



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA3010

**Objector:** A parent

**Admission Authority:** Reach Academy Trust for Reach Academy,  
Feltham, London Borough of Hounslow

**Date of decision:** 7 September 2015

### **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 the governing body on behalf of the academy trust, the admission authority for Reach Academy, for admissions in September 2016.**

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

**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 Office of the Schools Adjudicator (OSA) by a parent (the objector), about the admission arrangements (the arrangements) determined by the governing body for Reach Academy (the school), an academy school for pupils aged 4 to 18 years, for September 2016. The objection is that the arrangements do not state that parents of children below compulsory school age can defer the date their child is admitted to the school; that where the parents wish, children may attend part-time in the reception class (Year R); and that there is no information about the admission of children outside their chronological age group. This is said to contravene paragraphs 2.16 and 2.17 of the School Admissions Code (the Code).

## **Jurisdiction**

2. The terms of the academy agreement between the Reach Academy Trust (the trust) and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the governing body, on behalf of the trust which is the admission authority for the school, on 20 January 2015, on that basis. The objector submitted the objection to these determined arrangements for 2016 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.

3. I have also used my power under section 88I of the Act to consider the arrangements for 2016 as a whole.

## **Procedure**

4. In considering this matter I have had regard to all relevant legislation and the Code.

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

- the objection dated 30 June 2015;
- the school's responses dated 16 and 17 July 2015, with supporting documents and a further response dated 18 August 2015;
- comments from Hounslow Borough Council, the local authority (the LA) dated 16 and 21 July 2015;
- minutes of the meeting the governing body held on 20 January 2015 at which the arrangements for admission in September 2016 were determined;
- the determined arrangements for 2016;
- a copy of the funding agreement dated 28 May 2012; and
- the LA's composite prospectus for parents seeking admission to primary schools in the area in September 2015.

## **The Objection**

6. The objector contends that the arrangements do not mention parental rights to defer admission to the school or attend part-time and this is said to contravene paragraph 2.16 of the Code. There is no information about the process of requesting admission out of the normal age group. The objector asserts that this contravenes paragraphs 2.17, 2.17A and 2.17B of the Code.

## **Other Matters**

7. Having reviewed the arrangements as a whole for admission to the school in September 2016, I considered three matters that appear to contravene the Code: the lack of clarity about the admission of children whose statement of Special Educational Need or Education, Health and Care (EHC) plan names the school; the wording of oversubscription criterion 1; and that

there is no information in the proposed amendment about deferred entry to Year R.

## **Background**

8. The school opened on 1 September 2012. It is an academy free school for pupils and students aged 4 to 18. The school is supported by a single academy trust, the Reach Academy Trust and is governed by a governing body who are the directors of the company.

9. The planned capacity of the school is 840, which includes a sixth form of 120 places. The school also has nursery provision. The published admission number for all relevant age groups is 60 and there are approximately 400 pupils on roll. There are currently two relevant age groups with admission to Year R and Year 7. The school offers both primary and secondary education with the opportunity for pupils to remain on roll from Year R to the sixth form. The first cohort of Year 7 pupils will complete key stage 4 in the summer of 2017 and the sixth form is projected to open for admissions in the school year 2017-18.

10. The arrangements are easy for parents to locate on the school's website via the route, "Parents" and the tab "Admissions".

## **Consideration of Factors**

11. The objector contends that there is no mention of parental rights to defer admission of children below compulsory school age to the school or to attend part-time and further, there is no information about the process of requesting admission out of the normal age group. These omissions are said to contravene paragraphs 2.16, 2.17, 2.17A and 2.17B of the Code.

12. Paragraph 2.16 of the Code 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:*

*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."*

13. Paragraph 2.17 of the Code states, "*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.”

14. In response to the objection the school says, “Having reviewed the objection and the amended Admissions Code, I must acknowledge that the objection is accurate and that the school has .....made an error in this case. I have consulted with my governing body and have amended our Primary admissions arrangements for 2016 entry to the school, which I attach....”

15. The LA commented on the amended arrangements, “The Local Authority supports the Reach Academy response which is to include the information in their published arrangements”

16. The proposed amendment to the arrangements includes information about deferred and part-time admission and admission out of chronological age group.

17. The objection was based on the arrangements determined for 2016 and these did not include the requisite information set out in paragraphs 2.16 and 2.17 of the Code. I uphold the objection.

### **Other Matters**

18. Having reviewed the arrangements as a whole for admission to the school in September 2016, I considered other issues which may contravene the Code. The arrangements say, “In the event that the Reach Academy Feltham receives more applications than there are places and after the admission of pupils with Statements of Special Educational Needs where the school is named in the Statement, the following over subscription criteria will be applied.” Paragraph 1.6 of the Code states, “...All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted....” The arrangements for admission to Year R and to Year 7 must be revised to include reference to the admission of children with an EHC plan.

19. The second matter relates to the oversubscription criterion 1 which refers to “Children in public care”. A parent has to read note 3 to find that previously looked after children are also included, but these children are not ‘in public care’. The first oversubscription criterion needs to be revised meet the requirement set out in paragraph 1.7 that looked after children *and* previously looked after children are afforded the highest priority.

20. The final matter relates to paragraph 13 of the proposed amendment to the arrangements which says, “Applicants whose children have birthdays in the summer term should be aware that, if they wish to defer beyond the start of the Summer Term, they will need to apply for a Year 1 place for the following September and if the school is oversubscribed they are unlikely to obtain a place.”

21. Paragraph 2.17 of the Code states: “...*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.*” Although the school acted promptly to amend its arrangements, the amended arrangements do not comply with the Code in respect of paragraph 2.17 and further amendment is needed.

## **Conclusion**

22. The arrangements omitted information for parents seeking part-time admission, deferred admission or admission out of chronological age group for children below compulsory school age and did not meet the requirements set out in the Code. I conclude that the requirements of the Code have not been met and I uphold the objection.

23. I have also considered the arrangements as a whole for admission to the school in September 2016 and conclude there are matters within the arrangements as a whole that do not comply with the Code. These include the provision of information about the admission of children with EHC plans alongside information about children with statements of SEN; that previously looked after children must be included in the first oversubscription criterion together with looked after children as both groups must be afforded the highest priority in the oversubscription criteria; and that 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 admission out of their normal age group, to Year R rather than to Year 1.

## **Determination**

24. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body on behalf of the academy trust, the admission authority for Reach Academy, for admissions in September 2016.

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

26. 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.

Date: 7 September 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons