

Final Internal Audit Report

School Admissions

December 2023

Distribution: Interim Corporate Director Children, Young People & Education
(DCS and Caldicott Guardian)

Director of Education

Head of Early Years, School Place Planning & Admissions

School Admission Manager

Access to Education Office Manager

Head of Access to Education

Director of Finance (Deputy S151)

Corporate Director of Finance and S151 Officer (Final only)

Assurance Level	Issues Identified	
Limited Assurance	Priority 1	3
	Priority 2	2
	Priority 3	0

Confidentiality and Disclosure Clause

This report ("Report") was prepared by Mazars LLP at the request of London Borough of Croydon and terms for the preparation and scope of the Report have been agreed with them. The matters raised in this Report are only those which came to our attention during our internal audit work. Whilst every care has been taken to ensure that the information provided in this Report is as accurate as possible, Internal Audit have only been able to base findings on the information and documentation provided and consequently no complete guarantee can be given that this Report is necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.

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Please refer to the Statement of Responsibility in Appendix 3 of this report for further information about responsibilities, limitations and confidentiality.

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1. Introduction

- 1.1 The School Admissions Code 2021 (SAC 2021) requires admission authorities such as Croydon Council (the Council) to publish admission arrangements every year. The School Admissions Regulations 2012 (Regulation 17) (SAR 2012) also prescribes the timeframes by which the Council must determine and publish the admission arrangements for each year. As per the SAR 2012, the Council must also advise the right to object to the Schools Adjudicator, where it is considered that the arrangements do not comply with the mandatory provisions of the SAC 2021.
- 1.2 In June 2021, the Council's Lead Officers and Cabinet met on the 'Determination of School Admission Arrangements' to set out the Council's priorities for 2020 to 2024 and issued a Changes to Admissions Report, as per SAC 2021 requirements. The SAC 2021 ensures that school places for maintained schools and academies (excluding maintained special schools and special academies) are allocated fairly. This includes prioritising looked after children, then students who have siblings at the school and then using straight line distance from the child's home to the school as a deciding factor.
- 1.3 All admission authorities must determine (i.e. formally agree) admission arrangements by the 28 February each year. The admission arrangements are part of the policy framework and are therefore reserved to full Council for decision. All secondary schools in the London Borough of Croydon act as their own admissions authority and parents can apply for up to six schools.
- 1.4 Information to parents is made available through the Council website '<https://www.croydon.gov.uk/schools-and-education/schools/school-admissions>'. This informs parents of the deadlines for applications and includes the prospectuses for both in-year and September starts, as well as information on the appeals process.
- 1.5 School admissions are processed and managed by the Admissions Team, led by the Head of School Place Planning and are part of the Children, Young People and Education directorate. Their role is to ensure that school places are allocated fairly and consistently in line with SAC 2021. The Synergy system is used to record, process and monitor applications.
- 1.6 Our review and testing were performed remotely, and we were able to obtain all relevant documents required to complete the review.
- 1.7 This audit was undertaken as part of the agreed Internal Audit Plan for 2022/23. The objectives, approach and scope are contained in the Audit Terms of Reference at Appendix 1.

2. Key Issues**Priority 1 Issues**

School admissions data of students over the age of 25 had not been deleted by the Council in line with the Data Protection Act 2018 and UK General Data Protection Regulations **(Issue 1)**

A significant number of children that had applied via the in-year process were not receiving education, including over 150 secondary school age children out of school for over four weeks and over 60 out of school for over eight weeks. **(Issue 2)**

Where the in-year applications process has been exhausted, and children were without education for over a month, the Fair Access Panel was not providing school places. **(Issue 3)**

Priority 2 Issues

Offers of school places were not followed up by the Admissions Team, resulting in in-year applicants remaining outside of education. **(Issue 4)**

The Fair Access Protocol had not been updated in line with the School Admissions Code 2021. **(Issue 5)**

No Priority 3 issues were raised in this audit.

3. Actions and Key Findings/Rationale

Control Area 1: Record Keeping of Applications

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 1
1	<p>Our previous education management system, CAPITA ONE, had an inbuilt archive and record deletion functionality that allowed Croydon system administrators to delete students records annually to meet the Council’s data retention schedule and GDP regulations.</p> <p>SYNERGY does not have an inbuilt record deletion functionality, the supplier, the Access Group, would run a script to delete these records for us – this is a chargeable service.</p> <p>The recommendation from our technical support is we commission Access Group to</p>	<p>Expected Control</p> <p>It is essential for Local Authorities to have robust data security controls including protocols for deletion in order to be compliant with the Data Protection Act 2018 and UK GDPR. An effective process should be in place to regularly remove personal data once former students are over 25 years old to comply with UK GDPR requirements. Where systems are changed, a reconciliation exercise should occur to ensure that expired data is not transferred to the new system.</p> <p>Issue/Finding</p> <p>The student data stored in Synergy was reviewed to test for the effectiveness of data storage of admission applications. Council Policy is to retain records until a student is 25. Our review identified the oldest student record dated back to 1971. In total, there were 10,009 records dating to 1997 and before and thus in breach of the Council’s Policy. The School Admissions Manager explained that these records should have been deleted from Synergy but still remained present due to a change in IT systems (from Capita to Synergy), and the subsequent data migration from Capita to Synergy. Further no evidence was found of an effective process being used for archive and student record deletion within Synergy.</p> <p>Risk</p>

create and run a custom built script to delete all pupils over a school age (1) as soon as possible once funding is approved.

We also need to commission Access Group to create and run a further two custom built record deletion scripts: -

All non-home LA Pupils if the never attended a Croydon LA school after two years since the admissions application - i.e. they selected Croydon school in the admissions application but never offered/attended (2)

Once we have gone live with the SEN and Pupil Support Modules, we will need to amend the script to delete all pupils over a school age as we will retain records if they were known to SEN or PSS services (3).

Where students' data is held for longer than necessary, Council may be in breach of Data Protection laws and non-compliance with its own Policy.

Responsible Officer	Deadline	
School Admission Manager	April 2024	

Control Area 5: Late and In-Year Applications

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 2
1	<p>The service has begun initiating requests for schools to be directed or directing schools where we are able to do so. Manager also met with the DfE to discuss the issues who in turn raised the concerns with the Director of Education and offered support.</p> <p>Fair Access does not sit within the Admissions service and therefore is not managed or controlled by the school admissions service, however where requested, we have been supporting the work which the Head of Learning Access is taking forward in terms of policy/process for the Fair Access process.</p>	<p>Expected Control</p> <p>The Education Act 1996, paragraph 13 (1) details that, ‘A local authority shall (so far as their powers enable them to do so) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education, and secondary education and, in the case of a local authority in England, further education, are available to meet the needs of the population of their area.’</p> <p>Issue/Finding</p> <p>Review of the list of students who were outside of school as of January 2023, who had applied using the in-year applications process noted a total of 187 primary school and 171 secondary school age students who were out of school.</p> <p>Of the students out of school, it was calculated that the average duration was 24 days for primary school age children and 38 days for secondary school age pupils.</p> <p>Further analysis the data for secondary school age pupils calculated that 151 had been out of school for more than four weeks and 64 had been out of school for more than eight weeks.</p> <p>The Council does not have the authority to mandate an academy to enrol a child, however it has a responsibility to ensure that all children in the Borough receive an education.</p> <p>Risk</p>

Responsible Officer	Deadline	Where school-aged children do not have access to schooling for extended periods of time, their chances of gaining the education to which they are entitled is significantly reduced, resulting in a permanent detrimental impact on their life chances.
Director of Education	Ongoing piece of work	

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 3
1	<p>The Head of Learning Access has been working with schools to develop their understanding of the legislation relating to the requirements under Fair Access. She is also working with schools and colleagues to develop a new Fair Access protocol which is currently in the process for consultation.</p> <p>The proposed changes have been made with a view to introduce a more efficient process for our children without a school place (for a speedier process to secure a school place) and aide school leaders in their understanding of the legislative requirements.</p>	<p>Expected Control</p> <p>The SAC 2021 sets out that all Local Authorities must have a Fair Access Panel (FAP) which all admissions authorities (including academies where these act as their own admissions authority) must attend. The purpose of this is to ensure that children who are not attending school for extended periods of time are able to find a school place to ensure that they can access their right to an education. Fair Access Protocols are not intended to replace the usual admissions process, however are designed for hard to place students where reasonable measures have been taken to secure a place through the usual in-year admission procedures.</p> <p>The SAC 2021, section 3.17 states that those eligible to be referred to the Protocol include <i>“children who have been out of education for four or more weeks where it can be demonstrated that there are no places available at any school within a reasonable distance of their home. This does not include circumstances where a suitable place has been offered to a child and this has not been accepted.”</i></p> <p>Issue/Finding</p> <p>The minutes of the FAP for November 2022, December 2022 and January 2023 were reviewed to identify the success rate in finding school places for children who are not currently receiving an education. It was found that:</p> <ul style="list-style-type: none"> • In November 2022, of the 16 students referred to the FAP, three were offered a place and in two cases, the Admissions Team were to follow up on a place. No offer was made for the remaining 11 students (69% no offer or leads). • In December 2022, of the 18 students referred to the FAP, six were offered a place, and in four cases the Admissions Team were to follow up on a potential place. There

		<p>was “no offer made” for the remaining eight students, with no commentary about potential follow ups (44% no offer or leads)</p> <ul style="list-style-type: none"> • In January 2023, of the 18 students referred to the FSP, one was offered a place at a school. Of the remaining 17 students, it was noted the recorded decision was for the Senior Admissions Officer to send the admissions list around to all the FAP attendees. As such there was no offer made and no specific leads to follow in (94 % no offer and or leads). <p>The School Admissions Manager advised that the Admissions department is now exploring the use of intent to direct letters, following unsuccessful FAP meetings. This will mandate schools to provide clear reasons why the child cannot be accepted, and the school is advised that where Council disagrees with these justifications, it will request a direct admission from the Secretary of State. It was noted that this letter was successfully employed in one case from the sample reviewed in Issue 4.</p> <p>Risk</p> <p>Where students who have exhausted the in-year applications process without receiving an offer of a school place and are not allocated a school place through the FAP, the Council are in breach of their fundamental duty to provide education for all students in their Borough and children miss out on their right to learn, permanently hindering their life chances.</p>
<p>Responsible Officer</p>	<p>Deadline</p>	
<p>Director of Education</p>	<p>Completed protocol, ongoing work</p>	<p>Where the FAP is consistently unsuccessful in finding places for children out of school, additional escalations necessitate increased staff time/efforts and Council faces reputational risk.</p>

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 4
2	<p>As an offer of a school place had been made, the next actions become a lower priority as the process is for applicant and school to arrange admission and school admissions will be notified of admission on a migration report.</p> <p>It is part of our process within the service to follow up where we have not been notified by a school that a child has gone on roll, however we are not always able to complete all processes due to a resource issue and the team are still under-resourced. We have made a request on multiple occasions to replace the vacant post in my service area. We will resubmit this request to replace the vacant post within the service.</p>	<p>Expected Control</p> <p>A process should be in place for ensuring that in-year applicants find school places promptly to minimise their time outside of the education system.</p> <p>Where children receive an offer of a school place, this should be followed up to ensure that the child starts at the school and is not disadvantaged by administrative oversight.</p> <p>The Council Contact Centre should only provide parents information that they know to be accurate, to ensure that expectations are appropriately managed.</p> <p>Issue/Finding</p> <p>A sample of five in-year applications made between August 2022 and November 2022 for children recorded as currently out of school was reviewed to identify whether they had been appropriately processed. It was noted that:</p> <ul style="list-style-type: none"> • One child’s application was referred to the FAP in November and December 2022. As there was no progress in finding a school, the Admissions team sent an Intent to Direct letter to a school in December 2022, advising that specific reasons need to be provided if this school is to refuse to offer a place. Following the Intent to Direct letter, the child was offered a place in that school; • One child’s application where a place had been found for a student in the November 2022 FAP, however one month later the school claimed to be unaware of this despite the FAP’s minutes confirming that the Vice Principal had attended the Panel. This had not been followed up by the Council at the time of audit, but upon querying, we were advised by the Admissions Team that this case would be followed up as a priority;

		<ul style="list-style-type: none"> • In one case, there had been difficulty contacting the parents and so the case had been referred to the Home School Liaison Officer; and • In one case a Parent had been incorrectly informed by the Council Contact Centre that their application had been referred to the FAP when this was not the case. <p>Risk</p> <p>Where the FAP rejects the majority of cases of children out of school, it is not being used effectively to help students who are difficult to place and thus not fulfilling its purpose.</p>
Responsible Officer	Deadline	Where the FAP finds a school place for a child, if this is not appropriately followed up by the Admissions Team, the child may needlessly miss out on education for longer than necessary.
School Admission Manager	January 2024	Where the Council Contact Centre inform Parents incorrectly, expectations are not appropriately managed.

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 5
2	<p>This comes under Learning Access, as the Fair Access service does not sit within the School Admissions service. School Admissions reported this on numerous occasions since December 2021. A new protocol has now been developed by the Head of Learning Access and is in the process of consultation with secondary schools.</p>	<p>Expected Control</p> <p>The Council should ensure that their admissions process is entirely in line with the SAC 2021. The Council should also ensure that where major updates occur in legislation, relevant procedures are updated to reflect this, even where this means a review occurs ahead of the anticipated review date.</p> <p>Issue/Finding</p> <p>Review of the Fair Access Protocol, which is effective from April 2021 and due for review in April 2023, identified that it contained obsolete reference to the previous SAC 2014 which is now out of date, having been superseded by the SAC 2021. Specifically, Section 4 of the Protocol states that children who have been out of education for two months or more are eligible for the Fair Access Protocol, which is out of line with the current SAC which states those out of education for four or more weeks are eligible.</p> <p>Risk</p> <p>Where internal protocols are not updated in line with new legislation, guidance to decision makers is out of date and not reflective of current laws, leading to children who are out of education being denied access to the platform designed to help find school places.</p>
Responsible Officer	Deadline	
Director of Education	Protocol has been agreed	

TERMS OF REFERENCE

School Admissions (including Appeals)

1. INTRODUCTION

- 1.1 The School Admissions Code 2021 requires Croydon Council (the Council) to publish admission arrangements every year. The School Admissions Regulations 2012 (Regulation 17) also prescribes the timeframes by which the Council must determine and publish the admission arrangements for each year. As per the regulations, the Council must also advise the right to object to the Schools Adjudicator, where it is considered that the arrangements do not comply with the mandatory provisions of the School Admissions Code 2021.
- 1.2 In June 2021, Croydon Council (the Council) Lead Officers and Cabinet met on the Determination of School Admission Arrangements to set out the Council's priorities for 2020 to 2024 and issued a Changes to Admissions Report. From the report, the School Admissions Code ensures that school places for maintained schools and academies (excluding maintained special schools and special academies) are allocated fairly.
- 1.3 All admission authorities must determine (i.e. formally agree) admission arrangements every year, by 28 February. The admission arrangements are part of the policy framework and are therefore reserved to full Council for decision.
- 1.4 This audit is being undertaken as part of the agreed Internal Audit Plan for 2022/23.

2. SCOPE





- 2.1 This audit included the following areas (and issues raised):

Control Areas/Risks	Issues Raised		
	Priority 1 (High)	Priority 2 (Medium)	Priority 3 (Low)
Legislative, Organisational and Management Requirements	0	0	0
Record Keeping of Applications	1	0	0
Assessment of Applications	0	0	0
Communication to Parents and PAN London Partners	0	0	0
Late and in-year applications	2	2	0
Appeals	0	0	0
Total	3	2	0

Definitions for Audit Opinions and Identified Issues

In order to assist management in using our reports:

We categorise our **audit assurance opinion** according to our overall assessment of the risk management system, effectiveness of the controls in place and the level of compliance with these controls and the action being taken to remedy significant findings or weaknesses.

	Full Assurance	There is a sound system of control designed to achieve the system objectives and the controls are constantly applied.
	Substantial Assurance	While there is basically a sound system of control to achieve the system objectives, there are weaknesses in the design or level of non-compliance of the controls which may put this achievement at risk.
	Limited Assurance	There are significant weaknesses in key areas of system controls and non-compliance that puts achieving the system objectives at risk.
	No Assurance	Controls are non-existent or extremely weak, leaving the system open to the high risk of error, abuse and reputational damage.

Priorities assigned to identified issues are based on the following criteria:

Priority 1 (High)	Fundamental control weaknesses that require immediate attention by management to action and mitigate significant exposure to risk.
Priority 2 (Medium)	Control weakness that still represent an exposure to risk and need to be addressed within a reasonable period.
Priority 3 (Low)	Although control weaknesses are considered to be relatively minor and low risk, still provides an opportunity for improvement. May also apply to areas considered to be of best practice that can improve for example the value for money of the review area.

Statement of Responsibility

We take responsibility to the London Borough of Croydon for this report which is prepared on the basis of the limitations set out below.

The responsibility for designing and maintaining a sound system of internal control and the prevention and detection of fraud and other irregularities rests with management, with internal audit providing a service to management to enable them to achieve this objective. Specifically, we assess the adequacy and effectiveness of the system of internal control arrangements implemented by management and perform sample testing on those controls in the period under review with a view to providing an opinion on the extent to which risks in this area are managed.

We plan our work in order to ensure that we have a reasonable expectation of detecting significant control weaknesses. However, our procedures alone should not be relied upon to identify all strengths and weaknesses in internal controls, nor relied upon to identify any circumstances of fraud or irregularity. Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud.

The matters raised in this report are only those which came to our attention during the course of our work and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Recommendations for improvements should be assessed by you for their full impact before they are implemented. The performance of our work is not and should not be taken as a substitute for management's responsibilities for the application of sound management practices.

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