



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA 2903

**Objector:** A parent

**Admission Authority:** Wakefield Council for Normanton Newlands Primary School, Wakefield

**Date of decision:** 4 September 2015

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection concerning the parts of the admission arrangements determined by Wakefield Council for Normanton Newlands Primary School, Wakefield for admissions in September 2016 that are within my jurisdiction.**

### **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 Normanton Newlands Primary School (the school), a community primary school for 3 to 11 year olds for admission in September 2016. The admission authority is Wakefield Council, the local authority, (the LA). The objection is to the section of the arrangements which refers to 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 the objection to these determined arrangements on 18 June 2015. Anonymous objections cannot be brought but the objector 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 objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction to consider it.

## 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:
  - a) the objector's form of objection received on 18 June 2015;
  - b) the LA's response to the objection and supporting documents;
  - c) the LA's composite prospectus for parents seeking admission to schools in the area in September 2015;
  - d) the Department for Education (DfE) departmental advice "Admission of summer-born children in schools" published December 2014;
  - e) confirmation of when consultation on the arrangements last took place;
  - f) a copy of the delegated decision taken by the Corporate Director for Children and Young People on 24 March 2015 in which the arrangements were determined; copies of other relevant documents from the LA's website; and
  - g) a copy of the determined arrangements.

## The Objection

5. The objector believes that section 2.17 and 2.17A of the Code are being contravened. Paragraph 2.17 states that "*... 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.*" Paragraph 2.17A states that "*Admission authorities **must** make decisions on the basis of the circumstances of each case and in the best interests of the child concerned*". In the section of the arrangements which cover the admission of children outside their normal age group the arrangements state that "*Parents can seek school places outside their normal age group. Parents must make an application for their child's normal age group at the usual time however a separate request must also be made at the same time for admission out of the normal age group. A decision on these types of application will be made by the Local Authority based on the individual exceptional circumstances of the request based on the information provided by the parents.*" The objector maintains that the Code is being contravened and that it "*makes no mention of a requirement to prove that the child has exceptional circumstances or special needs*". The objector supports her statement with reference to the DfE's advice on the

admission of summer-born children published in December 2014.

## **Background**

6. The school is a mixed community primary school for 3 to 11 year olds. It has a published admission number (PAN) of 45 for admission into YR. Currently there are 253 pupils on roll and the school has a capacity of 301. The school was not oversubscribed for admission in September 2015.
7. The LA conducted a consultation in line with the Code between 10 November 2014 and 16 January 2015 for admissions to schools in September 2016. On 24 March 2015 the Corporate Director for Children and Young People determined the arrangements for admission to their community schools in September 2016 and these arrangements were duly published on the LA's website as required by the Code. The Director has delegated power to make this decision in accordance with the provision of the Officer Delegation Scheme as referred to in Section 4 of the Council's Constitution.

## **Consideration of Factors**

8. The objection focuses on section 9 of the arrangements which deals with the admission of children outside their normal age group. This details the process by which parents can request an outside the normal age group place. The objector maintains that this section contravenes the Code. She quotes the phrase "*Individual exceptional circumstances*" and suggests that the Code "*makes no mention of a requirement to prove that the child has exceptional circumstances or special needs*". She supports her views by referencing the DfE's non-statutory advice on the admission of summer born children.
9. The school did not respond to the objection. In the LA's response it suggests that the issue is a matter of interpretation and states that the use of the word "*exceptional*" is to try and make clear or distinguish that there should be circumstances particularly relevant to the individual child and why it would be in their best interest to seek a place outside of their normal year group. The LA goes on to say that the wording in the arrangements identifies "*that circumstances would need to be out of the ordinary, for example if they were gifted and talented or suffered ill health – these being the examples detailed within the Code (and the general impression given within the Code)*". The LA provides the dictionary definition of the word 'exceptional' as meaning 'not typical' or 'unusual'. The LA mentions the wording in the objection which refers to "*special needs*" and states that the admission policy does not make reference to this.
10. Paragraph 2.17 of the Code states that "*Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group*" and references in the arrangements to when requests should be made and that they are dealt with individually by the LA conforms with this part of the Code.

Therefore, I do not uphold this element of the objection

11. The Code does not require the details of the process by which admission authorities agree or disagree with out of normal age group requests to be explained in the arrangements, only that the arrangements make clear how parents may make such a request. The LA has chosen to provide more detail of the process for making the decisions in these cases. Any concerns about the process of decision making itself are outside my jurisdiction and should be referred to the DfE.

### **Conclusion**

12. I conclude that the arrangements do comply with the Code at paragraph 2.17 as they make clear how a parent may request an admission out of the normal age group. I therefore do not uphold this part of the objection. The elements of the objection concerning the processes by which the admission authority makes the decision in these cases are outside my jurisdiction.

### **Determination**

13. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the parts of the admission arrangements determined by Wakefield Council for Normanton Newlands Primary School, Wakefield for admissions in September 2016 that are within my jurisdiction.

Dated: 4 September 2015

Signed:

Schools Adjudicator: Ann Talboys