEND. Local authorities reported that this was particularly prevalent where a child did not have an EHCP or was awaiting or undergoing assessment. Many reported that an increased number of permanently excluded pupils and those returning from EHE had also been considered under the FAP, and described the attendant pressures:

“A comprehensive review of existing practices has underscored an urgent need to facilitate the reintegration of children who have been excluded from mainstream education and are currently engaged in alternative provisions or other educational settings. This demographic often requires targeted support to ensure their successful transition back into conventional schooling environments. Additionally, there has been a marked increase in the number of pupils opting for [EHE] who then after a short period of time express a desire to return to mainstream schools. Many of these pupils’ present complex behavioural challenges or have difficult home / family circumstances, thereby compounding the demand for secondary school placements. This surge in EHE students seeking re-entry into traditional education further strains the already limited capacity of mainstream secondary institutions. The resultant pressure on FAP admissions is starting to adversely affect the confidence of secondary schools in the efficacy of the FAP process.”

We have already mentioned the reported increase in admission authorities refusing admission to children on the basis of their behaviour. It is perhaps unsurprising to learn that this has affected FAP referrals.

119. It is clear that many local authorities worked to improve and refine their processes to allow the FAP to function effectively despite the challenges they faced:

“As part of our annual process, we must review our [FAP], taking into consideration of the challenges we have experienced throughout the year. A full review was undertaken in September-November 2023, which saw us strengthen areas we found needed improvement. One of the changes we made to our [FAP] was sending out the referrals in advance to all schools, prior to the panel meetings (usually these were only sent to attendees at the panel meetings). We have found by sharing with all schools in advance and increasing the number of headteachers/members of senior leadership attending our panel meetings, the placements have not been challenged as much as previous years... We will continue to monitor and review our [FAP] on a yearly basis.”

120. Table 12 shows that the number of children being admitted to schools under FAPs increased in 2024 by around 14 per cent compared to 2023.

Table 12: The number of children admitted to schools under the Fair Access Protocol in 2024 (figures in brackets show data from 2023)

Type of school	Primary aged children	Secondary aged children
Community and voluntary controlled	4032 (3183)	1394 (1782)
Foundation, voluntary aided schools and academies	4644 (3944)	17260 (15082)
Total	8676 (7127)	18654 (16864)

121. In 2024, the majority of local authorities (146) reported that children requiring a place through the FAP were well or very well served by the process in 2024. This was the same number as in 2023 although there was a decline in the number rating the children as ‘very well’ served. This is shown in Table 13.

Table 13: Summary of responses on how well hard to place children were served by the Fair Access Protocol in 2024 (figures in brackets show data from 2023)

Not at all	Not Well	Well	Very Well	Not Applicable
1 (1)	3 (1)	71 (61)	75 (85)	3 (0)

E. Directions

122. We receive very few referrals from maintained schools which have been directed to admit children. The majority of our cases relating to directions come as advice to the Secretary of State on requests for an academy to admit a child. This reflects the fact that these cases tend to relate to secondary age children and the majority of secondary schools are academies.

123. Local authorities have highlighted challenges in this area, the following being representative:

“From what we observe from the information provided, it appears there is a significant lack of consistency amongst local authorities. Some provide a high level of support whilst others are often delayed in responding to queries or signposting to relevant colleagues which creates an unacceptable delay for children looked after by [LA] but placed in other counties. A major difficulty faced in placing children outside of the county where they reside is the subsequent duty to find a suitable placement for the child should a school refuse to admit. Going through the process of direction and justifying why one school is the most appropriate is difficult in areas where relationships with the schools do not already exist and engagement from schools is not forthcoming. We rely on links with virtual schools but with differing practices across LA's, this can delay the process to an unacceptable level. [LA] School Admissions has a close working relationship with [LA] Virtual School and advocate for children in care and previously looked after, aiming to avoid any drift and delay in securing school places for vulnerable young people.

