

ABERDEEN CITY COUNCIL

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| COMMITTEE | Audit, Risk and Scrutiny Committee |
| DATE | 23 November 2017 |
| REPORT TITLE | Internal Audit Report AC1811 – School Placing Requests |
| REPORT NUMBER | IA/AC1811 |
| LEAD OFFICER | David Hughes |
| AUTHOR | David Hughes |

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the planned Internal Audit report on School Placing Requests.

2. RECOMMENDATION

- 2.1 It is recommended that the Committee review, discuss and comment on the issues raised within this report and the attached appendix.

3. BACKGROUND / MAIN ISSUES

- 3.1 Internal Audit has completed the attached report which relates to an audit of School Placing Requests.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

- 6.1 The Internal Audit process considers risks involved in the areas subject to review. Any risk implications identified through the Internal Audit process are as detailed in the attached appendix.

7. IMPACT SECTION

7.1 **Economy** – The proposals in this report have no direct impact on the local economy.

7.2 **People** – There will be no differential impact, as a result of the proposals in this report, on people with protected characteristics. An equality impact assessment is not required because the reason for this report is for Committee to review, discuss and comment on the outcome of an internal audit. The proposals in this report will have no impact on improving the staff experience.

7.3 **Place** – The proposals in this report have no direct impact on the environment or how people friendly the place is.

7.4 **Technology** – The proposals in this report do not further advance technology for the improvement of public services and / or the City as a whole.

8. APPENDICES

8.1 Internal Audit report AC1811 – School Placing Requests.

9. REPORT AUTHOR DETAILS

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ABERDEEN

CITY COUNCIL

Internal Audit Report

Education and Children's Services

School Placing Requests

Issued to:

Gayle Gorman, Director of Education and Children's Services
Fraser Bell, Head of Legal and Democratic Services.
Euan Couperwhite, Head of Policy, Performance and Resources
Steven Whyte, Head of Finance
External Audit

EXECUTIVE SUMMARY

The Council has a legal obligation under Section 28 of the Education (Scotland) Act 1980 to offer parents and carers the choice of school at which their child can be educated. The Education (Scotland) Act also gives parents and carers the right of appeal in the event that a placing request is refused. The objective of this audit was to review decision making processes and consider whether these are being adhered to. This involved reviewing completed placement requests and submitted appeals.

Although the process is working well, recommendations have been made, and agreed by management, regarding the preparation of written procedures, ensuring that guidance is consistent, retention of documentation evidencing the decision making process, and system efficiency.

1. INTRODUCTION

- 1.1 Aberdeen City Council currently has approximately 22,600 pupils enrolled at 47 Primary Schools, and 12 Academies.
- 1.2 The Council has a legal obligation under Section 28 of the Education (Scotland) Act 1980 to offer parents and carers the choice of school at which their child can be educated. 1,993 applications were made in 2017 up to 21 September. For the same period in 2016, 2,011 applications were made.
- 1.3 The Education (Scotland) Act also gives parents and carers the right of appeal in the event that a placing request is refused. 103 appeals were submitted in 2017 to 30 September 2017. 31 appeals were not upheld, and the remaining 72 were withdrawn by the appellant prior to the hearing for various reasons including school places being offered, or the appeal not being deemed competent.
- 1.4 The objective of this audit was to review decision making processes and consider whether these are being adhered to. This involved reviewing completed placement requests and submitted appeals.
- 1.5 The factual accuracy of this report and action to be taken with regard to the recommendations made have been agreed with Euan Couperwhite, Head of Policy, Performance and Resources and Lesley Kirk, Directorate Support Manager.

