

DETERMINATION

Case reference: ADA/2537

Objector: A parent

Admission Authority: Hampshire County Council

Date of decision: 30 August 2013

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I determine that the admission arrangements determined by Hampshire County Council for Harestock Primary School for September 2013 do not conform to the requirements of the legislation and the School Admissions Code.

Further, in accordance with section 88I I have considered the arrangements for admissions in September 2014 and I determine that these do conform to the requirements of the legislation and the School Admission Code.

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 88I(5) of the School Standards and Framework Act 1998, (the Act), the admission arrangements (the arrangements) for admission to Harestock Primary School have been brought to the attention of the Adjudicator by a parent, the referrer. The school is a community primary school for pupils aged 4 to 11 years. As a community school the admission authority for the school is Hampshire County Council, the local authority (the LA). The referral concerns the wording in the LA's arrangements for admissions in September 2013 in the section "Starting school" relating to the admission of children outside their normal age.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the LA, which is the admission authority for the school. The referrer submitted an email outlining his concerns on 28 June 2013. The referral concerns the arrangements for 2013 which if it was to be considered as an objection should have been made by 30 June 2012. I have therefore used my power under section 88I(5) to consider the arrangements and have also used the same

power to look at the equivalent arrangements for 2014. I am satisfied the matter has been properly referred to me and it is within my jurisdiction.

Procedure

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

4. The documents I have considered in reaching my decision include:

- the parent's email dated 28 June 2013;
- the LA's response of 16 July 2013;
- the arrangements for starting school in 2013 as provided by the referrer and as published on the LA's website;
- the arrangements for starting school in 2014 as published on the LA's website; and
- "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 referral

5. The referrer cites part of the arrangements under the heading "Starting school" that says, *"If parents of summer born rising fives wish to defer their admission until they reach statutory school age, admission will be considered for Year 1, their appropriate year group."* This statement in his view does not take into account paragraph 2.17 of the Code concerning "Admission of children outside their normal age group". In particular, he says that the needs of summer-born pre-term children whose due date puts their school entry date in the following year are not considered. He asserts that the policy indicates a blanket refusal of delayed entry to Year R, precluding consideration of the circumstances of each case.

Background

6. The arrangements apply to all community and voluntary controlled schools in Hampshire. They are therefore the arrangements for admission to Year R for Harestock School. The full paragraph in the arrangements concerning "Starting school" begins with, *"Pupils reach statutory school age at the beginning of the term following their fifth birthday, but, in Hampshire, most pupils are admitted as rising fives. Parents can request that the date their child is admitted is deferred until later in the year or until the child reaches compulsory school age. Pupils will normally be admitted at the start of a school term. Parents can request that their child attends part-time until the child reaches compulsory school age. Parents requiring a Year R place, including those accessing co-located nursery provision, must make an*

application. If parents of summer born rising fives wish to defer their admission until they reach statutory school age admission will be considered for Year 1, their appropriate year group”.

Consideration of Factors

7. The Rose Report of 2009 recommended, in response to parental views, that subject to parents' wishes and taking into account their child's maturity and readiness to enter the reception class, summer-born children should be entitled to start school in the September after their fourth birthday. Admission authorities are now required to provide places in Year R for children from the September after their fourth birthday. Schools must provide full-time education from the beginning of the autumn term in September, but parents can defer entry of their child or arrange for their child time to attend part time until reaching compulsory school age. This is a decision for the parent and paragraph 2.16 of the Code applies. Thus a child who reaches the age of five during the summer term 2013 or the holiday period before September 2013 is entitled to begin school and attend full- or part-time from September 2012, but on reaching compulsory school age must attend full-time from September 2013. The normal age group for a child who is five on or before 31 August 2013 is as a member of the Year 1 class from September 2013.

8. The issue raised by the referrer is that if a child is summer born, but whose due date was in the next school year, they are given the option for full or part-time education from the September after they are four, but they are not entitled to be treated as if they had been born later as had been expected and join the reception class when they are just five.

9. The referrer cites paragraph 2.17 of the Code: "Admission of children outside their normal age group". It says, "Parents of children of gifted and talented children, or those who have experienced problems or missed part of a year, for example due to ill health, can seek places outside their normal age group. Admission authorities **must** make decisions on the basis of circumstances of each case, informing parents of their statutory right to appeal. This right does not apply if they are offered a place in another year."

10. There is no automatic right for a parent who is allocated a place for their child at a school to insist that the child is admitted to the school to join a class in the year above or below the class to which their actual age means the child would normally be admitted. For a child born earlier than the expected due date it would be for the parent to make a case as to why the child should join the reception rather than the year 1 class when the child has recently had his/her fifth birthday. This is not a circumstance that is specifically included in the examples in paragraph 2.17 of the Code, but neither is it prohibited.

11. There can be no dispute over a child's age and if born on or before 31 August, the child reaches compulsory school age on that day and must attend school the following term. The wording in the 2013 arrangements may be

read as implying there is no discretion about which year group a child joins. It does not preclude a parent seeking advice from the LA and school, and of appropriate other relevant professionals if there are thought to be exceptional circumstances that should be taken into account. What is written is factually accurate in that a child who reaches five years old before 1 September is in the age group usually found in a year 1 class. Thus Year 1 is the class to which a child would normally be expected to be admitted. The LA says that in exceptional circumstances an application for Year R rather than Year 1 has been accepted. However, I consider the wording to be less clear and helpful than it ought to be as it does not include anything about exceptional circumstances, such as a pre-term baby being included in a cohort that the parents had not expected. The Code requires in paragraph 14 that, "In drawing up their arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of 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 arrangements do not take sufficient account of paragraph 2.17 of the Code and I conclude that by not doing so they do not comply with the requirements of paragraph 14.

12. I have also looked at the arrangements for 2014 and find that the information in the section "Starting school" has been expanded to deal specifically with children born between 1 April and 31 August 2010 inclusive. The LA's response to the referral says it has taken into account paragraphs 2.16 and 2.17 of the Code, but it does not attempt to describe exceptional circumstances in its arrangements. It says it would consider each case as it arises and as the headteacher of a school is responsible for the organisation of a school would seek the agreement of the headteacher before considering an application for a year group outside the usual cohort.

13. The arrangements as now set out in the admissions arrangements for 2014 as shown on the LA's website, are more detailed than when first provided by the LA. They reflect the advice provided at the end of July by the DfE and recommend that parents contact the LA to discuss what is in the child's best interests if considering a request for admission outside the chronological age group.

14. The wording in the published arrangements for 2014 is much clearer than those for 2013, not only in the "Starting school" section, but also through an additional section headed "Admission of children outside their normal age group".

15. The advice from the DfE sets out clearly the flexibility that is possible and includes some factors that an admission authority might take into account "when considering a parental request for a summer born child to be admitted to a reception class in the September after their fifth birthday". One factor to consider is that of "children born prematurely, the fact that they may have naturally fallen into the lower age group if they had been born on their expected date of birth." The LA's arrangements for 2014 are much clearer and more helpful for parents and comply with the Code.

Conclusion

16. The Code makes clear that admission arrangements must be fair, clear and objective and parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. The arrangements for 2013 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.

17. The arrangements for 2014 as published on the LA's website are more detailed and set out the normal provision for children starting school and the options available to parents before their child reaches compulsory school age. The new section on admission outside a child's normal age group makes clear that parents can seek a place other than in the expected age group.

Determination

18. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I determine that the admission arrangements determined by Hampshire County Council for Harestock Primary School for September 2013 do not conform to the requirements of the legislation and the School Admissions Code.

19. Further, in accordance with section 88I I have considered the arrangements for admissions in September 2014 and I determine that these do conform to the requirements of the legislation and the School Admission Code.

20. 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: 30 August 2013

Signed:

Schools Adjudicator: Dr Elizabeth Passmore