We welcomed the clarification that FAPs should not be used for these children, instead seeking a direction as this will provide basis for challenge if there is not consistency between LAs. For other LA's seeking educational placement in [LA], we can see varying levels of adherence to the statutory guidance, and this can cause tensions with schools and delay accessing places. Where social workers have not discussed the child's situation with the school, we can often see schools refuse the application lawfully on the grounds of being full, however when this contact is made, the schools are much more amenable to discussions regarding offering over PAN. Some LA's have stated that they will be seeking a direction before complying the requirements of the statutory guidance, which can cause tensions.”

F. Other Matters raised by local authorities

124. A number of local authorities used the section of their report which invited them to raise any other matters, to strengthen their call for the law to be changed to require local authorities to coordinate all in-year admissions, an issue which has been mentioned several times earlier in this report. One commented that the current system “does not seem to fit with the Local Authority's role of ensuring fairness and advocating for parent/carers”. Many centred their support for coordination on safeguarding concerns, with one local authority stating:

“The recently published Children's Commissioner's Report on Children Missing in Education sets out key recommendations. Mandatory coordination of in-year admission applications supports ‘early identification and intervention’ of children at risk of missing education. As outlined above, one point of contact to the LA to apply for school place, will trigger early identification.

125. Although the desire for local authority coordination of in-year admissions was a widespread view, some authorities noted that this could not be achieved without further funding and appropriate administrative powers. One commented:

“The recent King’s Speech discussed ‘giving local authorities greater powers to help them deliver their functions on school admissions and ensure admissions decisions account for the needs for communities.’ For a large shire local authority . . . this cannot just be an extra administrative role to co-ordinate in-year applications, without powers and levers for an LA to compel admission to solve the issue of high needs children accessing places. Otherwise, this just becomes an administrative burden for the LA, without doing anything to contribute to the quick admission of children.”

126. We also note that whilst a preference for local authority coordination was a strong, majority view it was not universal. One local authority stated:

“We were concerned to read the suggestion in a previous Schools White Paper that local authorities may again be required to co-ordinate all in-year applications in the future. We consider this would be a move which works against the interests of parents and that such admissions, particularly for [OAA Schools], are best managed by the schools themselves.”

127. A common theme in local authority reports was a wish for a more uniform approach to in-year admissions in the interests of more quickly securing places for children, as well as strengthening safeguarding. Suggestions included:

“a uniform approach to a timescale given to schools for placing children on roll once a place has been offered by the LA; this would make tracking and monitoring children without a school place easier and would speed up the process for identifying and supporting the families before they move to a different address or city.”

“As noted in our report last year, we would welcome the strengthening of safeguarding processes in relation to children educated outside the local authority where they live. It would be helpful to clarify which local authority should be informed about new in-year admissions (e.g. both the home local authority and the maintaining local authority). This would prevent children from ‘slipping through the net’ at this key transition point and support the home local authority in discharging its duty to identify children resident in their area who are not receiving suitable education (436A of the Education Act 1996) so they can be swiftly found a new school or other education provision.”

128. Local authorities reported other barriers encountered in respect of in-year admissions, sometimes caused by parents:

“Parental expectations of suitable schools differ from the authority’s. There is a substantial minority of parents who do not engage with the authority and refuse to apply for suitable schools with available places or, once offered, refuse the place. While support is offered to these families, it remains an ongoing issue to get these children into school.”

129. As schools are largely funded on the basis of pupil numbers, calculated from the October census each year, local authorities reported that the funding “lag” increases the reluctance of schools to admit pupils after the census and creates capacity issues in processing a large volume of applications after the summer holidays to try and get all pupils requiring a school place on roll prior to census day. Some local authorities described the impact on undersubscribed schools, which are those most likely to admit pupils, some of whom may be vulnerable, after the census date. One commented:

“Where those pupils go off roll before the next census, the school has effectively educated them unfunded.”

130. The matter of funding was also raised in respect of children who were seeking asylum:

“It has been unhelpful that there has been no additional education funding for asylum seeker children as has been provided for refugee children and [it] is difficult to explain this to schools when placing as from an education perspective the two groups of children have similar needs. It can also be a barrier for these children in accessing education as basic requirements such as uniform, calculators, stationery, lunchboxes have to be provided either by the school, the third sector or the local authority as their parents do not have financial resources to provide and are generally unable to work or claim benefits.”

131. Some local authorities mentioned particular concerns regarding the following:

“In year movement of pupils, especially those with additional needs, presents issues for schools where allocation takes place after October census. 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.”

132. A number of local authorities raised concerns about the behaviour of other admission authorities; one remarked that some OAA Schools, in particular schools that have recently converted to academy status, “are not always aware of the legal requirements in relation to school admissions.” It was also reported that schools with high levels of pupil mobility, or that have been rated by Ofsted as less than good, “are refusing to admit students to avoid those transferring with attendance and behaviour issues.”

133. Some local authorities reported that schools for which they are not the admission authority may actively seek to discourage parents from submitting an in-year application, and that such practices may be tantamount to selection.

“In the case of children with vulnerable indicators, we hear from families who have approached various academies that they have been advised not to apply for a place as the school is unable to meet their needs, or that there are no places available in the appropriate year group when this is not the case. A number of our academies have advised that they will not offer places to children for whom there is no information regarding behaviour at previous schools available. Other academies will not offer places to children unless the family has visited the school site for a meeting. This occurs despite [the local authority] advising school colleagues that these practices are not compliant with the school admissions code. There is also intelligence from families which strongly suggests that schools are sometimes advising that they are unable to meet the needs of a child and suggesting that [EHE] may be a better option for them. This information is usually provided by families of children at risk of suspension/permanent exclusion or those whose attendance is poor.”

“[We have] raised this matter in the last few OSA reports. It is important to repeat concerns about in-year admission delays and refusals for some secondary requests which amount to selection (as it is predominantly children with backgrounds of behaviour - under the FAP threshold - and / or non-attendance) . . . Some secondary trusts are regularly refusing available places for individual children on grounds of prejudice (but not all children). If the Council enquires why this has happened no specific details are given. However, in these cases other statutory requirements of the Code are being ignored – almost certainly 1.9 a), g) and h). We require that the selective citing of one element of the Code to refuse in-year applications (where there are available places) be stopped. This would prevent growing selection by citing prejudice for some in-year applicants based on previous behaviour whilst others are offered places. The Council is aware that local trusts are liaising about this situation. We have provided information and data to facilitate discussions. It is hoped that they will reach agreement to act in the spirit of the Code and follow admission policies. During 2023 / 24, secondary academies refused referrals for 52 secondary children where there were available places (as other children received offers). If local agreement to resolve this selection is not possible then [we] will very likely be referring all future cases to the OSA.”

Appendix 1 - The role of the OSA

134. Adjudicators exist by virtue of section 25 of the School Standards and Framework Act 1998. They have a remit across the whole of England. In relation to all state-funded mainstream schools, other than 16–19 schools, adjudicators rule on objections to and referrals about determined school admission arrangements. In relation to maintained schools, adjudicators: decide on requests to vary determined admission arrangements; determine referrals from admission authorities against the intention of the local authority to direct the admission of a particular child; decide some school organisation proposals; and resolve disputes on the transfer and disposal of non-playing field land and assets. In relation to academies, adjudicators give advice to the Secretary of State on requests from local authorities for the Secretary of State to direct an academy to admit a named child.

135. Adjudicators are appointed for their knowledge of the school system and their ability to act impartially, independently and objectively. They look afresh at cases referred to them and consider each case on its merits in the light of legislation, statutory guidance and the Code. They investigate, evaluate the evidence provided and determine cases taking account of the reasons for disagreement at local level and the views of interested parties. Adjudicators may hold meetings in the course of their investigations if they consider it would be helpful and could expedite the resolution of a case.

136. Adjudicators are independent of the DfE and from each other unless two or more adjudicators are considering a case together. Adjudicators are part-time, work from home and take cases on a 'call-off' basis, being paid only for time spent on OSA business. They may undertake other work when they are not working for the OSA provided such work is compatible with the role of an adjudicator. They do not take cases in local authority areas where they have been employed by that local authority or worked there in a substantial capacity in the recent past. Nor do they take cases where they live or have previously worked closely with individuals involved in a case, or for any other reason if they consider their objectivity might be, or be perceived to be, compromised.

