



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3008 Oriel Academy West London

Objector: A parent

Admission Authority: The Aspirations Academy Trust for Oriel Academy West London, Feltham, London Borough of Hounslow

Date of decision: 2 September 2015

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the Aspirations Academies Trust, the admission authority for Oriel Academy West London, for admissions in September 2016.

I have also considered the arrangements in accordance with section 88I(5). I determine that the arrangements do not conform with the requirements relating to admission arrangements in the matters set out in this determination.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Office of the Schools Adjudicator (OSA) by a parent (the objector), about the admission arrangements (the arrangements) determined by the Aspirations Academies Trust (the trust) for Oriel Academy West London (the school), (still known as Oriel Primary School on the Edubase website), an academy school for pupils aged 4 to 11, for September 2016. The objection is that the arrangements do not state that the admission of children below compulsory school age can be

deferred; or that they may attend part-time in the reception class (Year R); and there is no information about the admission of children outside their chronological age group. This is said to contravene paragraphs 2.16 and 2.17 of the School Admissions Code (the Code).

Jurisdiction

2. The terms of the academy agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the trust which is the admission authority for the school, on 13 March 2015, on that basis. The objector submitted the objection to these determined arrangements for 2016 on 30 June 2015. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

3. I have also used my power under section 88I of the Act to consider the arrangements for 2016 as a whole.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the Code.

5. The documents I have considered in reaching my decision include:

- the objection dated 30 June 2015;
- the school's responses dated 15 and 17 July 2015, with supporting documents;
- comments from Hounslow Borough Council, the local authority (the LA) dated 21 July 2015;
- minutes of the meeting of the trust held on 13 March 2015 at which the arrangements for admission in September 2016 were determined;
- the determined arrangements for 2016;
- a copy of the funding agreement dated 27 September 2013; and
- the LA's composite prospectus for parents seeking admission to primary schools in the area in September 2015.

The Objection

6. The objection is that the arrangements do not state that the admission of children below compulsory school age can be deferred; or that children may attend part-time in Year R; and that there is no information about the admission of children outside their chronological age group. This is said to contravene paragraphs 2.16 and 2.17 of the Code.

Background

7. The school was previously a community primary school for pupils aged

4 to 11 years and converted to academy status on 1 October 2013. The school is sponsored by the Aspirations Academy Trust which is a multi-academy trust of primary and secondary schools. The school is named in the supplementary funding agreement and on the website of "Edubase" as Oriol Primary School.

8. The school has a planned capacity of 420 and a published admission number of 60. There are approximately 450 pupils on roll and there is a nursery with provision for 60 part-time places.

9. Although the arrangements are easy for parents to locate on the school's website via the route, "Parents" and the tab "Admissions" they only refer parents to the arrangements for 2015/16.

Other Matters

10. Having reviewed the arrangements as a whole for admission to the school in September 2016, I considered matters which may contravene the Code. These include the publication of the arrangements for 2016 on the school's website; the lack of information about the admission of children with Education, Health and Care plans; the term "staff" is not defined in the notes to oversubscription criterion 4; and further information is required about the period for which the waiting list is maintained.

Consideration of Factors

11. The objector asserts that there is no information in the arrangements about deferred admission or part-time attendance. The arrangements are said to contravene paragraph 2.16 of the Code which says, "*Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that, where they have offered a child a place at a school:*

a) that child is entitled to a full-time place in the September following their fourth birthday;

b) the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and

c) where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age."

12. The school accepts that this information has been omitted and as the arrangements do not meet the requirements set out in paragraph 2.16 of the Code detailed above I uphold this aspect of the objection.

13. The head teacher has proposed revisions to the arrangements to include clear information for parents of children below compulsory school age

who might wish to defer admission or to request part-time attendance. These revisions will need to be agreed by the trust.

14. The second part of the objection concerns a lack of information about the admission of summer born children at compulsory school age to Year R, that is, out of their chronological age group. This is said to contravene paragraph 2.17 of the Code which says, "*Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group – to reception rather than year 1. Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.*"

15. In response to the objection the school says, "*We accept that in line with the new admissions code there is an omission from the policy in relation to the admission of children outside of the normal age group.*" As the arrangements do not meet the requirements set out in paragraph 2.17 I uphold this aspect of the objection.

16. The LA commented that it supports the school's response to make amendments and include them in their published arrangements

17. The school has acted quickly to resolve this matter by adding information to its arrangements. When I considered the proposed amendment of the arrangements I found clear, detailed information about the admission of pupils out of their chronological age group.

18. However, I have been sent two differing versions of the proposed amendments to the arrangements; the first one sent on 16 July 2015 contains the requisite information about the admission of children out of their chronological age group. A second revision sent on 17 July 2015 contains the information that is needed about deferred admission and part-time attendance in Year R, but it excludes the first set of revisions. The two versions need to be combined and then formally agreed by the trust.

Other Matters

19. Having reviewed the arrangements as a whole for admission to the school in September 2016, I considered other issues which may contravene the Code. My first concern is that the arrangements for 2016 were not published on the school's website after they were determined as required by paragraph 1.47 of the Code which says, "*Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies⁴⁰ and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made)....*" They need to be published as quickly as possible.

20. I also note that there is no information about the admission of children whose Education, Health and Care (EHC) plans name the school. Paragraph 1.6 of the Code says, “...*All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted...*” The arrangements must be revised to include this group of children.

21. Oversubscription criterion 4 says, “*Children of staff employed by Oriel Academy West London for two or more years.*”, but the term “staff” is not defined in the arrangements. Parents should know whether the term applies to any member of staff employed by the school or just to one group of staff so that they can assess the impact of this oversubscription criterion of the chance of their child gaining admission to the school. Staff also should know whether they qualify for priority for admission of their child.

22. The arrangements must include information for parents about *how long* the ‘continued interest list’ (or waiting list) will be maintained for, that is, until at least 31 December 2016 as required by paragraph 2.14 of the Code, or longer if the trust prefers.

Conclusion

23. The objector asserts that there is no information about deferred entry or part-time education for children applying for admission to Year R, or to the admission of children out of their chronological age group and the school accepts both omissions from its arrangements. As the requirements of paragraphs 2.16 and 2.17 of the Code have not been met I uphold the both parts of the objection.

24. Having reviewed the arrangements as a whole for admission to the school in September 2016, I have concluded that there are four matters within the arrangements that do not comply with the Code. These include the absence of published arrangements for 2016 on the school’s website; the lack of information about the admission of children with Education, Health and Care plans; the term “staff” is not defined in the notes to oversubscription criterion 4; and further information is required about the period for which the waiting list is maintained.

Determination

25. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the Aspirations Academies Trust, the admission authority for Oriel Academy West London, for admissions in September 2016.

26. I have also considered the arrangements in accordance with section 88I(5). I determine that the arrangements do not conform with the requirements relating to admission arrangements in the matters set out in this determination.

27. By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months.

Date: 2 September 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons