



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA 2902

Objector: A parent

Admission Authority: The Bishop Konstant Catholic Academy Trust for St John the Baptist 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 to the parts of the admission arrangements for St John the Baptist Primary School, Normanton, 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 September 2016 for St John the Baptist Primary School (the school), a primary academy school for 3 to 11 year olds designated as having a Roman Catholic religious character. The admission authority is the Bishop Konstant Catholic Academy Trust (the trust). The objection concerns the admission of 'summer-born' children and specifically, the wording in the arrangements which explain how requests for a full year deferral with a reception start will be considered.

Jurisdiction

2. The terms of the academy agreement between the academy 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 admissions sub-committee of the governing body of the school acting on behalf of the Bishop Konstant Catholic Academy Trust, which is the admission authority for the school, on that basis. 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 dated 18 June 2015;
 - b. the response from the Diocese of Leeds (the diocese)
 - c. the school's response to the objection with supporting documents including the diocesan policy on school admissions;
 - d. the academy's funding agreement;
 - e. the LA's response to the objection and supporting documents;
 - f. the Department for Education (DfE) departmental advice "Admission of summer-born children in schools" published December 2014;
 - g. confirmation of when consultation on the arrangements last took place;
 - h. copies of the minutes of the meeting of the admissions sub-committee of the Governing Body acting on behalf of the Trust on 27 February 2015 at which the arrangements were determined; and
 - i. a copy of the determined arrangements.

The Objection

5. The objection concerns the section of the school's arrangements which deals with admissions outside the normal admission round and which is covered in paragraph 2.17 and 2.17A of the Code. 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*". The objection concerns the part of the arrangements which state that "*Requests for full year deferral with a retained reception start will be considered individually. Parents would be expected to provide substantial and exceptional evidence of the need for this to happen (personal views and reference to national research will not suffice)*". The objector considers that this does not comply with paragraph 2.17A which states that "*Admissions authorities **must** make decisions in the basis of the circumstances of each case and in the best*

interests of the children concerned” The objector supports her statements with an excerpt from the DfE’s advice on the admission of summer-born children published in December 2014.

Background

6. The school is a mixed academy primary and nursery school for 3 to 11 year olds. It became an academy on 1 November 2012 and is one of a group of Roman Catholic schools which make up the Bishop Konstant Catholic Academy Trust. Section 13 of the Master Funding Agreement for the trust reads “ *Other conditions and requirements in respect of an Academy, unless specified otherwise in a Supplemental Agreement, are that;c) the admissions policy and arrangements for the school will be in accordance with admissions law, and the DfE Codes of Practice, as they apply to maintained schools.*” There is no reference in the school’s Supplementary Agreement to admissions. The governing body of the school and specifically its admissions subcommittee has delegated responsibility for admissions and act on behalf of the trust as the admissions authority. Following advice from the diocese in December 2014 the governors consulted on changes to the arrangements. The arrangements were determined following this consultation on 27 February 2015 and duly published on the school’s website. I am satisfied that these processes were as required by the Code. The school has a published admission number (PAN) of 30 for admission to YR. Currently there are 254 pupils on roll and the school has a capacity of 210. The school is oversubscribed; for admission in September 2015 there were 60 applications for 30 places.

Consideration of Factors

7. The objection focuses on the second part of the paragraph in the arrangements on “*Deferment for Summer Born Children*” which reads “*Requests for full year deferral with a retained reception start will be considered individually. Parents would be expected to provide substantial and exceptional evidence of the need for this to happen (personal views and reference to national research will not suffice).*” The objector suggests that the Code makes no mention of a requirement to prove that the child has exceptional circumstances or special needs only that the admission authority must make decisions on the basis of the circumstances of each case and in the best interest of the child concerned”.
8. In the school’s and the LA’s responses they make no comment on the details of the objection. In the response from the diocese it states that “*I admit that this was an oversight on my part and I can see how the wording of the policy is not as clear as it could be in regard of the elements of summer born and deferment. I will be happy to advise all Diocesan primary schools of the adjudicator’s decision*”
9. 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 the reference in the arrangements to requests being considered individually conforms with this part of the Code. Therefore, I do not uphold this element of the objection.

10. The arrangements then go on to state what is expected of parents making this request. The Code does not require the details of the process by which schools 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 school 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

11. I conclude that the arrangements 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

12. 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 for St John the Baptist Primary School, Normanton, Wakefield for admissions in September 2016 that are within my jurisdiction.

Dated: 4 September 2015

Signed:

Schools Adjudicator: Ann Talboys