137. The former Chief Adjudicator left in April 2024. At this time there were eight adjudicators, including the two joint interim Chief Adjudicators who were fulfilling the role pending recruitment of a permanent appointment whilst also undertaking case work. One adjudicator was not undertaking case work and another adjudicator resigned. Two former adjudicators came out of retirement and were appointed for a temporary period to help out during the busiest months. Their help was invaluable.

138. We are pleased to say that five new adjudicators were appointed in December 2024 and are in training. It is expected that they will be able to take on a case load in May, when the greatest number of cases are likely to be received. They are: Phillip Lloyd, Emma Harrison, David Holland, Jackie Liu and Patrick Storrie. We are already receiving a high number of objections to schools' 2026 admission arrangements, including several multiple objections.

139. Adjudicators are supported by a small team of administrative staff who are seconded from the DfE for this purpose. We have four staff who have provided excellent support throughout the year, despite many challenges. We extend our thanks to them all.

140. As in past years we sought and received legal advice and litigation support as necessary from lawyers of the Government Legal Department (GLD) and from barristers who specialise in education law. Adjudicator determinations are checked before publication by the Chief Adjudicator and, where appropriate, by barristers. Determinations do not set precedents, and each case is decided in the light of its specific features and context alongside the relevant legal provisions. Determinations are legally binding and, once published, they can be challenged only by judicial review in the Courts. We have one ongoing challenge to a determination, with a hearing date listed in July 2025.

141. The OSA's costs in the financial year April 2023 to March 2024 were £491,000 compared to £553,000 the previous year. At the completion of each case, the OSA seeks feedback from all involved on how the matter was handled. This year 480 forms were sent out and 42 (which is nine per cent) returned. Overall, comments suggest confidence in OSA processes

142. We received five requests for information that cited the Freedom of Information (FOI) Act in the period 1 January 2024 – 31 December 2024. All were dealt with within the statutory timescales.

Appendix 2 - OSA expenditure³

OSA Expenditure financial years 2023-2024 and 2022-2023

Category of Expenditure	2023-2024 £000	2022-2023 £000
Adjudicators' fees	340	378
Adjudicators' expenses	10	6
Office staff salaries	116	124
Legal fees (including costs of subscription to legal database)	25	16
Total	491	553

³ Information relates to financial years 2023-2024 and 2022-2023. The report covers the calendar year 2024 so far as it relates to the work of the OSA.

Appendix 3 - Table Index

Table 1:	<u>Admissions cases by year and outcome</u>
Table 2:	<u>Matters covered in past reports</u>
Table 3:	<u>Variations to admission arrangements</u>
Table 4:	<u>Directions to schools to admit pupils and advice to the Secretary of State on requests for a direction to an academy</u>
Table 5:	<u>Children subject to Direction/Direction advice cases</u>
Table 6:	<u>The views of local authorities comparing the 2023/2024 admission round with the 2022/2023 admission round for each normal point of entry to schools (number of local authorities and the percentage of those reporting in brackets)</u>
Table 7:	<u>How well LAC and PLAC were served by the admissions system at normal point of admission in 2023/2024 compared to 2022/2023. Response of local authorities (percentage reporting for each category).</u>
Table 8:	<u>How well local authorities say children who had an EHCP were served in 2023/2024 at normal points of entry (number of local authorities and the percentage of those reporting in brackets)</u>
Table 9:	<u>The views of local authorities comparing the challenge of in-year admissions during 2023/2024 compared with 2022/2023 for primary and secondary admissions (number of local authorities and the percentage of those reporting in brackets)</u>
Table 10:	<u>How well specific groups of looked after and previously looked after children were served by in-year admissions in 2023/2024 (number of local authorities and the percentage of those reporting in brackets)</u>
Table 11:	<u>How well local authorities say children who had an EHCP were served in 2023/2024 by in-year admissions compared to 2022/2023 (number of local authorities and the percentage of those reporting in brackets)</u>
Table 12:	<u>The number of children admitted to schools under the Fair Access Protocol in 2024 (figures in brackets show data from 2023)</u>
Table 13:	<u>Summary of responses on how well hard to place children were served by the Fair Access Protocol in 2024 (figures in brackets show data from 2023)</u>

Appendix 4 Local authority Questionnaire Template

Guidance on completing the template

1. 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.

