



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3641

Objector: An individual

Admission authority: Wakefield Metropolitan District Council for voluntary controlled and community schools

Date of decision: 21 May 2020

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2021 determined by Wakefield Metropolitan District Council for maintained voluntary controlled and community schools in the Metropolitan District of Wakefield for which Wakefield Metropolitan District Council is the admission authority.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform to the requirements relating to admission arrangements in the ways 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 of the date of the determination. The admission authority has cooperated fully and has agreed to make all the required revisions.

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 an individual (the objector), about the admission arrangements (the arrangements) for maintained voluntary controlled and community schools for which Wakefield Metropolitan District Council is the admission authority. As the objection centres upon the arrangements for summer born children whose

parents wish them to be admitted to Reception outside their normal age group, it in essence concerns primary and infant schools as these are the schools which admit to Reception. However, the arrangements themselves apply to all Wakefield voluntary controlled and community schools, and so include junior and secondary schools as well as primary and infant schools. I will return to this point later in this determination.

2. A footnote to paragraph 2.17 of the School Admissions Code (the Code) defines summer born children as “*all children born from 1 April to 31 August. These children reach compulsory school age on 31 August following their fifth birthday (or on their fifth birthday if it falls on 31 August)*”. The footnote also states “*It is likely that most requests for summer born children to be admitted out of their normal age group will come from parents of children born in the later summer months or those born prematurely*”.

3. The local authority (LA) for the area in which the schools are located is Wakefield Metropolitan District Council. The LA is the admission authority, and is a party to this objection. The other party to the objection is the objector.

Jurisdiction

4. These arrangements were determined on 17 February 2020 under section 88C of the Act by Wakefield Metropolitan District Council. The objector submitted his/her objection to these determined arrangements on 22 February 2020. The objector has asked to have his/her identity kept from the other parties and has met the requirement of regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of his/her name and address to me. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

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

- a. a copy of the decision made by the Corporate Director for Children and Young Persons on 17 February 2020 who determined the arrangements on behalf of Wakefield Metropolitan District Council;
- b. a copy of the determined arrangements;
- c. the objector’s form of objection dated 22 February 2020 which contained links to other supporting documents including the Department for Education’s (DfE) Guidance on the Admission of Summer Born Children and guidance on this subject published by the Local Government and Social Care Ombudsman (LGO);
- d. the LA’s response to the objection; and

- e. the LA's online composite prospectus for 2020/2021 admissions to primary schools.

The Objection

7. The objection refers specifically to explanatory note 16.9 in the arrangements which says that:

- there is an "expectation" that, where parents of summer born children decide not to apply for a school place until their child reaches compulsory school age, the child will start school in Year 1; and
- "substantial and exceptional evidence" is required to be provided by parents who delay entry for a year and then make an application for their child to start school in Reception.

The objector considers that this aspect of the arrangements is unreasonable and operates unfairly to summer born children who would benefit from delayed entry and starting school in Reception.

8. The objector claims that the note is contrary to the Code and to the DfE and LGO Guidance, relevant extracts of which are set out below. The objector's view is that it is the parents' decision as to whether they wish to delay their child's start to school until age five. The objector considers that the note may have deterred parents of summer born children from delaying their application for their child to attend school until the child reaches compulsory school age (which they are entitled to do), and deterred parents from making an application for their child to be admitted to Reception, as opposed to Year 1, Year 1 being the child's normal age group. Relevant paragraphs of the Code are 2.16, 2.17, 2.17A, 2.17B and 14. I have set out paragraph 14 here because it is relevant to the Other Matters identified in the next section. I have set out paragraphs 2.16, 2.17, 2.17A, 2.17B as they arise in the context of my consideration of the objection.

Paragraph 14 states that *"In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated."*

Other Matters

9. Having read the admission arrangements, it appeared to me that there were a number of other matters which did not conform to the requirements of the Code. These were:

- The provisions in the arrangements relating to applications for part-time places at nursery units and co-located children's centres were unclear (paragraph 14 of the Code);

- The provisions in the arrangements relating to repeat applications made for entry to the same year group were unclear (paragraph 14 of the Code);
- The definition of children in care and children previously in care did not conform to the definition of looked after and previously looked after children in the Code;
- Catchment areas were not described and there was no map published as part of the arrangements (paragraphs 1.8 and 14 and 1.14 of the Code);
- The method of determining the home address of a child whose parents are separated and who spends equal time with each parent was not described clearly (paragraph 14 of the Code);
- The provisions requiring verification of a child's home address only applied to children whose parents are separated and who spend equal time with each parent which seemed unreasonable and unfair to those parents (paragraph 14 of the Code);
- The provisions relating to applications from parents who are in dispute about which school they wish their child to attend appeared unclear and unreasonable (paragraph 14 of the Code);
- Typing error in section 6.1.;
- References to the Admission Number should be references to the Published Admission Number or (PAN).

10. The LA has acknowledged my concerns, and has agreed to make the necessary revisions in respect of each of the matters listed above. I am grateful to the LA for its cooperation in this matter. In light of this, I have not set out my detailed observations in relation to each contravention of the Code in this determination, however I have set out the LA's helpful response below so that it is clear which revisions the LA has agreed to make.

Background

11. The Metropolitan District of Wakefield is situated in West Yorkshire on the River Calder and the eastern edge of the Pennines.

12. As indicated above, the objector made the objection to the admission arrangements for all Wakefield community and voluntary controlled schools; however, since it centres upon explanatory note 16.9 which refers only to the first admission to school of summer born children, I have taken the objection to refer to the admission arrangements for community and voluntary controlled primary and infant schools. By my count, there are eleven such schools.

13. That said, section 9 of the arrangements, which relates to admission of children outside their normal age group, will apply to all such admissions, including admissions outside the normal age group to voluntary controlled and community junior and secondary

schools. Section 9 of the arrangements cross-refers to Explanatory Note 16.9. Because 16.9 relates exclusively to summer born children, this makes it appear that section 9 only relates to these children. The wording of the section itself is clear. What is also insufficiently clear is whether section 9 applies to any application for a place outside a child's normal age group. Such an application may be made in respect of a place at a junior school or secondary school at the point of entry, or indeed in respect of any in-year application. There appears to be no other provision elsewhere in the arrangements for admissions outside the normal age group.

The oversubscription criteria are as follows:

“Children in Care or who were previously in Care; This refers to children who are:

- Subject to a care order made by the courts under section 31 of the Children Act 1989 – for the courts to grant a care order they have to be satisfied that a child is suffering or would suffer ‘significant harm’ without one;*
- Children who are accommodated by the Local Authority on a voluntary basis under Section 20 of the Children Act 1989; and*
- Children who have been adopted from Local Authority care, children who are subject to a Child Arrangements Order and those with special guardianship immediately following being Looked After will all be included within the higher priority for children in care.*

(b) (i) Children who live in the school’s catchment area, who have brothers or sisters attending the school at the time of admission;

(ii) Other children who live in the school’s catchment area;

(c) Children who have brothers or sisters in attendance at the school;

(d) Other children, with priority being given to those living nearest to the school.

14. Other sections of the arrangements which are relevant to the objection are sections 8 and 9 and explanatory note 16.9 which say:

“8. Deferred Entry to Primary Schools

8.1 Where the LA offers a place at a primary or infant school, a parent who accepts that school place can defer entry to that school until the term after the child’s fifth birthday. There may be spring and summer term admissions as a result of parents who have deferred their child’s entry.

8.2 Any deferred place at the school will be held for that child and will not be available to be offered to another child and the deferred place must be taken up during the same school year for which the offer of the school place was made and accepted. Parents cannot defer entry to a school to the next academic year or beyond the beginning of the term following the child’s fifth birthday, these types of requests are dealt with under section 9 below.

- 8.3 *Parents can also request that their child attends school part-time instead of full-time until the child reaches statutory school age.*

9. Admission of Children Outside their Normal Age Group

“9.1 *Parents can seek school places outside their normal age group. Parents must make an application for their child’s normal age group at the usual time however a separate request must also be made at the same time for admission out of the normal age group (see explanatory note 16.9).*

9.2 *A decision on these types of applications will be made by the Local Authority based on the individual circumstances of the request based on the information provided by the parents.*

9.3 *Where a decision is to refuse the request there is no right of appeal if the child is offered a place in another year group.”*

“16.9 Deferment for summer born children.

If the child’s 5th birthday is between April and August then they must start school no later than the following September. The expectation would be that parents have decided that the child will miss the full Reception Year and they would have to apply for a Year 1 place. Requests for a full year deferral with a retained Reception start will be considered individually. Parents would be expected to provide substantial and exceptional evidence of the need for this to happen (personal views and reference to national research will not suffice).”

15. Other sections in the arrangements which appeared not to conform to the Code are set out below:

3.1 *In the case of applications for admission to primary, infant and junior schools within the Wakefield area, applications from Wakefield residents should be made on Wakefield’s Common Application Form. Attendance at a nursery unit or co-located children’s centre attached to a primary/infant school or part-time attendance at a school below compulsory school age does not guarantee a place at that school. Applications for these part time places must be made separately to the school/centre concerned and are covered by the school’s separate part-time admissions policy. A separate application must then be made to the LA for a compulsory aged school place in line with the requirements of the Primary Co-ordination Scheme...*

3.4 *Repeat applications made for entry to the same year group at the same school will not be considered unless there has been a material change in circumstances since the original application. School Admissions will determine if there has been a material change in circumstances. Examples of a material change include a change of address. Where information was known at the time of the original application, or appeal, but parents chose not to use it, this information will not be considered as additional information or a change of circumstances...*

4.5 In all categories “live” means the child’s permanent home address. A child is normally regarded as living with a parent or carer and the LA will use the parent or carer’s address for admission purposes. An applicant cannot lodge a child with a friend or relation (e.g. for childcare purposes) in order to gain a place at a school...

4.6 For admission purposes only one address can be used as a child’s permanent address. Where a child resides with more than one parent/carer, at different addresses, the LA considers the home address to be the address where the child lives for the majority of the time during the school week (Monday to Friday) as the main place of residence. Where a child spends equal amounts of time at both addresses (50/50), applicants can be asked to provide additional evidence in order to verify addresses and/or other details provided. It is at the discretion of the LA what evidence is required (evidence may include, but is not limited to, Child Benefit, GP registration, evidence of home ownership/tenancy etc.). The final decision on the home address of a child will be made by the LA...

16.6 The LA will investigate any queries about addresses and, depending on what is found the offer of a school place may be withdrawn. When an offer is made, it is assumed the parental address will be the same in the following September as is held on the LA’s records. If a parent plans to move or has moved house, the parent must let us know immediately. If the house move is after the 6 January 2021 for Secondary places and after 14 February 2021 for Primary places, the parent must tell the LA the new address. The date of the move may affect the category of the child and the LA may have to offer the child a place at another school if the parent fails to tell the LA that they have moved, the LA will still consider the application under the new address and the offer of a school place may be withdrawn or the LA may offer a place at another school.

16.7 Parental Responsibility gives both parents important legal rights as well as responsibilities to be involved in decisions such as the choice of school. If the LA receives conflicting school preferences from both parents, the LA will require evidence of parental consent to the application, in the form of written confirmation from both parents with parental responsibility.

In the event that parents are unable to agree on a choice of school, parents are advised to take their own legal advice with a view to making an application to the court for a Specific Issue Order to decide which parent should be responsible for securing a school place for their child. However, the Courts would encourage parents to come to an agreement and to resolve the issue between themselves. The LA will require evidence of any such Order.

Until the LA receives the relevant evidence, the LA will be unable to process the application or allocate the child a school place...

6.1 Decisions will be posted 2nd class to parents on the following days:...

6.1 Each maintained school has an Admission Number for each “relevant age” group”.

Consideration of Case

The objection

16. The objection relates to an alleged misinterpretation of paragraph 2.17 of the Code by the LA, which the objector says is enshrined in the arrangements. He/she refers to explanatory note 16.9 which states that the personal views of parents will not be sufficient to justify an admission outside a child's normal age group. The objector has drawn my attention to the DfE Guidance entitled '*Delayed School Admissions for Summer Born Pupils 2018*' which says: "*It is reasonable for admission authorities to expect parents to provide them with information in support of their request – since without it they are unlikely to be able to make a decision on the basis of the circumstances of the case. This should demonstrate why it would be in the child's interests to be admitted to reception rather than year one.*"

In some cases parents may have professional evidence that it would be appropriate for them to submit, for example, when a child receives support from a speech and language therapist. However, there should be no expectation that parents will obtain professional evidence that they do not already have. Admission authorities must still consider requests that are not accompanied by professional evidence. In such cases the supporting information might simply be the parent's statement as to why they have made their request." [my emphasis].... "*We are aware that, in making their decision, many admission authorities have focussed on whether the child has any particular medical or special educational needs which mean their development is significantly below the expected levels for a child of their age.....The parents of summer born children must be able to make a decision about whether their child is ready to go to school before compulsory school age confident that, if they decide not to send them to school until age five, the decision about the year group they should be admitted to at that point will be made in the child's best interests."*

17. The objector considers that it is the parents' decision as to whether they delay their child's start to school until the child reaches compulsory school age once the child has turned five and this is not a decision which the admissions authority can overrule. This is indeed true. The objector points out that the decision that the LA is required to make is the year group in which the child should start school is in their best interests - Reception or Year One. The objector says that this is made clear in the publication '*Summer Born Admissions Guidance for Practitioners*' published by the LGO in 2018 which says that the LA decision upon which year group a child should be admitted to "... *will require the admission authority to take account of the child's individual needs and abilities and to consider whether these can best be met in reception or year one. It will also involve taking account of the potential impact on the child of being admitted to year one without first having completed the reception year.....Each case must be decided on its own merits*". Accordingly the objector considers that note 16.9 is 'incorrect', and may have deterred some parents of summer born children from applying for a delayed admission or a place outside their child's normal age group.

18. These points were raised with the LA in a letter sent by my office on 1 May 2020. The case manager asked on my behalf why it is stated in note 16.9 that the local authority has an “*expectation that a summer-born child would miss the full Reception Year*”. As set out in section 8 of the arrangements, parents **can defer** entry to Reception but not beyond the final term. Parents have a right to do this. Section 8 also says that parents may request that their child attend Reception on a part-time basis until the child reaches statutory school age. Neither of these rights are at the discretion of the local authority, and subsection 8.3 of the arrangements needs to make clear that parents have a right for their children to attend Reception on a part-time basis until the child reaches compulsory school age. The 1 May letter referred the LA to paragraph 2.16 of the Code, which was set out in the letter and is set out here.

*2.16 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.*

19. The letter stated that parents cannot make a request for ‘a full year deferral’ because paragraph 2.16 of the Code makes clear there is no such thing. Parents can if they wish apply for their child to start school once he or she reaches compulsory school age. They do not have to apply for the child to start any earlier. If they apply for their child to attend school after the Reception Year is finished, this will be a first application rather than an “*application for a full year deferral*”, so the terminology in note 16.9 is not in accordance with the Code. Parents can either make an in-year application to Year 1 (in accordance with the LA’s arrangements for in-year applications) which would be the child’s normal age group, or they can apply in the normal admissions round for a place in Reception, but the LA would have to approve this as an admission outside the child’s normal year group. The letter drew the LA’s attention to paragraphs 2.17, 2.17A and 2.17B of the Code which were set out in the letter, and are set out below. The letter said that arrangements need to set out how the process works for applications for admissions out of normal year group. Section 9 of the arrangements does not do this.

That section could be read as suggesting that an application for a summer born child to be admitted to Reception out of the normal age group must be made a year earlier than necessary at the point when the child is first eligible for a Reception place, whereas this is not what is envisaged by the Code. The application for the child to be admitted outside the normal age group would need to be submitted and a decision made in time for parents to make an application in the normal admissions round, as stated in paragraph 2.17B of the Code. But the application for a place would then be made a year later than would be the case if the parents were making an application for a place in the child’s normal age group

'at the usual time'. The permission to make an out of normal age group application is granted, the parent then makes the application which is then processed with all other applications in accordance with the oversubscription criteria.

*2.17 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.*

*2.17A Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority **must** set out clearly the reasons for their decision.*

*2.17B Where an admission authority agrees to a parent's request for their child to be admitted out of their 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 admission authority **must** process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They **must not** give the application lower priority on the basis that the child is being admitted out of their normal age group. Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school but it is not in their preferred age group.*

20. The arrangements provide that, when making their application to Reception in the normal round, parents are told that they will need the authority's agreement to the child being admitted out of year group to Reception. The 1 May letter suggested that parents will also need to be told who the application should be made to and how; which factors the local authority is required to consider; and what information must be supplied since paragraph 2.17 of the Code imposes a requirement to set out the process for making such an application in the arrangements.

21. The 1 May letter pointed out that paragraph 2.17A of the Code sets out the required basis for the decision-making process. Under paragraph 2.17A, the local authority is not considering *substantial and exceptional evidence*. The overriding factors are the relevant individual circumstances of the child in question and his/her best interests. Arguably,

therefore, the child's parents are best placed to provide such evidence. The admission authority is required specifically to take parents' views into account. However note 16.9 appears effectively to dismiss the value of parental views. The letter said that paragraph 2.17A of the Code provides that information about the child's academic, social and emotional development and, where relevant, their medical history and the views of a medical professional will also be taken into account. The letter suggested parents should therefore be told that evidence on these points from relevant professionals who have been involved with the child will be considered by the authority, and therefore parents should provide evidence from any relevant professional *if they have such evidence*. As the objector has said, the Department of Education's Guidance makes clear that parents are not required to seek evidence from professionals.

22. The letter also pointed out that note 16.9 states that "*The expectation would be that parents have decided that the child will miss the full Reception Year and they would have to apply for a Year 1 place*". This appears likely to deter parents from making an application for a place outside the child's normal age group, and is therefore contrary to paragraph 2.17 of the Code. As above, paragraph 2.17A states the basis upon which admission authorities must make decisions on these applications, and there is no reference to an expectation that parents will have to apply for a Year 1 place. The Code expressly creates a right for parents to apply for an out of normal age group place for their child in Reception. Parents should not therefore be told that there is an expectation for them to apply for a place in Year 1, and the LA should not have any such expectation. The letter emphasised that the obligation upon admission authorities is to decide applications based upon the individual circumstances of the child. The reference to an 'expectation' creates the impression that these applications are pre-judged.

23. Finally, the 1 May letter pointed out a minor issue, which was that the first sentence in section 9.1 appears to be missing a word. "*9.1 Parents can seek school places outside their normal age group*". The LA was asked whether this should read "*Parents can seek school places outside their [child's] normal age group*".

24. The LA replied on 5 May 2020 in the following terms: "*The Local Authority would like to make it clear to the adjudicator that no application is pre-judged and all applications are considered based on the individual needs of the child.*"

The Local Authority does not have "an expectation that a summer-born child would miss the full Reception Year" and agrees that this statement is misleading and will remove this wording from the admission arrangements.

The Local Authority has a separate detailed information note for parents explaining in detail how the process works for applications for admission outside of the normal age group. This information note is given to parents as a matter of routine when an enquiry or request is received however we accept that further detail should be included in 16.9 and section 9 of the admission arrangements and will make the necessary changes to provide clarity.

