



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA3004

**Referrer:** A parent

**Admission Authority:** London Borough of Hounslow Council for community and voluntary controlled primary schools

**Date of decision:** 15 September 2015

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the London Borough of Hounslow Council for community and voluntary controlled primary schools within the local authority for admissions in September 2016.**

### **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) determined by the London Borough of Hounslow Council, the local authority (the LA), the admission authority for community and voluntary controlled schools, for September 2016. The objection is that information in the arrangements about the admission of children below compulsory school age to part-time education or to a deferred place is insufficiently clear and does not comply with the requirements set out in paragraph 2.16 of the School Admissions Code (the Code); and that information about the process of requesting the admission of children outside their chronological age group does not meet the requirements of paragraphs 2.17, 2.17A and 2.17B of the Code.

### **Jurisdiction**

2. These arrangements were determined under section 88C of the Act by the LA, which is the admission authority for community and voluntary controlled schools. The objector submitted the objection to these determined arrangements 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.

## Procedure

3. In considering this matter I have had regard to all relevant legislation and the Code.
4. The documents I have considered in reaching my decision include:
  - the objection dated 30 June 2015, and further comments dated 27 July 2015, with supporting documents;
  - the LA's responses dated 16 July 2015, 19 August 2015 and 3 September 2015, with supporting documents;
  - a copy of the report which records the "*Single Member decision*" made on 13 April 2015 to determine the arrangements for community and voluntary controlled primary schools for 2016/17;
  - a copy of the LA's determined arrangements for 2016;
  - the LA's composite prospectus, "*Starting School in Hounslow Primary School admissions September 2015*"; and
  - A copy of the LA's new document for parents, "*Guidance on Starting School – deferring or delaying admission*" to be published on its website.

## The objection

5. The objector contends that information in the arrangements about the admission of children below compulsory school age to part-time education or to a deferred place is insufficiently clear and that parents are told that part-time attendance or deferred admission must be requested, implying that someone other than the parent has to give approval to the request. It is not made clear that where parents wish, children *may* attend part-time or that parents *can* defer admission. The arrangements do not say how long admission can be deferred for and the wording is generally confusing. This is said to contravene paragraph 2.16 of the Code which states:

*"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:*

*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."*

6. The objector also asserts that information in the arrangements about the process of requesting the admission of children outside their chronological age group does not accurately reflect the requirements of the Code, as much of the information contained in paragraphs 2.17, 2.17A and 2.17B of the Code has been omitted and therefore the LA has not made the process clear.

## **Background**

7. The LA is the admission authority for the community primary schools in the London Borough of Hounslow. The arrangements can be located on the LA's website via the route, "*Home page, Education and Learning. Schools and Colleges' Admissions*". Parents then need to select from the third heading "*Documents to download*" to find the arrangements for nursery and primary schools for admissions in 2016.

## **Consideration of Factors**

8. The objector contends that information in the arrangements about the admission of children below compulsory school age, to part-time education or to a deferred place is insufficiently clear because parents are not told that they can defer the date their child is admitted to school. Instead parents are told that a request to defer admission or to attend part-time must be requested, and this implies that someone other than the parent has to approve the request. The objector feels the word "request" is open to misinterpretation, A LA officer, governor, head teacher or member of school staff may see fit to deny a request on the basis that they make this decision in line with the arrangements. The objector points out that the term "request" has been removed from the 2014 Code due to the possibility that it might be misinterpreted and this should be reflected in the LA's arrangements. If a parent is not aware of the Code, and only reads the arrangements, they may feel that the school or the LA is able to deny this request. Information pertaining to part-time attendance and deferred admissions are mixed together in a way that is confusing.

9. In the arrangements under the heading "*Reception Year Deferred Entry*" it states, "*Applications are invited for September 2016 from families whose child attains 4 years of age between 01/09/2015 and 31/08/2016. Applicants may defer entry to school until statutory school age i.e. the first day of term following the child's fifth birthday. Application is made in the usual way and then deferment is requested. The place will then be held until the first day of the spring or summer term. Applicants may also request that their child attend part-time until statutory school age is reached. Entry may not be deferred beyond statutory school age or beyond the year of application. Parents of summer born children who wish to delay their child's entry should be aware that they can only defer until 1st April 2017.*"

10. In response to the objection the LA acknowledges the point about mixing part-time and deferred admission and proposes alternative wording. It also accepts that the use of the term '*statutory school age*' may not be clear for parents and says it will change this to '*compulsory school age*'. However, the LA's view is that the wording in relation to part-time attendance or

deferred admission is clear and clarifies that the latest date to start school for a deferred admission of a summer born child in the school year 2016-17 will be 1 April 2017, the start of the final term of the school year. Parents must advise the LA of their wish to defer entry or to start part-time and must advise the head teacher to clarify the part time offer.

