



DETERMINATION

Case reference: ADA3009

Objector: A parent

Admission Authority: The Governing Body of Our Lady and St John Catholic Primary School, Hounslow

Date of decision: 11 September 2015

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to admission arrangements determined by the governing body of Our Lady and St John Catholic Primary School, Hounslow 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.

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), an objection has been referred to the adjudicator by a parent (the objector), about the admission arrangements (the arrangements) for Our Lady and St John Catholic Primary School, (the school), a voluntary aided primary school for 3 to 11 year olds. The objection concerns the arrangements for September 2016 and the admission of children starting school for the first time.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the school's governing body, which is the admission authority for the school. The objector submitted her objection to these determined arrangements 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

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 30 June 2015 and subsequent correspondence;
 - b) the school's response to the objection and supporting documents;
 - c) the Diocese of Westminster's (the diocese) response to the objection and supporting documents;
 - d) the response to the objection from Hounslow Council, the local authority (the LA);
 - e) the LA's composite prospectus for parents seeking admission to schools in the area in September 2015;
 - f) a copy of the minutes of the meeting of the governing body at which the arrangements were determined; and
 - g) a copy of the determined arrangements.

The Objection

5. The objection has two parts. First, the objector says that the arrangements have not been written with "*proper consideration*" 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.*

The objector believes that; the use of the term "*statutory school age*" in the arrangements is incorrect: the section in the arrangements which deals with deferrals is inaccurate and the section on part-time entry does not reflect the Code and is confusing.

6. Secondly the objector says that the arrangements directly contravene paragraphs 2.17, 2.17A and 2.17B of the Code because any reference to them is omitted from the arrangements and therefore they do not make clear the process for requesting admission out of the normal age group. Paragraph 2.17 states that *“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.”*

Other Matters

7. The arrangements on the school’s website are for admission in September 2015. Paragraph 1.47 of the Code states that *“Once admission authorities have determined their admission arrangements they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year.”* There are no published arrangements for 2016 and therefore the school has not complied with the Code to publish the arrangements once determined.

Background

8. The school is designated as having a Roman Catholic religious character and is within the Archdiocese of Westminster. It has a published admission number (PAN) of 30 for admission to reception (YR). Currently there are 232 pupils on roll and the school has a capacity of 210. The school has provided me with a copy of the minutes of the meeting of 11 November 2014 at which the governors determined the arrangements for September 2016. I am satisfied that these minutes indicate that the governors determined the arrangements at that time and informed the LA of the arrangements. They appear on the LA’s website, but are not published on the school’s website as required by the Code.

Consideration of Factors

9. A section of the arrangements headed *“Reception Year Deferred Entry”* states that *“Applicants may defer entry to school up until statutory school age i.e. the first day of term following the child’s fifth birthday. Application is made in the usual way and then the deferral is requested. The place will be held until the first day of the spring or summer term as applicable. Applicants may also request that their child attends part-time until statutory school age is reached. Entry may not be deferred beyond statutory school age or beyond the year of application.”*

Applicants whose children have birthdays in the summer term should be aware that, if they wish to defer, they will need to apply for a Year 1 place for the following September and if the school is oversubscribed they are very unlikely to obtain a place.

10. The objector refers to this section of the arrangements and says that the use of the term “*Statutory school age*” is incorrect; she goes on to say that the arrangements suggest that a deferral or part-time attendance is “*requested*” and this does not make it clear that the parent can defer or decide on part-time attendance and that this does not need to be approved by the school. The objector believes that to say “*that deferral cannot be made beyond the year of application*” is not accurate in terms of the Code which states that “*deferral cannot be made beyond the final term of the school year*”. The objector also says that the arrangements are unclear because the paragraph describes deferral and then part-time attendance and then returns to an explanation of deferrals.
11. The education officer for the diocese states that the term “*compulsory school age is interchangeable with statutory school age*”. She suggests that by “*requesting*” deferral or part-time attendance the parents are informing the school so that appropriate arrangements can be made, for example, in staffing. She says that there is no suggestion that someone else should approve the request. She explains that deferred entry and part-time attendance are grouped together in the Code and that the arrangements reflect this.
12. The school and the LA agree with the diocesan response and did not make any further comments on the objection.
13. The Code has the force of law and where the words “**must**” and “**must not**” are used these represent a mandatory requirement. The Code does not specify the words to be used by an admission authority in their arrangements only that “*In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school 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.*” (Paragraph 14 of the Code). I am of the view the diocese is correct in saying that the words statutory and compulsory have the same meaning when referring to the age at which children must start school. As the arrangements go on to explain the definition of the term I consider this to be clear. This section of the arrangements begins with the statement that “*Applicants may defer entry to school*” and I believe that this makes it clear that deferral is an entitlement to parents and not something which requires a formal application. The use of the term “*request*” does not necessarily suggest that someone else has to make a decision. One of the dictionary definitions of the word is “*something asked for*” and I am of the view that this is appropriate in this context. The arrangements make it clear that a deferral can result in a child starting school in the spring or summer terms and I am of the view that this is clear and does not contravene the Code. The

positioning of text relating to paragraph 2.16 in the arrangements is a matter for the school to decide. I am of the view that the section in the arrangements is clear and conform with the requirements in the Code. I therefore do not uphold this part of the objection

14. The second part of the objection refers to paragraph 2.17, 2.17A and 2.17B of the Code. 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*” The objector says that the arrangements do not make clear the process for requesting admission out of the normal age group as required in this paragraph because there is no mention of this in the arrangements.
15. 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 and therefore the omission of reference to paragraphs 2.17A and 2.17B in the arrangements does not contravene the Code. However paragraph 2.17 does require admission authorities to make it clear in the arrangements how parents can apply for admission out of normal age group and the omission of any information about this from the arrangements is a contravention of the Code. I therefore uphold this element of the objection.

Conclusion

16. I conclude that the arrangements do not contravene the requirements of paragraph 2.16 of the Code to make clear the process of deferral. I do not uphold this element of the objection. The arrangements do not say how parents may apply for a place out of normal age group and this contravenes the Code. I uphold this element of the objection.
17. I have also drawn to the attention of the governing body the requirement to publish the arrangements for September 2016 on the school’s website.

Determination

18. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to admission arrangements determined by the governing body of Our Lady and St John Catholic Primary School, Hounslow for admissions in September 2016.
19. I have also considered the arrangements in accordance with section 88I (5). I determine that they do not conform with the requirements relating to admission arrangements.

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 within two months of the date of this determination.

Dated: 11 September 2015

Signed:

Schools Adjudicator: Ann Talboys