



DETERMINATION

Case reference:	ADA2855
Objector:	A member of the public
Admission Authority:	Cambridgeshire County Council for Swavesey Primary School
Date of decision:	7 August 2015

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold this objection to the arrangements determined by Cambridgeshire County Council for Swavesey Primary School for admissions in September 2016.

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.

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 member of the public (the objector) about the determined arrangements for admissions in September 2016 (the arrangements) for Swavesey Primary School (the school), a community school for boys and girls aged 5 to 11 years. The arrangements were determined on 15 April 2015 by Cambridgeshire County Council, the local authority, which is the admission authority for community and voluntary controlled schools in Cambridgeshire. The objection is that the arrangements have not been fully updated to comply with paragraphs 2.16 and 2.17 of the School Admissions Code (the Code) relating to summer born children.

Jurisdiction

2. The objection to the 2016 determined arrangements was submitted by an anonymous objector on 21 April 2015. The objection was allowable under Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admissions Arrangements) (England) Regulations 2012 because the objector who wished to remain anonymous had provided his/her name and address to the Adjudicator. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that 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:
 - a. the form of objection of 21 April 2015 including hyperlinks to the 2016 arrangements and to the consultation document about nursery admissions (the nursery policy);
 - b. background information about the school downloaded from its website on 5 May 2015;
 - c. the school's response to the objection on 7 May 2015 and further comments on 16 June 2015;
 - d. the local authority's response to the objection in an email dated 21 May 2015, together with attachments including a copy of the *"Determined Admissions Arrangements for all Cambridgeshire maintained schools and academies for 2016 – 2017"* (the determined arrangements document) and the *"First Steps"* guide (the guide) for 2015 admissions;
 - e. further comments from the objector on 25 May 2015 and subsequent correspondence and attachments in the period 4 to 10 June 2015, including an extract from the school's 2015 prospectus;
 - f. further comments from the local authority in the period 2 to 16 June 2015, together with confirmation that the arrangements were determined on 15 April 2015, and
 - g. a copy of the information leaflet "Deferred Admission to School Late Entry to Reception" (deferred entry leaflet) from the local authority on 10 June 2015.

The Objection

5. The objection relates to whether or not the arrangements comply with paragraphs 2.16 and 2.17 of the Code. The objector was concerned that there is no mention of summer born children in documents published by the local authority, such as in the section of the arrangements related to the admission of children outside their normal age group; and in the section in the nursery policy outlining deferred entry to primary school, and suggested that there may be other omissions.

Background

6. Swavesey Primary School is a community primary school for boys and girls in Cambridgeshire. On its website, the school describes itself as serving *"a rural catchment area, including the villages of Swavesey and Lolworth"* and that there are *"324 children working in 11 mixed age classes in Year 6 to Reception."* The school says it *"provides a broad, challenging and practical curriculum within a warm, stimulating and imaginative environment to enable our children to enjoy their learning, as well as, develop the skills, attitudes and knowledge to become lifelong learners and achieve their full potential."*

7. Although the 2016 arrangements for community schools were unchanged from the previous year, the local authority included the arrangements for these schools in its consultation on the 2016 arrangements for academy and maintained schools during the period 2 January to 28 February 2015. The local authority confirmed in its submission of 21 May 2015 that *“no responses were received by the deadline for comments and/or objections in respect of the proposed admission arrangements for Swavesey Primary School.”*

8. In its email of 7 May 2015, the school confirmed it had no comment to make in response to the objection.

Consideration of Factors

9. The objector states that the 2016 arrangements have not been fully updated to comply with paragraphs 2.16 and 2.17 of the Code with respect to summer born children, regarding the admission of children outside their normal age group; and deferred entry to primary school. The objector raised other aspects related to paragraphs 2.16 and 2.17 in the correspondence following the initial objection, and I have included these aspects in the determination for completeness.

10. The term “summer born” is defined in footnote 50 to paragraph 2.17 of the Code 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 term “compulsory school age” is detailed further at footnote 49 to paragraph 2.16 which explains that *“a child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August.”*

11. The Code at paragraph 2.16 requires that *“admission authorities **must** provide for the admission of all children in the September following their fourth birthday.”* Therefore some summer born children will reach compulsory school age up to 12 months after they could first have been admitted to the reception year (Year R).

12. The objector refers to sections of the determined arrangements document and the nursery policy and has provided hyperlinks to both of these documents on the local authority’s website. As nursery education is not compulsory, and the nursery policy is not covered by the Code, I have not considered the nursery policy any further.

13. The first part of the objection relates to whether or not the arrangements comply with paragraph 2.16 of the Code which concerns children below compulsory school age who have been allocated a place in Year R. Paragraph 2.16 specifies that *“admission authorities ... **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."

14. With the email of 21 May 2015 the local authority attached a letter in response to the objection, together with a copy of the determined arrangements document and the guide. The local authority said *"there are many sections in the Code which we do not explicitly set out in our determined admissions arrangements but we do nevertheless follow. Paragraph 2.16 of the Code is one such example. However, we do explain the process for parents in our "First Steps ..." guide which all parents are encouraged to read before they make an application for a school place for their child and subsequently sign a statement on their application form confirming they have read the guide."*

15. I have taken this response from the local authority to imply that the guide was copied to me as support for the 2016 determined arrangements document because the information required by paragraph 2.16 of the Code is in the guide rather than being explicitly included in the determined arrangements document. From what the local authority has said, it appears that the determined arrangements document and the guide, taken together, are the arrangements. I accept the principle that the arrangements may include several documents as footnote 4 to paragraph 5 of the Code clarifies that *"admission arrangements means the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places..."* However, in the email of 21 May 2015 the local authority said that *"whilst we have not yet published the Guide for 2016 admissions we will be including the same information in the publication on our website no later than 12 September 2015."*

16. As the 2015 guide had not been updated to support the 2016 arrangements at the time the objection was made, I consider that the 2015 guide cannot be part of the 2016 arrangements. Furthermore, the local authority said that the 2016 version of the guide will not be published until September 2015, some five months after the 2016 arrangements were determined. Therefore the 2016 guide was not available at the time the 2016 arrangements were determined.

17. The local authority said that the information required by paragraph 2.16 of the Code is not explicitly mentioned in the determined arrangements document, but I have not been able to find any reference of any kind to paragraph 2.16 in the determined arrangements document. The local authority implies that the information related to paragraph 2.16 is explained in the 2015 guide which it provided, but the 2015 guide does not support the 2016 arrangements. Furthermore, the 2015 guide was published when a previous version of the Code was in force. Whether or not the 2015 guide provides the information related to paragraph 2.16, the 2015 guide is not part of the 2016 arrangements and therefore is beyond this scope of this determination about the 2016 arrangements which must comply with the current Code.

18. It seems to me that the mandatory information required by paragraph 2.16 of the Code could simply have been included in the determined arrangements document. As the determined arrangements document had not been updated fully to comply with paragraph 2.16 of the Code, I conclude that, at the time the objection was made, the 2016 determined arrangements did not comply fully with paragraph 2.16 of the Code. Consequently I uphold the first part of the objection.

19. The second part of the objection relates to paragraph 2.17 of the Code with respect to the admission of summer born children outside their normal age group, and deferred entry to primary school. The objector contends that as the arrangements do not mention “summer born” there may be other omissions.

20. When deciding on the possible deferred admission of their child, who may be a summer born child, it seems to me that parents may consider there are two options: deferred entry within the school year following their child’s fourth birthday (which relates to paragraph 2.16 of the Code); or admission deferred for a full school year until after their child’s fifth birthday (which relates to paragraph 2.17). It is necessary to understand the implications of these two options on the year group to which their child may be admitted.

21. The Code at paragraph 2.16(b) requires that *“admission authorities ... **must** make it clear in their arrangements that, where they have offered a child a place at a school... 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.”* In other words, the parent of a summer born child offered a reception place at the school for the September following their child’s fourth birthday may opt to defer admission to Year R until the spring term or the summer term of the same school year, the offer year. In this case the parent is entitled to opt for deferred admission within the offer year, the child would be admitted to Year R, and the decision to defer rests with the parent.

22. However, the entitlement to defer admission to Year R and take up a place in the reception class does not extend beyond the *“beginning of the final term of the school year for which it was made.”* So the option to defer admission to Year R does not extend beyond the summer term of the offer year because a new school year would have started and the summer born child would have reached compulsory school age. It follows that if parents would like their summer born child to start school in the September after the child’s fifth birthday, which would be the year after the offer year, then the child would be admitted to Year 1 which would be the normal, chronological year group. The summer born child would therefore start school and be in the same class as peers moving up from Year R to Year 1, having already been at school for up to 12 months.

23. Paragraph 2.17 of the Code would apply where parents wish their summer born child to start school in the September following the child’s fifth birthday, but to join Year R rather than Year 1. Paragraph 2.17 states that *“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.”*

24. I note that paragraph 2.17 says that the parent “*may request that they are admitted out of their normal age group*”. The word “*request*” indicates that this is an option but is not an entitlement and that the final decision rests with the admission authority. Therefore, a parent may decide to defer their summer born child’s admission to school for a year, after which the child would normally be admitted to Year 1 which would be his/her normal age group. If the parent wishes the child to be admitted to Year R instead of Year 1, the parent may submit a request to the admission authority for admission outside of the child’s normal age group, but having taken account of parental views and those of the headteacher, it is for the admission authority to decide whether the child should be admitted to Year 1 or to Year R.

25. In the letter attached to the email of 21 May 2015, the local authority refuted the suggestion of omissions in the arrangements with respect to paragraph 2.17 of the Code. The local authority said that section 9 in the determined arrangements document outlines “*what procedure parents should follow if they are seeking a deferred or accelerated entry into a school.*” The local authority also stated that the guide on page 13 also “*informs parents to call the admissions team for further information*” and there was also a reference to information in the nursery policy. However, as explained above, consideration of the guide and the nursery policy is beyond the scope of this determination about the 2016 arrangements.