11. In my opinion the arrangements meet the requirements of the Code and state clearly that parents can defer admission to Year R and children may attend part-time. The use of the word 'request' is reasonable in the sense of advising the LA of parents' preferences in these two matters. The school for which a child has been allocated a place does need to know if the parents do not want to take up that place full time from the beginning of the year and whether the child will attend part time or not until later in the school year. As it is clear from the arrangements that the requirements set out in paragraph 2.16 of the Code concerning deferred or part-time admission for children below compulsory school age have been met, I conclude that the arrangements comply with the Code in this respect. Accordingly, I do not uphold this aspect of the objection.

12. The second part of the objection refers to information about the admission of children educated outside their chronological age group. The objector's says much of the information in paragraphs 2.17, 2.17A and 2.17B has been omitted from the arrangements. In the objector's view the LA ought to make it explicit that parents of summer born children can request admission to Year R in the September after the child's fifth birthday. The arrangements must comply with paragraph 2.17 of the Code which states, "*Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group*". Further the objector says in stating that permission will only be given in exceptional circumstances the arrangements contravene the Code, as summer born children do not equate with "exceptional circumstances" and the requirement in the Code is for the LA to make decisions on the basis of the circumstances of each case and in the best interests of the child concerned.

13. Responding to this part of the objection the LA says, "With regard to the inclusion of the wording '*...permission will only be given in exceptional circumstances*', this is acceptable wording which seeks to emphasise that the majority of children will not need to be admitted outside their normal age group. The LA has not applied a blanket policy and has advised that '*each case will be considered on its own merits*'. Requests for admission outside the normal age group can be made by parents other than those of summer born children. The section entitled, "*Children educated outside their chronological age group*" states clearly that there is a process to be followed by parents who wish to apply for delayed admission or accelerated admission. This section in the arrangements applies to all applicants seeking admission out of chronological age group, not just to summer born children.

14. The arrangements state, "*Parents may request that their child be educated out of his/her chronological age group. Such requests must be made in writing to the Admission Authority during the autumn term in the year of application i.e. September-December 2015 for children born between*

*01.09.11-31.08.12. The Admission Authority will consider each request on its own merits and permission will only be given in exceptional circumstances. When the application is made, it will be ranked with all the other applications and no further exceptions will be given. A statutory right of appeal will be given upon refusal if no place has been offered in any school year.”*

15. In my view although parents may expect to find references in the arrangements to the admission of summer born children out of their chronological age group, there is no requirement set out in the Code for an admission authority to refer specifically to one particular group of children. It is clear from the arrangements that parents may request children are admitted out of normal age group and I conclude that the arrangements comply with paragraph 2.17 of the Code in this respect. Accordingly, I do not uphold this aspect of the objection.

16. Matters raised by the objector, which are said to contravene paragraphs 2.17A and 2.17B, relate to the processing of applications and as such lie outside my jurisdiction. If any concerns remain about the process these can be referred to the Department for Education.

17. Although I conclude that the arrangements do not contravene the Code, I note that the LA has been considering ways to make the arrangements even clearer for parents, in order to remove any possible doubts or misinterpretations.

## **Conclusion**

18. The arrangements that were determined take account of the requirements of the revised Code and include information about part-time and deferred admission of children below compulsory school age; and state that a parent can make a request for the admission of children outside the normal age group. I conclude therefore that the arrangements comply with paragraphs 2.16 and 2.17 of the Code.

19. Accordingly, I do not uphold the objection to the arrangements for community and voluntary controlled schools determined by the LA for admissions in September 2016.

## **Determination**

20. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the London Borough of Hounslow Council for community and voluntary controlled primary schools within the local authority for admissions in September 2016.

Date: 15 September 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons