



## **DETERMINATION**

<b>Case reference:</b>	<b>ADA2971 and ADA3003</b>
<b>Objectors:</b>	<b>Two parents</b>
<b>Admission Authority:</b>	<b>Haberdashers' Aske's Federation Trust for Haberdashers' Aske's Hatcham Temple Grove Free School, Lewisham</b>
<b>Date of decision:</b>	<b>November 2015</b>

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objections concerning the part of the admission arrangements determined by the Haberdashers' Aske's Federation Trust for Haberdashers' Aske's Hatcham Temple Grove Free School for admissions in September 2016 that is within my jurisdiction.**

**I have also considered the arrangements in accordance with section 88I (5). I determine that the arrangements as published on the school's website 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 within two months of the date of this determination.**

### **The referral**

- 1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), two objections have been referred to the adjudicator by two parents (the objectors) about the admission arrangements (the arrangements) for Haberdashers' Aske's Hatcham Temple Grove Free School (the school) for September 2016. The school is part of the Haberdashers' Aske's Federation Trust (the trust) and is a primary academy free school for 4 to 11 year olds. The objections are to the section of the arrangements which refers to the admission of children outside their normal age group and with particular reference to summer born children.**

### **Jurisdiction**

- 2. The terms of the school's agreement between the trust and the Secretary of State for Education require that the admissions policy and**

arrangements are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the Haberdashers' Aske's Federation Trust, which is the admission authority for the school, on that basis.

3. The objectors submitted their objections to these determined arrangements on 29 and 30 June 2015. Anonymous objections cannot be brought, but the objectors met the requirement in regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing both name and address to the adjudicator. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

### **Procedure**

4. 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 objectors' forms of objection dated 29 and 30 June 2015 and subsequent correspondence;
  - b. the trust's response to the objections;
  - c. the school's funding agreement;
  - d. the response from Lewisham Council, the local authority (the LA) to the objections;
  - e. the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
  - f. confirmation of when consultation on the arrangements last took place;
  - g. a report of the meeting of the trust on 26 March 2015 at which the arrangements were determined; and
  - h. a copy of the determined arrangements.

### **The Objection**

5. The two objections concern the wording of the section in the arrangements on the admission of children outside their normal age group with particular reference to summer born children starting school.
6. The objectors say that the arrangements do not make clear the process by which parents can request an out of normal age group admission and suggest that they do not conform with paragraphs 2.17 and 2.17A of the Code. Paragraph 2.17 states that "*Admission authorities must*

*make clear in their admission arrangements the process for requesting admission out of the normal age group”.*

## **Other Matters**

7. I have considered the arrangements for the school as a whole concerning conformity with the Code and draw the attention of the federation trust to the following;
  - the admission of children below compulsory school age and deferred entry to school (paragraph 2.16 of the Code).

## **Background**

8. The school is one of a group of schools within the Haberdashers' Aske's Federation Trust. The school opened in September 2013 with its first admissions to reception (YR). In September 2016 the school will admit the fourth intake and, at that time, there will be children in YR to year 3 (Y3). Currently the school has 120 pupils on roll and has a capacity of 420. The published admission number (PAN) for admission to YR is 60.
9. The trust conducted a consultation in accordance with the Code between 5 January 2015 and 1 March 2015. At a meeting on 26 March 2015 the trust determined the arrangements for admission to all the schools in the trust. These arrangements were duly published on the school's website.

## **Consideration of Factors**

10. The determined arrangements are published on the school's website and a copy of them was sent to me. The objection relates to these arrangements. Since the objection, the school has placed two other documents on the website; the prospectus and a document entitled *“Admissions Information & Frequently Asked Questions”* (the document).
11. The arrangements, as published with the watermark *“Determined Admission Policy 2016/17”* throughout, have a section headed *“Admission of children outside their normal age group”* which reads *“The Academy will consider applications received for a place in a year group that would not be the child's normal age group on a case by case basis.”* The objectors say that this does not make it clear how parents of a summer-born child can request admission out of the normal age group i.e. to YR rather than year 1 (Y1).
12. The principal of the Haberdashers' Aske's Hatcham College responded on behalf of the school and said that the Federation felt that by using the form of word they were meeting the admission code's requirements for paragraphs 2.17, 2.17A and 2.17B but that he did understand that the policy does not state how a parent would put in a request for this to be considered. He suggested adding the sentence *“Parents will need to put their request in writing giving a reason for this decision which will then be considered by the school.”*

13. The LA said that it had provided advice to its community schools on the wording of the text for this section of the arrangements but that, in the case of Free Schools, advice will have been sent to the schools by the Education Funding Council.
14. I am of the view that the current wording does indicate to parents that that the trust will consider applications, but it does not say how the request should be made. This is not compliant with the Code at paragraph 2.17. I therefore uphold this element of the objection.
15. The objectors say that the arrangements do not provide details of the process by which decisions are made about requests. The Code at paragraph 2.17 does not require these details; it only specifies that the arrangements make clear how parents may make such a request. Any concerns about the process of decision making itself (paragraph 2.17A) are outside my jurisdiction and should be referred to the Department for Education (DfE).
16. The document recently published includes a section on how parents of summer born children may request an out of normal age group admission. As this required information is now included in the arrangements no further action is needed on this matter.
17. However, within the document in the section on reception entry admission procedure it says that *“The Free School operates a one point of entry system for reception entrance, therefore all applicants who are offered a place in reception will start in September 2016”*. This is contrary to paragraph 2.16 of the Code which states that *“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.*

There is no reference to the requirements set out paragraph 2.16 in the arrangements and the wording in the school’s arrangements does not comply with the Code, and requires attention.

## **Conclusion**

18. I conclude that at the time the objection was made the arrangements did not comply with the Code at paragraph 2.17 as they did not make

clear how a parent may request an admission out of the normal age group. I therefore uphold this part of the objection. As the additional document now includes the relevant information no further action is needed on this matter, but the admission authority does need ensure that all the versions of the arrangements are the same. The elements of the objection concerning the processes by which the admission authority makes the decision in these cases are outside my jurisdiction.

19. I have drawn the attention of the trust to an area of the arrangements which is not compliant with the Code, the admission of children below compulsory school age and deferred entry to school (paragraph 2.16 of the Code), and this requires amendment.

### **Determination**

20. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objections concerning the part of the admission arrangements determined by the Haberdashers' Aske's Federation Trust for Haberdashers' Aske's Hatcham Temple Grove Free School for admissions in September 2016 that is within my jurisdiction.
21. I have also considered the arrangements in accordance with section 88I (5). I determine that the arrangements as published on the school's website do not conform with the requirements relating to admission arrangements.
22. 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 of the publication of this determination.

Dated: November 2015

Signed:

Schools Adjudicator: Mrs Ann Talboys