Notwithstanding the above, the Local Authority is receiving an increasing number of applications year on year for admission outside the normal age group for summer born children and does not believe that parents are being “put off” by the existing wording.

In relation to the first sentence of section 9.1; the Local Authority would like to thank the adjudicator for pointing out this typing error and we will amend this sentence accordingly”.

25. Having considered the LA’s reply, my conclusions are that Subsection 8.3 must make clear that parents have a right for their child to attend Reception on a part-time basis until the child reaches statutory school age; Section 9 of the arrangements is not sufficiently detailed to be clear and so does not conform to paragraph 14 of the Code; Section 9 when read alongside note 16.9 misrepresents the provisions in paragraphs 2.17 and 2.17A of the Code, and do not explain the process in paragraph 2.17B as they are required to do. Therefore, for these reasons I uphold this objection. I am grateful to the LA for its swift reply, and for its cooperation in agreeing to revise the arrangements.

26. The objector has suggested that I should look at the separate detailed information note which the LA sends to parents, and that I should ask to see any proposed revisions to the arrangements in order that I can approve both the contents of the information note and any revisions the LA proposes to make. Whilst these are understandable suggestions, I have explained to the objector the limitations of my jurisdiction. Since the information note is not referred to, or linked to, the arrangements and therefore cannot be said to form part of them, I am not able to reach any conclusion as to whether its contents conform to the Code. Neither can I dictate, or approve, proposed revisions to admission arrangements. My jurisdiction is confined to determining whether the admission arrangements which have been drawn to my attention are compliant with the Code and all relevant legislation. I am confident, however, that the LA has understood the points which I have drawn to its attention and, as a reasonable authority, will correct anything in the information note which would contradict its revised arrangements or which describes incorrectly the provisions in the Code.

Other matters

27. As mentioned above, the provisions in the arrangements listed above in paragraph 8 of this determination do not conform to the requirements of paragraph 14 of the Code. Additionally, because the catchment areas are an oversubscription criterion which is not described clearly in the arrangements and there is no map published as part of the arrangements, this aspect of the arrangements does not conform to paragraphs 1.8 of the Code, which states that “*Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation...*”

28. The LA has agreed to make the required revisions. I have set out the LA’s response in order to ensure that it will be clear from reading this determination which revisions will need to be made. Again, I am grateful to the LA for its swift response to the concerns raised and for its cooperation in this matter.

“The Local Authority would also make the following comments on the other matters raised by the adjudicator:

Expressing a preference

The Local Authority agrees that section 3.1 is unclear and will make all the changes suggested by the adjudicator.

Regarding section 3.4; Wakefield operates waiting lists for every year group for the whole of the school year (i.e. up to the 31 August) and where a place becomes available in the relevant year group the place is offered to the child who is at the top of the waiting list.

We would also agree with the adjudicator’s comment that where a school is undersubscribed in a particular year group, the admission authority is obliged to offer a place at the point of application and can confirm that this is what happens. The intention of this paragraph was to prevent ‘repeat’ applications being made in an attempt to obtain a ‘second’ right of appeal for the same (oversubscribed) year group at the same school during the same school year (unless there was a material change of circumstances) however we accept that section 3.4 is misleading and will amend this section to make it clearer.

Oversubscription criteria

Children in care

Following general discussions between Social Workers and children who are in care, all services within Wakefield Council’s Children’s Services were asked to refer to children who were ‘looked after’ by the Local Authority as ‘children in care’ (or children who were previously in care) however the Local Authority will amend section 4.4(a) of the admissions policy to reflect the Code.

The suggested changes will also be made for children who were previously looked after.

Catchment areas

Whilst there is facility on the Council’s website for parents to check which catchment area they live in the Local Authority will attach maps of the catchment areas within the Wakefield district to its admission arrangements and amend the wording in the policy accordingly. The Local Authority will also make the catchment maps easily accessible on the Council’s website.

Determining the home address for children whose parents are separated and verification of home address: The Local Authority agrees that section 4.5 is incorrectly worded and will make the changes suggested by the adjudicator.

The intention of section 4.6 was to ascertain which address should be used as the child’s ‘home’ address for the purpose of applying for a school place where the child spends 50/50 time with each parent however the Local Authority accepts that the evidence requested will not achieve this. The Local Authority will therefore consider the adjudicator’s comments in

relation to having a clear process for determining which address prevails and will amend the admission arrangements accordingly.

The Local Authority requests proof of the child's home address where it is unclear which address should be used for the purpose of applying for a school place. This is not restricted to a specific group of parents and could, for example, be where the Local Authority believes the address on the application form is an address used for childcare purposes or is a 'false' address. However the Local Authority accepts that the existing wording in the admission arrangements does not make this clear and will amend the admission arrangements accordingly.

The Local Authority agrees that note 16.6 does not clearly describe the circumstances in which addresses are investigated and what would trigger this, nor does it explain that an offer may be withdrawn where the Local Authority concludes that a fraudulent or deliberately misleading application has been made and will amend the admission arrangements as suggested by the adjudicator.

The Local Authority will also make the suggested changes to make it clearer how a house move may affect the application.

Regarding note 16.7; the Local Authority will seek advice from the Council's Legal Officer as to whether it is necessary to seek proof of parental responsibility and copies of court orders in operation before considering what changes are required to this element of the admission arrangements.

The Local Authority acknowledges that the following wording is unclear "If the LA receives conflicting school preferences from both parents, the LA will require evidence of parental consent to the application, in the form of written confirmation from both parents with parental responsibility" and will make the wording changes suggested by the adjudicator.

Additional Points

Section 6.1 – the Local Authority will rectify the typing error.

Note 16.1 – the Local Authority will amend the note as suggested to refer to Published Admission Number (PAN)".

29. The LA must therefore revise sections 3.1, 3.4, 4.4(a), 4.5, and 4.6, and notes 16.1, 16.6 and 16.7 of the arrangements, and must attach maps or insert clear descriptions of the catchment areas. Again, I am grateful to the LA for its cooperation in agreeing to revise each of the provisions listed above in accordance with the observations made on my behalf in the letter sent by the case manager to the LA on 1 May 2020.

Summary of Findings

30. I find that subsection 8.3 does not make clear that parents of summer born children have a right for their child to attend Reception on a part-time basis until the child reaches

compulsory school age; Section 9 of the arrangements is insufficiently detailed to be clear and therefore does not conform to paragraph 14 of the Code; and that section 9, when read together with note 16.9 misrepresents the requirements in paragraphs 2.17 and 2.17A of the Code. For these reasons I uphold this objection.

31. I also find that sections 3.1, 3.4, 4.4(a), 4.5, 4.6 and note 16.1, 16.6 and 16.7 are unclear and therefore do not conform to paragraph 14 of the Code. The arrangements do not contain a clear description of the catchment areas and therefore do not conform to paragraphs 14, 1.14 and 1.8 of the Code. For these reasons I find that there are other matters which do not conform to the Code. I had initially considered that the provisions relating to determining a child's home address in a case where the parents are separated and have equal shared care were unreasonable and unfair, however the LA has assured me that this is not the only group of parents asked to verify the child's home address. My conclusion on this point therefore is that the arrangements are unclear, as opposed to unfair.

Determination

32. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2021 determined by Wakefield Metropolitan District Council for maintained voluntary controlled and community schools in the Metropolitan District of Wakefield for which Wakefield Metropolitan District Council is the admission authority.

33. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform to the requirements relating to admission arrangements in the ways set out in this determination.

34. 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 the determination. The admission authority has cooperated fully and has agreed to make all of the required revisions.

Dated: 21 May 2020

Signed:

Schools Adjudicator: Dr Marisa Vallely