



DETERMINATION

Case reference: ADA2689

Objector: A parent

Admission Authority: Norfolk County Council

Date of decision: 22 July 2014

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 Norfolk County Council for Mile Cross Community Primary School, Norwich.

I have also considered the arrangements in accordance with section 88I(5). I determine that there are matters as set out in this determination that do not conform with the requirements relating to admission arrangements.

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 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) for Mile Cross Community Primary School (the school), a school for pupils aged 3 to 11 years, for September 2015. As a community school the admission authority for the school is Norfolk County Council, the local authority (the LA). The objection is to the lack of clarity in the LA's arrangements concerning the admission of children outside their normal age group.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the LA, which is the admission authority for the school. The objector submitted her objection to these determined arrangements on 19 June 2014. 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

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 objector's email and form of objection dated 19 June 2014;
- b. the LA's response to the objection and supporting documents dated 4 July 2014;
- c. the objector's further comments in emails dated 5 July and 8 July 2014;
- d. the LA's further comments in emails dated 7 and 10 July 2014;
- e. the arrangements for starting school in September 2015 as provided by the objector and the LA;
- f. guidance on the LA's website for parents concerning admissions to schools; and
- g. "Advice on the admission of summer born children – For local authorities, school admission authorities and parents." Issued on 29 July 2013 by the Department for Education (DfE).

The Objection

4. The objector refers to paragraph 2.17 of the Code and states that in her view the arrangements "*fall short on clarity and ease of understanding how places in exceptional circumstances may be allocated in relation to the admission of children outside their normal age group.*" She therefore contends that the arrangements do not meet the requirements of paragraph 14 in the Introduction to the Code, which requires admission authorities to "*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.*" The objector refers to the lack of specific mention in the school's arrangements of how oversubscription criteria will be applied to applications for children outside their chronological age group.

Other Matters

5. The "Parents' guide to admissions to schools in Norfolk" on the LA's website does not state that parents have a statutory right of appeal if their request for the admission of a child outside the normal age group is refused. In considering the arrangements as a whole, I noticed that in the composite brochure for primary school admissions on the LA's website, the reference to children who "*are in public care or have been adopted*" is not a satisfactory definition of looked after or previously looked after children. In this document too, siblings are referred to simply as "*brothers*

and sisters”, although all such children are more helpfully defined in “A parents’ guide to admissions to schools in Norfolk”.

Background

6. The arrangements apply to all community and voluntary controlled schools in Norfolk. They are therefore the arrangements for admission to Mile Cross Community Primary School.
7. In the LA’s admission guidance (“A parents’ guide to admissions to schools in Norfolk”), the paragraph titled ‘When do children start school?’ states that *“All parents of children born between 1st September 2010 and 31st August 2011 must be offered a full time place from September 2015. Parents are entitled to defer their admission or request that their child attend on a part-time basis, however the child must start school on a full time basis on the prescribed day following their fifth birthday (or on their fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August.”*
8. The following section in the parents’ guide, ‘Can my child start school later?’ contains the advice that parents can *“ask for their child to be admitted but lets them delay the start date until later in the school year or to start on a part time basis.”* A long section of the guidance titled ‘If I don’t think my child is ready to start school can they start in Reception the following year?’ opens with the statement that *“The admission authority must consider parental requests and make decisions based on the circumstances of each case.”* It goes on to detail the process involved in such requests and states that *“Any agreement to a request to defer admission does not guarantee a place at the preferred schools, but the application will be considered alongside all other applications for a Reception place ...”*.

Consideration of Factors

9. The objector’s main concern is that the arrangements *“don’t explicitly state how a child who has been delayed will be treated in the admissions process.”* Given that the law allows for children to start in Reception when chronologically they would expect to be in year 1, with the agreement of the LA and the head teacher, the objector is further concerned that the arrangements *“don’t state if being educated outside the chronological year group means that the child’s application to a school will be placed at the bottom of a priority list or if they will be treated as any other child.”* The objection therefore is not that the LA does not accept the possibility of the admission of children outside their normal age group, as is required by paragraph 2.17 of the Code, but that – in the words of the objector – information about how places are allocated to those children *“needs to be clear so parents can ensure that their child’s application is being processed fairly.”*
10. It is my opinion, therefore, that the objection should be considered not with regard to how the LA interprets paragraph 2.17 of the Code but rather concerning concepts such as ‘clarity’ and ‘fairness’ as mentioned in

paragraph 14 of the Introduction to the Code, to which the objector also draws attention. I say this since paragraph 2.17 does not raise explicitly the issue of whether children being admitted outside their normal age group should be treated in the same way as all other applicants in the arrangements. Paragraph 14 of the Introduction to the Code and cited in the objection, refers to fairness, clarity and objectivity. With this in mind, I shall consider the LA's position.

11. I am satisfied that the LA consulted fully and widely on its 2015/16 arrangements in accordance with the requirements of paragraphs 15(b) and 1.42 – 1.45 of the Code. The arrangements were properly determined on 14 April 2014 by the LA Cabinet. With regard to the admission of children outside their normal age group, the LA commented in its response to this objection that it *"sought legal advice seeking to ensure we met both the legal duties imposed on us by legislation including the statutory school admissions code 2012 and the DfE guidance issued in July 2013 and updated in May 2014."* Although the LA expressed confidence that it provided interested parties with the necessary and correct information concerning the admission of children outside their normal age group, it went on to say that *"having reviewed our information we will now add a direct link to the DfE Summer Born Guidance on our website in the section on Reception admissions..."*. During the course of making this determination, I was able to verify that the direct link mentioned has now been put onto the LA's website on the "admission into reception classes" page, and that it is operative. The LA has thus made every effort to be objective in its approach to this issue.
12. I have no doubt, therefore, that the LA is aware of its legal responsibilities concerning the admission of children outside their normal age group and, indeed, that it has made every effort at clarity in providing accessible and detailed information to interested parties via its website. Moreover, concerning the treatment of such children in the allocation of school places, the LA draws attention to the following statement in its "parents' guide to admissions in Norfolk": *"Where an admissions authority agrees to a request to defer until the next academic year the parent will be able to apply in the following year when their child is 5+ on 1 September. Any agreement to a request to defer admission does not guarantee a place at the preferred schools, but the application will be considered alongside all other applications for a reception place ..."*. While this statement might appear to satisfy the Code's requirement for fairness, the objector's response is that the specific arrangements for Mile Cross school included in the LA's composite prospectus do not contain any similar statement and so *"how would a parent know if a child will be placed at the bottom of the pile or if the movement of the chronological age group will have no affect (sic) on the admissions and the same criteria will apply to them."*
13. In paragraph 1.51, the Code says that a composite prospectus must be *"written in a way that makes it clear and accessible to all parents"*. It might be argued that, by making no explicit comment in the context of each separate school's arrangements in its composite prospectus, the LA does not meet the tests of clarity and accessibility. In my view, this would be a harsh judgement. The composite prospectus is, by nature of the size of

the LA, a lengthy document and it is reasonable that where possible, information that applies to all schools should be presented just once within a set of general guidance. The LA's website clearly advises applicants to consult the "parents' guide to admissions in Norfolk" before looking at the "first admissions in Norfolk schools" prospectus. The 'parents' guide' is where general information, such as that quoted above concerning the admission of children outside their normal age group, is to be found. It might reasonably be argued that parents, when looking at details of individual schools in the composite prospectus, could be expected to bear in mind this general guidance. On the LA's website, the page concerning admission into reception classes, while inevitably containing much information, provides links to all the documentation that parents might need to consider and urges them to read general advice before looking at details of specific schools in the composite prospectus. Moreover, the LA has confirmed to me that "*letters sent to parents inviting them to consider their preferences provides details of both publications and encourages parents to consider all information before determining their preferences.*"

14. I understand that a parent might be worried that an application for the admission of a child outside his or her normal age group would be treated differently from others; it could be argued that this is understandable, given that the making of such an application is, by definition, "*outside*" of what is "*normal*". However, it would be equally understandable to assume that, in the absence of any statement to the contrary, all applications – irrespective of the age of the child concerned – would be treated in the same way. I am of the opinion that the LA's statement quoted above, that such applications "*will be considered alongside all other applications*" indicates clearly and unequivocally by use of the word "*alongside*" that the process of allocating places is fair and objective.

