



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA3019

**Objector:** A parent

**Admission Authority:** The Governing Body of The Blue School Church of England Primary, Hounslow

**Date of decision:** 24 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 for The Blue School Church of England Primary for admissions in September 2016.**

**I have also considered the arrangements in accordance with section 88I(5) of the Act and have found there are other matters which do not conform with the requirements relating to admission arrangements in the ways 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 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 determined arrangements for admissions in September 2016 (the arrangements) for The Blue School Church of England Primary, Isleworth, in the London Borough of Hounslow (the local authority). The arrangements were determined by the governing body which is the admission authority for this voluntary aided primary school. The objection concerns whether or not the school's arrangements comply with the School Admissions Code (the Code) with respect to the admission of children below compulsory school age and the admission of children outside of their chronological year group.

### **Jurisdiction**

2. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction to consider this objection. I have also used my power under s88I 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 Code.
4. The documents I have considered in reaching my decision include:
  - a. the form of objection of 30 June 2015 including a hyperlink to the 2016 admission arrangements for academy and voluntary aided primary schools on the local authority's website;
  - b. the determined arrangements for the school downloaded from the local authority's website;
  - c. the school's response of 16 July 2015 including a copy of the arrangements and the supplementary information form (SIF);
  - d. a response from the London Diocesan Board for Schools (the diocese) on 16 July 2015 including a copy of its guidance on admissions and the February 2015 advice bulletin for schools;
  - e. a response from the local authority on 21 July 2015; and
  - f. the school's emails of 1, 18 and 21 September 2015 in response to my requests for further information.

### **The Objection**

5. The objector stated that the school's arrangements as published on the local authority's website do not comply with the Code with respect to the admission of children below compulsory school age (paragraph 2.16) and the admission of children outside of their chronological year group (paragraph 2.17).

6. The objector was also concerned that "*no mention of the process as detailed in paragraphs 2.17A and 2.17B is mentioned.*" However, my role as adjudicator is to consider the determined arrangements and whether the level of detail is appropriate and sufficient, but not to consider the detail about any procedural matters. Further consideration of concerns relating to paragraphs 2.17A and 2.17B is therefore beyond the scope of this determination.

### **Other Matters**

7. In reviewing the arrangements as a whole I noticed several other matters that appeared to contravene the requirements of the Code including aspects of the SIF, the final tie breaker, the waiting list, and the wording of the priority for looked after children and previously looked after children.

### **Background**

8. The Blue School Church of England Primary, established in 1630, is a primary school for boys and girls aged 3 to 11 years, with a published admission number (PAN) of 60. The school says on its website that "*we take great pride in our school*

*and everything associated with it. We value one another as individuals and as children of God. Each pupil is encouraged to take care of their appearance, be responsible for their behaviour, communicate confidently and respect others and their surroundings. Such values combined with an outstanding curriculum in a Christian environment ensure that our pupils enjoy the best start to formal education. Everything we do at The Blue School has our mission statement at heart: excellence for all; excellence by all; through the guidance of Jesus Christ our living Lord. By focusing on this we aim to develop each individual pupil to their full potential in terms of creative, physical and academic pursuits whilst fostering a love of learning alongside emotional and spiritual well-being."*

## **Consideration of Factors**

9. Paragraph 1.46 of the Code that *"all admission authorities **must** determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Admission authorities **must** determine admission arrangements for entry in September 2016 by **15 April 2015** and for all subsequent years, by **28 February** in the determination year."*

10. The chair of governors confirmed in the school's response of 14 September 2015 that at the governing body's meeting of 17 October 2014 *"there was general consensus of the governors present that the school's admissions arrangements for 2016 would stay the same as those for 2015"* but this was not recorded in the minutes of that meeting. In its response of 16 July 2015, the school confirmed that although no changes were proposed, the school sent the arrangements to the local authority on 17 October 2014 for inclusion in the local authority's consultation process regarding the 2016 arrangements for academy and maintained schools during the period 12 December 2014 to 13 February 2015. The headteacher confirmed in the email of 1 September 2015 that *"we are not aware of any responses to the 2016 consultation."* I accept the school's assurance that the arrangements were agreed, but the governing body did not formally record this at its next meeting. The chair of governors said in the email of 14 September 2015 that *"the school recognises that there should have been a formal minute of this and we will ensure that this is the case for the future."* The governing body must ensure that in future admission rounds it complies with the requirements of paragraph 1.46 of the Code.

11. The admissions information on the school's website at the time of this determination relates to the 2015 admissions round. The 2016 arrangements are not available on the school's website which is a breach of paragraph 1.47 of the Code which states that *"once admission authorities have determined their admission arrangements, they **must** ... publish a copy of the determined arrangements on their website displaying them for the whole offer year."* Paragraph 1.47 also states that *"once admission authorities have determined their admission arrangements, they **must** ... send a copy of their full, determined arrangements to the local authority... for entry in September 2016 as soon as possible before **1 May 2015**, and for all subsequent years, as soon as possible before **15 March** in the determination year."* I have taken the arrangements published on the local authority's website as the determined arrangements for the school. The governing body must also ensure that

in future admission rounds it complies with the requirements of paragraph 1.47 of the Code.

12. The objector was concerned that the arrangements published for the school on the local authority's website at the time of the objection did *"not contain any information relevant to the admission of children below compulsory school age"* which contravenes paragraph 2.16 of the Code.

13. Paragraph 2.16 of the Code states that *"admission authorities ... **must** make it clear in their arrangements that, where they have offered a child a place [in Year R] 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."*

14. The term "compulsory school age" is detailed further at footnote 49 to paragraph 2.16 which explains that *"a child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August."*

15. I have reviewed the 2016 arrangements published on the local authority's website at the time of the objection, and it is clear that the arrangements make no mention at all of the mandatory information required by paragraph 2.16. It is to the school's credit that it acknowledged in its response of 16 July 2015 that *"we agree with this objection and will seek advice to make the appropriate changes."* I uphold this part of the objection.

16. The objector was also concerned that the arrangements did *"not contain any information relevant to the admission of children outside of their chronological year group"* which contravenes paragraph 2.17 of the Code.

17. Paragraph 2.17 of the Code 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."*

18. Having reviewed the arrangements, there is no mention at all of the mandatory information required by paragraph 2.17 concerning how parents request admission for their child out of the normal age group. The school also acknowledged

in its response of 16 July 2015 that *“we also agree in principle with this objection and will seek guidance on how to rectify this.”* I uphold this part of the objection.

19. In the document dated December 2014, and in the February 2015 advice bulletin, the diocese provided clear guidance to schools that arrangements for admissions to Year R must comply with paragraph 2.16 by including information about deferred entry and part-time provision. The diocese also provided guidance related to paragraph 2.17 of the Code in its February 2015 advice bulletin. Therefore, the governing body had access to detailed guidance from the diocese but did not follow it. The governing body must satisfy itself that the arrangements comply with the Code before it determines the arrangements every year.

20. I acknowledge that the local authority said in its response of 21 July 2015 that following the adjudication process, it would *“ensure that the arrangements are included on the local authority’s website and in the composite prospectus for 2016.”*

### **Other Matters**

21. In reviewing the arrangements I noticed that there were other aspects that appeared not to comply with the requirements relating to admission arrangements.

22. The SIF supplied by the school on 16 July 2015 did not have a closing date for return of the form. The school confirmed in its response of 21 September 2015 that the closing date is *“15 January 2016 in accordance to the London Borough of Hounslow’s closing dates for Reception admissions.”*

23. The SIF asks whether the child’s family are active members of a Church of England church for oversubscription criterion 2, or of another Christian denomination for criterion 4. Active membership is defined in the notes section as attendance at least fortnightly by at least one parent for at least two years but there is no indication from when the two year period should start. The school confirmed in its response of 18 September 2015 that *“the two year period is immediately before application and we will add this to our notes.”*

24. The first oversubscription criterion refers to *“children in public care”* but paragraph 1.7 of the Code makes clear that the highest priority must be given to *“looked after children and previously looked after children.”* The school confirmed that *“we accept this ... and will amend our published admission arrangements accordingly.”*

25. The arrangements state that in the event of oversubscription, if the distance between two children’s homes and the school is the same, the final tie breaker will be random allocation. To comply with paragraph 1.35 of the Code, *“the random allocation process **must** be supervised by someone independent of the school.”* The school confirmed that *“we accept this ... and will amend our published admission arrangements accordingly.”*

26. The arrangements do not make clear that the waiting list will be maintained until at least **31 December 2015**, which is a requirement of paragraph 2.14 of the Code. Paragraph 2.14 of the Code also states that *“the arrangements **must** make clear that that each added child will require the list to be ranked again in line with the*

*published oversubscription criteria.” The school said “we accept this ... and will amend our published admission arrangements accordingly.”*

27. In accordance with paragraph 1.6 of the Code, it would be helpful to parents to include a clear statement in the introductory paragraphs of the arrangements, before the oversubscription criteria are listed, that children with a statement of special educational needs or an education health care plan that names the school will be admitted.

## **Conclusion**

28. The arrangements do not comply with paragraph 2.16 of the Code because there is no mention of the options for deferred entry to Year R or part-time provision for children below compulsory school age.

29. Furthermore, the arrangements do not comply with paragraph 2.17 of the Code because there is no mention of how a parent may request admission for his/her child outside of the normal age group.

30. As the arrangements do not include the mandatory information required by paragraphs 2.16 and 2.17 of the Code, I uphold the objection. I acknowledge that the school has said it will amend its arrangements to comply with the Code, and must do so within two months.

## **Determination**

31. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined for The Blue School Church of England Primary for admissions in September 2016.

32. I have also considered the arrangements in accordance with section 88I(5) of the Act and have found there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

33. 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:24 September 2015

Signed:

Schools Adjudicator: Ms Cecilia Galloway