2. 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 Release⁴ and the Education Middle School (England) Regulations 2002⁵.

3. The Code sets out some minimum requirements on the contents of each local authority report stating that each must cover as a minimum "information about how admission arrangements in the area of the local authority serve the interests of looked after children and previously looked after children, children with disabilities and children with special educational needs, including any details of where problems have arisen."

4. The Department for Education's aim through the annual reports from local authorities is to understand how well the admissions system is working nationally, rather than to hold individual local authorities to account. By understanding the effectiveness of the system, including outcomes, the Department hopes to identify areas where the admissions system is working well and areas where it could be improved. With that in mind, when the template asks, "how well does the admission system serve the needs of children," the Department appreciates that it is asking local authorities to make a subjective judgement, in the understanding that everyone's experience with the admission system will be different. The Department encourages local authorities in responding to the open questions and spaces for open comments to set out challenges that are proving difficult to overcome.

5. 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. to a year group which is not a normal point of entry for the school concerned (for example to Year 2 in a five to eleven primary school); and

⁴ [Department for Education Statistical First Release](#)

⁵ [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 that there were no children falling within the relevant definition.

6. 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.

7. 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.

8. Where questions request a comparison with the previous year, any new local authorities formed as a result of reorganisation should note this on the form.

Information requested

Section 1 - Normal points of admission

A. Co-ordination

Which of the following best describes the level of challenge for your **main admissions round in 23/24 compared to 22/23?**

Year Group	Much less challenging	Less challenging	No change	More challenging	Much more challenging
Reception					
Year 7					
Other relevant years of entry					

Please give examples to illustrate your answer if you wish:

B. 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 applicable

- 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

- 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:**

C. 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 at **normal points of admission?**

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

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:

Section 2 - In-year admissions

A. Which of the following best describes the overall level of challenge for your **in-year admissions in 23/24 compared to 22/23?**

Phase	Much less challenging	Less challenging	No change	More challenging	Much more challenging
Primary					
Secondary					

If you wish, please explain the factors that have changed the level of challenge for your in-year admissions:

B. Looked after children and previously looked after children

- i. How well 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 well 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 well 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 well 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:

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:

D. Fair access protocol

What proportion of the state-funded mainstream schools in your area have said that they agree to the local authority fair access protocol ?

Primary

Between 0% and 49% ☐

Between 50% and 74% ☐

Between 75% and 89% ☐

Between 90% and 99% ☐

100% ☐

SecondaryBetween 0% and 49% ☐Between 50% and 74% ☐Between 75% and 89% ☐Between 90% and 99% ☐100% ☐

If you have below 75% for either phase, please explain why:

- i. How many children were admitted to schools in your area under the fair access protocol between 1 August 2023 and 31 July 2024?

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

- ii. If you have seen a change in the number of children referred to your Fair Access Protocol between 1 August 2023 and 31 July 2024 compared to the previous academic year please indicate what you consider the key reasons for this change to be?

- iii. 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

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

E. Directions to maintained schools to admit children⁶

How many directions did the local authority make between 1 August 2023 and 31 July 2024 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

F. 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 2023 and 31 July 2024 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 **primary** schools in your area did the local authority co-ordinate in-year admissions during the 2023/2024 academic year

⁶ It is important that only Directions to maintained schools are included here. Numbers of Directions to academies are already held by the Department.

- Between 0% and 24% ☐
- Between 25% and 49% ☐
- Between 50% and 74% ☐
- Between 75% and 100% ☐

- iii. For what proportion of **secondary** schools in your area did the local authority co-ordinate in-year admissions during the 2023/2024 academic year

- Between 0% and 24% ☐
- Between 25% and 49% ☐
- Between 50% and 74% ☐
- Between 75% and 100% ☐

- iv. 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:

- v. 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):



Office of
the Schools
Adjudicator

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