15. I note that in its response to this objection, the LA has accepted that it would be helpful if there were "*a direct reference in the front of the Schools list advising parents that there are more details available in the Parent's (sic) Guide and we will include the definition of due to start school – those of appropriate age and specific cases where the admission authority has agreed to a child starting in other than their chronological age group are all considered against the admission rules as 'due to start school'.*"

Other matters

16. Although not directly referenced in the objection there is, however, one aspect of the LA's guidance on the admission of children outside their normal age group that does not conform with paragraph 2.17 of the Code. This paragraph states that "*Admission authorities **must** make decisions on the basis of the circumstances of each case, informing parents of their statutory right to appeal.*" I cannot find any reference to this right of appeal in the LA's materials. This needs to be rectified.

17. In considering the arrangements as a whole, I noticed that in the composite prospectus for primary school admissions on the LA's website the arrangements contain (as oversubscription criterion 2) a reference to children who "*are in public care or have been adopted*". This is an

inadequate definition of looked after and previously looked after children when set beside paragraph 1.7 of the Code and its attendant footnotes. A fuller and more acceptable definition of such children is in the “‘parents’ guide to admissions to schools in Norfolk”. Despite my comments above about the need to avoid unnecessary repetition, I believe that – given the priority afforded such children in the allocation of places – a fuller definition of looked after and previously looked after children should be given in the composite prospectus. A similar situation pertains in respect of siblings; whereas the “‘parents’ guide” provides a reasonably detailed description of who may be considered a sibling, the composite prospectus simply uses the term “*brother or sister*”. Once again, the potential significance of siblings in the ranking of oversubscription criteria means that, in my view, a fuller definition is worth repeating, at least as a general note, in the composite prospectus.

18. On looking at the Mile Cross school website, I was unable to find any information directly relating to admissions or any guidance as to where such information might be obtained. Although the LA, and not the school, is the admissions authority, prospective parents might reasonably expect to find at least a link or a pointer on the school’s website to admissions information on the LA’s website

Conclusion

19. The objection draws attention to what the objector believes is a lack of clarity and transparency, and by implication fairness, in the LA’s arrangements relating to the admission of children outside their normal age group. I accept that parents making such an application may feel that, because their application is for an admission that differs from what is normal, they need and deserve all possible reassurance that it will be treated equally with all others. Nevertheless, I have found that the LA provides information which makes it clear, and in an accessible format, that such applications will be processed alongside others and that they will receive the same fair treatment. Helpful information and links have been placed on the website to enable parents to consider the full range of issues involved in such applications. I am thus content that the LA meets the requirements of paragraph 14 of the Introduction to the Code.
20. I have found inconsistencies in the quality, detail and helpfulness of the definitions of looked after and previously looked after children and of siblings in different LA documents relating to admissions. These should be improved where necessary so that interested parties have a clearer understanding of how school places will be allocated, notably in relation to those children who have priority in oversubscription criteria.
21. I have found also that the school’s website contains no information at all about admission arrangements, or guidance as to where interested parties might find it. It would be helpful if the school’s website at least provided a link to the admissions area of the LA’s website.

Determination

22. 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 Norfolk County Council for Mile Cross Community Primary School, Norwich.
23. I have also considered the arrangements in accordance with section 88I(5). I determine that there are matters as set out in this determination that do not conform with the requirements relating to admission arrangements.
24. 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.

Dated: 22 July 2014

Signed:

Schools Adjudicator: Andrew Bennett