



DETERMINATION

Case reference: ADA2856

Objector: A parent

Admission Authority: Durham County Council for Woodham Burn Primary School

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 concerning the part of the admission arrangements determined by Durham County Council for Woodham Burn Primary School for admissions in September 2016 that is within my jurisdiction.

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 of the date of this determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by a parent (the objector), about the admission arrangements (the arrangements) for Woodham Burn Primary School (the school), a community primary school for 4 to 11 year olds for admission in September 2016. The admission authority is Durham County Council, the local authority, (the LA). The objection is to the section of the arrangements which refers to the admission of children outside their normal age group and with particular reference to summer born children starting their education.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the LA, which is the admission authority for the school. The objector submitted her objection to these determined arrangements on 29 April 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.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - a) the objector's form of objection received on 29 April 2015;
 - b) the LA's response to the objection and supporting documents;
 - c) the LA's composite prospectus for parents seeking admission to schools in the area in September 2015;
 - d) the school's response to the objection;
 - e) confirmation of when consultation on the arrangements last took place;
 - f) a copy of the 2016-17 co-ordinated admission scheme – primary (paper to Key Decisions committee of the LA 18 March 2015);
 - g) copies of the minutes of the meeting of the LA on 18 March 2015 at which the arrangements were determined; copies of other relevant documents from the LA's website; and
 - h) a copy of the determined arrangements.

The Objection

5. The objection has three parts. First, the objector believes that paragraph 2.17 of the Code is being contravened. Paragraph 2.17 states that "*Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group*". The objector is of the view that the arrangements do not make clear provision for the delay of children starting school at compulsory school age and they do not describe clearly the procedure to be followed when an outside normal age group request is made.
6. Secondly, the objector argues that the arrangements directly contravene paragraph 2.17B of the Code. Paragraph 2.17B states that "*where an admission authority agrees to a parent's request for their child to be admitted out of the normal age group and, as a consequence of that decision, the child will be admitted to a relevant age group (i.e. the age group to which pupils are normally admitted to the school) the local authority and the admission authority **must** process the application as part of the main admissions round.*" The LA's published arrangements say that such applications are treated as "*in-year*" admissions and are dealt with after the main round of admissions.
7. Thirdly, the objector also believes that the arrangements further contravene paragraph 2.17B of the Code when the LA has agreed a

deferral for one year and the parent requests that the child starts in the reception year (YR) rather than in their relevant normal, chronological age group of year one (Y1). The arrangements state that children applying for YR who are in their relevant age group will be given priority over the child who has an agreed deferred entry and the objector says that this contravenes paragraph 2.17B of the Code which states that *“They (the admission authority) **must not** give the application lower priority on the basis that the child is being admitted out of their normal age group.”*

Background

8. The school is a mixed primary school for 4 to 11 year olds. It is a community primary school and the LA is the admission authority. It has a published admission number (PAN) of 47 for admission into YR. Currently there are 229 pupils on roll and the school has a capacity of 330.
9. The LA conducted a consultation in accordance with the Code between November and December 2011 for admissions to schools in September 2013. The school admission arrangements have remained unchanged since that time. At a meeting on 18 March 2015 the council’s cabinet determined the arrangements for admission to their community schools in September 2016 which were unchanged from the previous years. These arrangements were duly published on the LA’s website.

Consideration of Factors

10. The LA’s website has a section headed *“School Admission arrangements 2016/17”* and documents that are said to “explain the admissions process and oversubscription criteria.” A separate heading offers *“Admission arrangements for infant, junior, and primary schools 2016/17”*. This document contains only oversubscription criteria which in summary are:
 1. Children who are ‘looked after or who were previously looked after’.
 2. Medical reasons
 3. Sibling links
 4. DistanceThere are definitions for criteria 1, 3 and 4.
11. There are three elements to the objection. The objector’s first point is that the arrangements do not comply with paragraph 2.17 of the Code where *“Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”*
12. The arrangements for all community schools in the LA for September 2016 were determined by the council’s cabinet on 18 March 2015. The cabinet agreed the proposals put to them in a submission comprising a report with a number of appendices. With the exception of a change in

the PAN for one school, all other aspects of the arrangements remained the same as for the previous year other than changes to key dates.

13. The report to the cabinet makes reference to some of the changes in the Code published in December 2014, but there was no mention of the changes made to paragraph 2.17 or to new paragraphs, 2.17A and 2.17B. The arrangements were therefore determined and published without reference to these changes. The arrangements as published on the LA's website do not include any information about "*Admission of children outside their normal age group*".
14. In its response to me the LA referred to documents dealing with admissions in 2015 and what will be included in its composite prospectus for admissions in 2016. Section 88M of the Act requires a local authority to have a scheme for co-ordinating admissions in its area and paragraph 1.51 of the Code requires a local authority to publish a composite prospectus by 12 September. These requirements are separate from the requirement for every admission authority to publish its admission arrangements once determined. After continued searching of the LA's website I located information about starting school, but this is not included under the heading with the admission arrangements. I therefore uphold the first part of the objection.
15. The second and third parts of the objection relate to the process of administration of admission of summer-born children whose parents have chosen to defer the child's entry for a year and have also requested that the child starts school out of normal age range i.e. in YR rather than Y1. The objector says that process described by the LA contravenes paragraph 2.17B of the Code, but there is no process included in the determined arrangements. The LA has now provided information about and links to information elsewhere on its website. Whether the details of the process and its application comply with paragraph 2.17B are matters outside my jurisdiction and any concerns should be referred to the Department for Education (DfE).

Conclusion

16. The admission arrangements for admissions in September 2016 as published on the LA's website do not comply with paragraph 2.17 of the Code published in December 2014. The arrangements which were determined by cabinet in March 2015 do not take into account the amendments required by revised Code.
17. The arrangements determined by the Executive Board on March 18 2015 are not published in full on the LA's website as the arrangements for September 2016.
18. I uphold the first element of the objection because there is no clear published process in the admission arrangements for requesting admission outside the normal age group and this is contrary to paragraph 2.17 of the Code.

19. I do not have jurisdiction to comment on the other two elements of the objection in relation to paragraph 2.17B because they deal with the decision making process for the admission of children out of normal age group and the subsequent administration and allocation of places in schools. I note that new processes were published in April 2015, but they are separate from the admission arrangements and they are not easily accessed by parents who may wish to apply for deferred entry for their child.

Determination

20. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection concerning the part of the admission arrangements determined by Durham County Council for Woodham Burn Primary School for admissions in September 2016 that is within my jurisdiction.
21. 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 of the date of this determination.

Dated: 2 September 2015

Signed:

Schools Adjudicator: Ann Talboys