



## **DETERMINATION**

**Case reference:** ADA3053

**Referrer:** A member of the public

**Admission Authority:** Hambleton Primary Academy Trust, Lancashire

**Date of decision:** 15 December 2015

### **Determination**

**In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements for Hambleton Primary Academy for admissions in September 2016. I determine that some aspects do not conform with the requirements relating to admission arrangements.**

**By virtue of section 88K(2) of the Act, the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to make the remaining revisions to its admission arrangements by 28 February 2016.**

### **The referral**

1. The admission arrangements (the arrangements) of Hambleton Primary Academy (the school) for September 2016 have been brought to the attention of the Office of the Schools Adjudicator (OSA) by a member of the public (the referrer) in a referral dated 6 November 2015.
2. The matter brought to my attention which may not be compliant with the requirements of the School Admission Code (the Code) concerns the inclusion in the school's arrangements of a priority for admission to the reception year (also known as Year R) for children who have attended Hambleton Nursery School.

### **Jurisdiction**

3. The terms of the academy agreement between Hambleton Primary Academy Trust (the trust) and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the governing body on behalf of the trust which is the admission authority for the school on this basis.
4. The referral was received after 30 June 2015, the deadline for receipt of

objections to admission arrangements for admission in September 2016. As it appeared to me that the arrangements may not conform with the requirements relating to admission arrangements, I have used my power under section 88(5) of the School Standards and Framework Act 1998 (the Act) to consider the matter brought to my attention and the arrangements as a whole.

## **Procedure**

5. In considering the arrangements I have had regard to all relevant legislation and the Code.
6. The documents I have considered in reaching my decision include:
  - the referral submitted on an objection form dated 6 November 2015;
  - the arrangements published in the 2016 composite admissions prospectus downloaded from the website of Lancashire County Council (the local authority);
  - the summarised arrangements as published on the school's website;
  - the school's funding agreement;
  - the local authority's response in an email dated 4 December 2015 together with a map of the area and allocations data for 2015;
  - the school's initial response in an email dated 8 December 2015; and
  - the school's email of 10 December 2015 in response to my request for further information.

## **Other Matters**

7. In reviewing the arrangements on the school's website as a whole I noticed other matters that appeared to contravene the requirements of the Code. The key information that has not been provided includes the lack of a final tie breaker to decide between two applications that cannot otherwise be separated (paragraph 1.8); the published admission number (the PAN) (paragraph 1.2); information about the waiting list (paragraph 2.14); and information with respect to the admission of children below compulsory school age (paragraph 2.16) and the admission of children outside their chronological year group (paragraph 2.17). I note that the arrangements in the composite prospectus include information from the funding agreement which is not required by parents.

## **Background**

8. The school converted to be a state-funded, independent academy school for boys and girls on 1 January 2011, replacing the predecessor Hambleton Primary School which ceased to be maintained by the local authority on that date. The school has a PAN of 30 and the funding agreement confirms that the school has a planned capacity of 210 pupils in the age range 4 to 11 years and a nursery unit of 24 places.

9. The school says on its website that it "*seeks to provide an all round education for children in a bright and stimulating and fun atmosphere*" with "*the highest*

*expectations of pupil attainment, teacher performance and parental involvement” and that it “encourages everyone to strive for excellence in order to achieve potential.”* The school said that on 1 November 2015 it became part of Fylde Coast Academy Trust which is a multi-academy trust although the associated paperwork is not yet available.

10. The 2016 arrangements were determined by the governing body at its meeting on 5 December 2014. The arrangements on the school’s website and in the local authority’s composite prospectus show that where the number of applications for admission to reception exceeds the PAN, applications will be considered against the oversubscription criteria which I have summarised below:

- a. Looked after children and previously looked after children;
- b. Children for whom there are exceptionally strong medical, social or welfare reasons for admission associated with the child and/or family;
- c. Children who will have a sibling in attendance at the school at the time of transfer (“sibling” includes stepchildren, half brothers and sisters and adopted and foster children who are living with the same family at the same address);
- d. The children of staff employed by the trust for two or more years, or who meet a skills shortage;
- e. Other pupils with priority given to those that live nearest to the school;
- f. Pupils who have attended Hambleton Nursery School.

### **Consideration of Factors**

11. The referrer expressed concern that the oversubscription criteria include a priority for children who attend Hambleton Nursery School, and that in a letter to parents dated 1 May 2015, the school said that *“attendance at Nursery remains on our admissions criteria for school.”* The referrer said that the priority for attendance at Nursery is *“against the spirit of the Admissions Code. Section 1.39 says schools can give priority to children on the EY Pupil Premium or Service Premium that attend the nursery class, but otherwise they can’t prioritise the children who have attended the nursery...”*

12. Paragraph 1.39B of the Code states that the admission authority may give priority to children *“who are in a nursery class which is part of the school or attend a nursery that is established and run by the school”* provided that the school has prioritised in the oversubscription criteria children eligible for the *“early years pupil premium, the pupil premium or the service premium.”* Paragraph 1.39A states that that school *“should clearly define in the arrangements the categories of eligible premium recipients to be prioritised.”*

13. It seems to me that parents may consider that by sending their child to the nursery, their child might have a greater chance of securing a place in Year R at the school. However, the school’s arrangements do not prioritise in the oversubscription criteria any category of eligible premium recipients, therefore the priority for nursery attendance is not permitted as it contravenes paragraph 1.39B of the Code.

14. In its response of 4 December 2015, the local authority said that in November 2013 it had advised the school that including the priority for children who have

attended the nursery as the last oversubscription criterion (f) *“was meaningless ... because the previous criterion (e) considers and allocates any available places on distance. The reality is therefore that criterion (f) will never actually be used. The only reason why this was being retained on the policy seemed to be that the governing body wanted the nursery to be mentioned.”* I note that criterion (f), the last oversubscription criterion, may never have been used in the allocation of places at the school in previous admission rounds.

15. The school responded on 8 December that *“we can see there must be no mention of our nursery school as a previous school and we have removed this from our oversubscription criteria with immediate effect. Please be assured that no children have been admitted to our school on the basis of this criterion over the last three years as it is ranked below all others.”* It is to the school’s credit that it has agreed to remove the priority for nursery attendance from the arrangements with immediate effect.

### **Other Matters**

16. In reviewing the 2016 admission arrangements on the school’s website I noticed other aspects which appeared not to comply with the requirements relating to admission arrangements.

17. The arrangements published on the school’s website are a summarised version called *“Admissions criteria - in a nutshell”* but key information is missing from this version which may be confusing for some parents. The Code makes clear that the following must also be included in the arrangements on the school’s website:

- i. the PAN in order to comply with paragraph 1.2;
- ii. an *“effective, clear and fair”* final tie breaker to decide between two applications that cannot otherwise be separated (paragraph 1.8) such as random allocation independently verified;
- iii. information about the operation of the waiting list which must be maintained *“until at least 31 December”* as required by paragraph 2.14;
- iv. information with respect to the admission of children below compulsory school age in order to comply with paragraph 2.16 of the Code; and
- v. information with respect to the admission of children outside of their chronological year group as required by paragraph 2.17.

### **Conclusion**

18. The priority for nursery attendance does not comply with paragraph 1.39B of the Code because no categories of eligible premium recipients have been prioritised in the arrangements. I acknowledge that the school has confirmed that the priority for nursery attendance will be removed from the arrangements with immediate effect.

19. I found other matters that do not comply with the Code and therefore the arrangements need to be amended by the trust for the school.

## **Determination**

20. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements for Hambleton Primary Academy for admissions in September 2016. I determine that some aspects do not conform with the requirements relating to admission arrangements.

21. By virtue of section 88K(2) of the Act, the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements by 28 February 2016.

Dated: 15 December 2015

Signed:

Schools Adjudicator: Ms Cecilia Galloway