26. In the email of 25 May 2015 the objector asserted that there is no mention of the process for requesting an admission out of normal age group and the criteria by which the request will be assessed. I am puzzled by this, as section 9 of the determined arrangements document outlines the process regarding the admission of children outside their normal age group, as follows:

“9.4 When a parent is seeking the accelerated or deferred admission of their child to Reception, their application must be received by the Acceleration and Deferrals Panel by 1 December in the academic year in which they will reach the age of 4.

9.5 Full details of how to make an application to the Acceleration and Deferral Panel can be found in the LA leaflets which are available for parents on request.”

27. I note that parents are able to request a copy of the deferred entry leaflet from the local authority. As the deferred entry leaflet is a generic leaflet not limited to any particular admission round, I accept that it also forms part of the arrangements as a whole. The deferred entry leaflet offers detailed advice and guidance to parents who are considering a request for their child to be admitted outside their normal age group. Taking section 9 of the determined arrangements document and the deferred entry leaflet, I am of the view that the local authority has provided sufficient information to satisfy the requirements of paragraph 2.17 of the Code.

28. The local authority also confirmed in the email of 2 June 2015 that, in addition to the deferred entry leaflet, it has added to its website details about the acceleration

and deferral process. I acknowledge that the website now displays the statement: *“It is Cambridgeshire County Council’s policy to admit children to the Year group appropriate to their date of birth. In exceptional circumstances, your child may be able to start school a year earlier or later than would normally be the case. For further information on acceleration or deferrals, please contact the Admissions Team.”*

29. In the email of 25 May 2015 the objector asked about the criteria by which the request for admission out of the normal age group would be assessed. Paragraph 2.17A of the Code provides some detail about the evidence that will be considered before the admission authority makes the decision. The local authority provides further details in the deferred entry leaflet available to parents on request, but it may be helpful for parents if the local authority were able to provide a hyperlink to the deferred entry leaflet. However, my role as adjudicator is to consider the determined arrangements and whether the level of detail is appropriate and sufficient, but not to consider the detail about procedural matters, and so further consideration of the criteria and the procedure for deferred admission is beyond the scope of this determination.

30. The objector also said that the arrangements do not mention summer born children with respect to the options of deferred entry and admission out of the normal age group. The local authority confirmed in the email of 2 June 2015 that *“as this option is available to any child, not just summer born children, we do not feel it necessary to make specific reference to summer born children in our information.”* There is no requirement for the admissions authority to use the term “summer born” as long as the arrangements comply with the Code. I am satisfied that the determined arrangements document and the deferred entry leaflet, taken together, comply with the Code with respect to paragraph 2.17.

31. Accordingly, taking into consideration the determined arrangements document and the deferred entry leaflet, I conclude that the arrangements comply with paragraph 2.17 of the Code, and therefore I do not uphold this second part of the objection.

32. The objector expressed concern about the school’s 2015 prospectus, but I have not considered the 2015 prospectus any further as it is beyond the scope of this determination about the 2016 arrangements.

33. The objector also asked *“who decides what goes in the admissions document and what can go in supporting documents given out on request.”* The Code specifies at footnote 4 to paragraph 5 that admission arrangements are *“the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered”* and at paragraph 15(a) that *“... admission arrangements are determined by admission authorities.”* Therefore, as the admission authority, it is for the local authority to decide what goes in the determined admissions document and what can go in the supporting documents.

34. Furthermore, paragraph 1.1 of the Code states that *“admission authorities are responsible for admissions and **must** act in accordance with”* the Code. Therefore,

as long as the mandatory information required by the Code is made available to parents in the determined arrangements document, it would seem to me reasonable for the local authority to explain the procedures in supporting documents rather than going into detail about every aspect in the determined arrangements document. In this respect, the arrangements comply with paragraph 2.17 of the Code because the determined arrangements document on its own complies with paragraph 2.17, and is complemented by the further detail about the process in the deferred entry leaflet.

35. However, the arrangements fail to comply with paragraph 2.16 of the Code because the determined arrangements document on its own does not include fully the mandatory information required by paragraph 2.16, and I am not persuaded that the 2015 guide is part of the 2016 arrangements. If the local authority seeks to rely on the guide to provide the mandatory information required by paragraph 2.16, then the guide must become part of the determined arrangements and made available according to the same timescale as set out for the determined arrangements.

Conclusion

36. For the reasons stated above, I am satisfied that the 2016 admission arrangements for the school comply with paragraph 2.17 of the Code. I therefore do not uphold this part of the objection. However, for the reasons already stated I conclude that the 2016 admission arrangements do not comply with paragraph 2.16 of the Code and therefore I uphold this part of the objection.

37. Accordingly, I partially uphold this objection to the arrangements determined by Cambridgeshire County Council for Swavesey Primary School for admissions in September 2016.

38. I consider that the omission in the 2016 admission arrangements with respect to paragraph 2.16 of the Code can be rectified easily and quickly. Therefore, I determine that in accordance with paragraph 3.1 of the Code, the local authority must revise the admission arrangements for the school within two months of the date of this determination.

Determination

39. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold this objection to the arrangements determined by Cambridgeshire County Council for Swavesey Primary School for admissions in September 2016.

40. 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.

Dated: 7 August 2015

Signed:

Schools Adjudicator: Ms Cecilia Galloway