

DETERMINATION

Case reference: ADA /002348 - 2349

Objector: Two parents

Admission Authority: Surrey County Council

Date of decision: 18 July 2012

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 Surrey County Council for admissions in September 2013

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 as quickly as possible.

The referral

1. Under section 88H (2) of the Schools Standards and Framework Act 1998, (the Act), an objection has been referred to the Adjudicator by two parents (the objectors), about the admission arrangements (the arrangements) for Crawley Ridge Infants School, (the School), a 4-7 community school, for September 2013. The objection is to a paragraph in the explanatory notes amplifying the oversubscription criterion relating to siblings. The paragraph in question says, "At the initial allocation, when a parent is applying for both a Reception and a Junior School place, neither child will be treated as a sibling under the sibling criterion until after the offer day."

Jurisdiction,

2. These arrangements were determined under section 88C of the Act by Surrey County Council (the Council), which is the admission authority for the School. The objectors submitted their objections to these determined arrangements on 27 June 2012. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

The documents I have considered in reaching my decision include:

- a. the objectors' form of objection dated 27 June 2012;
- b. the School's response to the objection and supporting documents;
- c. the Council's response to the objection and supporting documents;
- c. the Council's composite prospectus for parents seeking admission to schools in the area in September 2012;
- d. confirmation of when consultation on the arrangements last took place; and
- f. a copy of the determined arrangements.

The Objection

4. The objectors believe that the Council's application of its sibling criterion breaches paragraph 12 of the introduction to the Code, the requirement that school places are allocated and offered in a fair and open way. They also believe that paragraphs 1.11 and 1.12 are being breached. These paragraphs specify the need for clarity in the definition of siblings and linked schools.
5. The School and Crawley Ridge Junior School are two separate schools on adjoining sites. Many families have children at both schools. Hence there is a sibling link priority both for moving up to the junior school from the School and for reception places in the School for children who have siblings either at the School or at the junior school.
6. Section 11 of the Council's admission arrangements for community schools states clearly that "a child will be given sibling priority if they have a sibling at the school, or at an infant/junior school on a shared or adjoining site, at the time of the child's admission."
7. However, the objectors contend that the next paragraph contradicts the preceding paragraph. This states that, "At the initial allocation, when a parent is applying for both a Reception and a junior school place, neither child will be treated as a sibling under the sibling criterion until after the offer day."
8. This paragraph acts against the sibling preference priority and could result in parents gaining a place at the junior school as a result of the link criterion and then being allocated a place for a younger sibling at an infant school in a different location, rather than at the School.

Background

9. The head teacher and the governors of the School queried the Council's 2012 admissions policy after an issue had arisen with a parent who had a child in Year 2. The parent applied for a reception place and the child was not offered a place under the sibling rule. After discussion with governors the head teacher of the School wrote a letter to the Council explaining the School's concerns about this matter. Having just received the 2013 policy with the same wording, she copied this letter to the Office of the Schools Adjudicator. It was agreed that she would try and sort the issue out with the Council.
10. She subsequently spoke to the relevant Council officer who noted the concerns and responded by contacting all schools who were in a similar position concerning transfer. As a result of this consultation the head teacher received an email on 28 June 2012 stating that the Council would change the wording in their policy. She believes that the change would remove the anomaly and hence the reason for concern and parental objections.

Consideration of Factors

11. The parties involved in this case have recognised that the wording objected to is contradictory, perverse and leads to unintended consequences. They have therefore amended the explanatory notes to read as follows, "At the initial allocation, when a parent is applying for a Reception place at an infant school that has both a feeder and a sibling link to a Junior school and that child has a sibling currently attending Year 2 of the Infant school but who will have left by the time the younger child starts, the Reception applicant will be considered under the sibling criterion as part of the initial allocation. This is because, due to the feeder link, they will be expected to still have a sibling at the linked junior school at the time of admission."
12. This change addresses the breaches of the Code objected to by the objectors. It makes the arrangements compliant with the Code.

Conclusion

13. The Council has confirmed that the wording quoted above will be published in the 2013 composite prospectus and the anomalous paragraph will be removed.
14. Thus although I uphold the objection because the original wording breached the Code, I also commend the Council for its timely and sensible response to the issues arising from the original wording.

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Dated: 18 July 2012

Signed:

Schools Adjudicator: Mrs Janet Mokades