2. FINDINGS AND RECOMMENDATIONS

2.1 Legislation and Written Procedures

- 2.1.1 The Education (Scotland) Act 1980 details the legal obligations of the Council with regards to placing requests for school-age children and gives parents / carers the right to request a place at a school that is out with the catchment area in which they reside. The Act details circumstances in which the duty to accede to a parent's request do not apply, including where additional expenditure would be incurred employing an additional teacher, or altering / extending school accommodation.
- 2.1.2 The Act also provides the right for parents / carers to appeal any decision to refuse a placement request. Local Authorities are required to constitute an appeals committee, which should hear appeals as long as they are submitted in writing no more than 28 days following notification of the original decision.
- 2.1.3 Comprehensive written procedures which are easily accessible by all members of staff can reduce the risk of errors and inconsistency. They are beneficial for the training of current and new employees and provide management with assurance of correct and consistent practices being followed, especially in the event of an experienced employee being absent or leaving. The Service holds a hard copy file of various pieces of process guidance, templates and documentation compiled by the previous placing request administrator. The file does not provide full guidance on the process, and is considered incomplete by the Service, increasing the risk of processes being incorrectly applied, and the Council not complying with legislation.

Recommendation

The Service should prepare detailed procedures for the placing request process.

Service Response / Action

Agreed. Process mapping and individual responsibilities will be developed.

Implementation Date

January 2018

Responsible Officer

Directorate Support
Manager

Grading

Significant within audited
area

- 2.1.4 A review of the guidance available to parents and carers indicated some degree of inconsistency with regards to whom appeals should be submitted, with documents referring to three different post titles. Inconsistency in guidance to service users may reduce confidence in the placement and appeals process. It is noted however that guidance available is in line with the Education (Scotland) Act 1980.

Recommendation

The Service should ensure guidance available to parents and carers is consistent.

Service Response / Action

Agreed. The Service will review and update guidance to ensure consistency across the different formats of information around the appeals process.

Implementation Date

January 2018

Responsible Officer

Directorate Support
Manager

Grading

Important within audited
area

2.2 Placing Requests

- 2.2.1 With certain exceptions, local authorities have a statutory obligation to accede to a parent

/ carer's request to place their child in a school of their choice. To consider a request, it should be made in writing and submitted to the Service. The application comprises of a principle application form, which should be supported by a supplementary form for the relevant priority type (see below) indicated on the principle form. A review of the forms evidenced 7 fields out of 15 on the principle form were duplicated on all supplementary forms. Doing so results in unnecessary duplication of input on the part of the applicant, and presents similarly unnecessary information to the Placement Request team.

Recommendation

The Service should rationalise the application forms in use to a single form.

Service Response / Action

Agreed. A key element of the electronic system has been the creation of a new form which compiles the information required by the PRT and for school admissions. This will come into effect with the launch of the new system and is dependent on the prioritisation of IT transformation projects.

Implementation Date

April 2018

Responsible Officer

Directorate Support
Manager

Grading

Important within audited
area

2.2.2 Placing requests are administered by the Placings Request Team (PRT), with input from Schools, Quality Improvement Officers, and the Inclusion Team. Applications are prioritised into one of four priority groups:

- Priority 1 is for applicants moving into a school's catchment area,
- Priority 2 is for applicants with a sibling at the school,
- Priority 3 is for applicants where childcare is being provided within the school catchment area, and
- Priority 4 is for all other applications from out with the catchment area.

2.2.3 Applications made up to 15 March for admission in the proceeding school year will be given priority over applications made after that date, and must be responded to by 30 April. Applications made up to 15 March for the current school year, or after 15 March for the proceeding school year, should be determined within two months of application. All applications for the proceeding school year including those made after 15 March will be held on a waiting list. Waiting lists are issued to schools 2 to 3 times a month, alerting schools to placing applications still active.

2.2.4 The PRT will check priority 1 to 3 applications to ensure that the applicant has prioritised the application correctly. Evidence of the home address will be requested from the applicant for priority 1 applications. The PRT may also confirm the address using the Academy Council Tax System. To confirm the child to which the application relates resides at the address recorded, a Home School Liaison Officer (HSLO) visit may be requested. Priority 2 applications should evidence a stamp from the school at which a sibling is attending. If the form has not been stamped then the PRT can request confirmation of the sibling's attendance from the school. For priority 3 applications, the PRT will request a HSLO visit to confirm the childcare arrangements are current unless the school is able to offer on a Priority 4 basis.

2.2.5 A sample of 30 placing requests (15 awarded, 15 refused) was reviewed to ensure applications had been submitted in writing on the appropriate application forms, and that there was evidence on file to support the prioritisation of the application. A database of applications is maintained by the PRT, and is updated with application details and the outcome of applications.

- 2.2.6 Placing requests are referred to the school applied for in all instances, as the schools have the relevant information on school roll, class distribution, and available resources. The decision to offer a place is that of the school to which the placing request has been made.
- 2.2.7 Placing requests were reviewed to ensure the school had been consulted, and that the decision of the school had been communicated to the Placing Request Team. The Service advised that for applications considered by 30 April the PRT is advised verbally of places awarded, therefore the decision making process involved in granting school placing requests is not fully documented. The Service has access to the SEEMiS Pupil Management system, but the running of enrolment reports and tracking down records on the report is a time consuming process, and would be impractical to use to confirm the placing awards during peak periods, and as such the audit trail regarding the decision making process is incomplete. The Service provided evidence of an incident where the school had awarded a place but had not advised the PRT, who issued a refusal letter. The issue resulted in an appeal, which was withdrawn as a place had been awarded. Failure to advise the PRT of places being awarded can cause reputational damage to the Service and increased administration.

Recommendation

The Service should implement a mechanism for documenting the decision making process regarding the award of school places.

Service Response / Action

Agreed. The electronic system will resolve this issue. Until such time as the system is active, all schools will need to provide an update on the waiting lists sent out by the PRT indicating whether a place has been offered, accepted, declined or refused.

Implementation Date

January 2018

Responsible Officer

Directorate Support
Manager

Grading

Significant within audited
area

- 2.2.8 Applications that do not meet the requirements of priority groups 1 to 3 may still be given a greater priority than priority 4 where there are exceptional circumstances relating to the applicant. Where there is an indication of an Additional Support Need (ASN), the PRT will flag it with an Education Officer for further investigation. The PRT is reliant on the parent / carer detailing any circumstances on the School Placing Request form. Given that there is limited space to describe any particular circumstances in detail on the form, and some parents / carers may be reluctant to detail SEN for their child, the lack of a field / checkbox to indicate that an ASN exists may act as a barrier to the family getting the educational support their child needs.

Recommendation

The application form for priority 4 applications should be amended to include a checkbox to indicate any Additional Support Needs, which can be followed up by the Inclusions Team.

Service Response / Action

Agreed. The Service is in the process of setting up a digital solution to the placing request process. The new system will request detailed information on the nature of any additional support needs. The applications will be revised as indicated as an interim arrangement prior to the digital solution being implemented.

Implementation Date

January 2018

Responsible Officer

Directorate Support
Manager

Grading

Important within audited
area

- 2.2.9 One application was noted where a priority 4 application was flagged to the Inclusion Team, and following discussions, a place was offered to the applicant under special circumstances. A review of documentation held by the Service evidenced contact with the Inclusion Team by way of a hand-written note, but did not evidence formal consideration and communication of the decision made by the Inclusion Team. Where decisions are taken to award places to non-priority applications, it is important to fully document the process in the event that the decision should be challenged.

Recommendation

Applications referred to the Inclusion Team should be fully and formally documented, including any decisions to award places to non-priority applications.

Service Response / Action

Agreed. The Officer who has awarded special or exceptional circumstance status must email the PRT fully documenting the decision making process.

Implementation Date

January 2018

Responsible Officer

Directorate Support
Manager

Grading

Significant within audited
area

- 2.2.10 A review of refused applications was undertaken to ensure that the reasons for refusal communicated to applicants were aligned to a statutory reason for refusal, and were supported by documentary evidence of refusal by schools involved. Of 15 refusals, 13 were not supported by a documented reason from the school to which the application referred. Although the reasons communicated to applicants by the Service agreed to legislation, they cannot be confirmed as being correct. The Service has advised that a number of schools have a capped school roll, and must retain a number of reserved places for students who move into the catchment area of a school, and evidence from the school may not always be submitted in this circumstance. However, where the reason to refuse or award is related to this reason, it should be evidenced. There is a risk of successful challenge at appeal should the incorrect reason for refusal be communicated to applicants.

Recommendation

The reasons for refusal should be supported by documentary evidence from schools.

Service Response / Action

Agreed. A copy of the statutory grounds for refusal will be communicated to schools via a Circular and the schools will be instructed to provide the grounds for each refusal and documentary evidence as justification for the decision taken.

Implementation Date

January 2018

Responsible Officer

Head of Policy Performance
and Resources

Grading

Significant within audited
area

- 2.2.11 The current process for the consideration of school placing requests, although functioning, is reliant on good communication being in place as relevant information is held in a number of locations, and is not readily available to the PRT, and as such is a time consuming process. Decision making is split, with schools communicating approvals to applicants, and the PRT communicating refusals. The Service, in conjunction with IT & Transformation, had examined the possibility of automating the process for school placement requests to the point where a prototype system had been devised, and was ready for demonstration in 2016. However, due to delay to the Customer Experience Platform project, the school admissions project was halted. Consideration of implementing the project could free up administrative time, and improve the customer experience regarding school placing requests.

Recommendation

The Service should review the school placing request process to ensure it is fit for purpose, including a review of the proposed admissions system.

The Service should give consideration to the Placings Request Team communicating approvals instead of schools.

Service Response / Action

Agreed. As part of the digitisation process the Service is considering how the school placing request and admission processes can be linked, coming together in a single process.

Agreed. The schools will be advised by way of an instruction issued through a Circular.

Implementation Date

August 2018

Responsible Officer

Directorate Support
Manager

Grading

Significant within audited
area

2.3 Appeals

- 2.3.1 Sections 28 C and D of the Education (Scotland) Act 1980 give parents / carers the right to appeal the refusal of a placing request. Appeals should be submitted within 28 days of notification of the original placing decision. Appeals submitted after 28 days may be considered if the appellant has shown good cause for not submitting an appeal within the prescribed timescale. Parents / carers cannot submit more than one appeal in any 12 month period.
- 2.3.2 Legislation requires that all education authorities set up and maintain an appeals committee. Schedule A1 (3) of the Education (Scotland) Act 1980 requires that an appeals committee should comprise of Elected Members, parents of school age children, and persons who have experience in education, or of educational conditions in the area of the authority. It was confirmed with Legal and Democratic Services that an appeals committee is in operation, is independent of the placings request decision making process, and is constituted in line with legislative requirements.
- 2.3.3 Appeals should be submitted in writing to Legal and Democratic Services by the parent / carer who submitted the original placing request. Education and Children's Services will complete a pro-forma to record information on the school roll, class breakdown, reserved places, placing requests submitted in the year, and the appellant's place on the waiting list for that school. Education and Children's Services will provide all documentation relating to the original placing request for the appeal to be heard. The Appeals Committee issue the outcome directly to parents / carers.
- 2.3.4 Twenty appeals were reviewed to ensure that all were submitted in writing within the prescribed timescale, that all relevant documentation was provided to Committee, and the Committee decision had been communicated to the applicants. All appeals submitted had been done so within prescribed timescales by the original applicant, and all documentation had been forwarded to Legal and Democratic Services. Of the 20 appeals, 13 were withdrawn prior to the hearing, and the remaining 7 were not upheld. Outcomes had been communicated to appellants in all cases.

AUDITORS: D Hughes
A Johnston
N Ritchie

Appendix 1 – Grading of Recommendations

| GRADE | DEFINITION |
|--|--|
| Major at a Corporate Level | The absence of, or failure to comply with, an appropriate internal control which could result in, for example, a material financial loss, or loss of reputation, to the Council. |
| Major at a Service Level | <p>The absence of, or failure to comply with, an appropriate internal control which could result in, for example, a material financial loss to the Service/area audited.</p> <p>Financial Regulations have been consistently breached.</p> |
| Significant within audited area | <p>Addressing this issue will enhance internal controls.</p> <p>An element of control is missing or only partial in nature.</p> <p>The existence of the weakness identified has an impact on a system's adequacy and effectiveness.</p> <p>Financial Regulations have been breached.</p> |
| Important within audited area | Although the element of internal control is satisfactory, a control weakness was identified, the existence of the weakness, taken independently or with other findings does not impair the overall system of internal control. |