



DETERMINATION

Case reference:	ADA 2885
Referrer:	A member of the public
Admission Authority:	The Academy Trust for Pyrgo Priory Primary School
Date of decision:	24 September 2015

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Pyrgo Priory primary school. I determine that the arrangements do not conform with the requirements relating to admission arrangements as set out in this determination.

By virtue of section 88K(2) of the Act, 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 this decision.

The referral

1. The admission arrangements (the arrangements) of Pyrgo Priory Primary School (the school), an academy school for children aged three to 11 for September 2016 have been brought to the attention of the schools adjudicator as a result of an objection made on 5 June 2015 concerning the admission of summer born children to school and that the school had not published its arrangements in accordance with the relevant provisions of legislation and the School Admissions Code (the Code). Having looked at the arrangements which the school determined I considered that there may be matters that did not comply with the Code.

Jurisdiction

2. The terms of the academy agreement between the academy trust for the school 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 governing body, on behalf of the academy trust, on that basis.

3. The referrer in making the objection exercised the right not to have their identity revealed to other parties to the case, but their name and address are

known to me as is required by Regulation 24 of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012.

4. The objection could not be accepted as as at the time it was made the arrangements for the school had not been determined. The arrangements were determined on 10 June 2015 and I am satisfied that in accordance with section 88I of the Act and it is within my jurisdiction to consider the matters brought to my attention and the arrangements as a whole.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the Code.

6. The documents I have considered in reaching my decision include:

- a. the referrer's email and form of referral dated 5 June 2015;
- b. the contents of the school's website on the date the objection was made;
- c. the school's responses to the referral, subsequent correspondence, and supporting documents;
- d. the London Borough of Havering Council's (the council) comments on the referral and supporting documentation provided by council;
- d. the council's composite prospectus for parents seeking admission to schools in the area in September 2016;
- e. a map of the area identifying relevant schools;
- f. copies of the minutes of the meeting of the school's governing body at which the arrangements were determined; and
- g. a copy of the determined arrangements.

I have also taken account of information received during a meeting I convened on 30 June 2015 at Romford Town Hall.

Matters of concern

7. The referrer submitted an objection concerning the admission arrangements for community primary schools in Havering, which at that time were also said to be the arrangements which Pyrgo Priory Primary School said applied to its admissions. However, the school had not determined its arrangements at that time. The matter of concern was the admission of summer born children to the school.

8. The referrer also complained that since the school is an academy school it is its own admission authority, but it had not published its arrangements on its website, as required by paragraph 1.47 of the Code.

9. I raised with the school other matters which I considered may not comply with the requirements of the Code in its arrangements as determined on 10 June 2015 that:

(i) a reference to decisions about parental requests for their child to be admitted out of their normal year group being taken by the local authority was misleading, since it is the school which is the admission authority. I was concerned that this rendered the arrangements unclear, and in breach of paragraph 14 of the Code;

(ii) the reference to the admission of children whose statement of special educational needs names the school did not conform to the requirement of paragraph 1.6 of the Code; and

14. After seeing the arrangements as varied by the school on 1 July 2015 I also sought its comments on continuing concerns which I had as a result of the matters raised by the referrer in respect of the school's compliance with paragraph 2.17 of the Code and which had been discussed at the meeting on 30 June 2015 attended by the representative of the school.

Background

15. Pyrgo Priory Primary School became an academy school on 1 February 2015. Both it and the council erroneously believed that since it had been a community school when the council carried out its consultation on the admission arrangements for those schools for which it was the admission authority for 2016, the admission arrangements for the school were those determined by the council. However, the council did not determine the 2016 admission arrangements for community schools until 15 April 2015 and after the date on which the school became an academy.

16. The arrangements determined by the school on 10 June 2015 mirrored very closely those determined by the council. Following my meeting with representatives of the council and the school, the school's governing body met again and the school subsequently provided me with a revised set of admission arrangements. These had been agreed on 1 July 2015 and were provided on 21 July 2015. The school had therefore varied its admission arrangements, as it may do to give effect to a mandatory element of the Code.

17. The admission arrangements as varied by the school on 1 July 2015 contain the following:

“Summer born children

Where a parent of a ‘summer-born’ child (11 April – 31 August) wishes their child to start school in the autumn term following their fifth birthday, they must provide the School Admissions Manager supporting evidence from relevant professionals working with the child and family stating why the child must be placed outside their normal age appropriate cohort before the closing date 15 January 2016. It is essential that parents requesting their child be placed outside their normal age appropriate cohort still make an application for the correct chronological academic year in case the request to defer admission is

refused. The Governors of Pyrgo Priory Academy will decide whether the application for a Reception place can be deferred for the academic year and will inform the parent of the decision in writing. If the request is agreed the child's application will be cancelled for the 2016/17 academic year and parent will be able to apply for a reception place for the academic year 2017/18.

Requests to defer applications for the entire academic year will only be considered in exceptional circumstances, examples of such are:

- *Children born prematurely, who would have naturally fallen into the lower age group if they had been born on their expected date of birth;*
- *Where it is evident that delayed social, emotional or physical development is adversely affecting a child's readiness for school."*

Consideration of Factors

18. The school varied the arrangements which it had determined on 10 June 2015 by removing reference to decisions about parental requests for admission outside the normal age group being taken by the local authority, and replacing this with an accurate statement that it was the school that would consider such requests and make decisions concerning them.

19. The arrangements determined on 10 June 2015 made reference to the admission of children whose statement of special educational needs named the school, but failed to mention children whose Education, Health and Care plan did so, and so did not conform to the wording in paragraph 1.6 of the Code. The school's varied arrangements do so, but have included both groups as a second priority within its oversubscription criteria. However, paragraph 1.6 makes it clear that these children **must** be offered a place, and this means that they are not subject to the application of oversubscription criteria and must not be included as an oversubscription criterion. Neither the arrangements as originally determined, nor those which resulted from the school's variation of them, state the position for this group of children correctly. A further amendment is required. The school does comply with the Code in placing looked after and previously looked after children as the first oversubscription criterion.

20. Paragraph 2.17 of the Code, which addresses the admission of children out of their normal age group has the following to say:

*"Parents may seek a place for their child outside 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 so send their 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."*

21. I raised with the school my continuing concern, first brought to its attention at the meeting on 30 June 2015, that the contents of the paragraph in their

arrangements as determined under the heading “Summer born children” do not describe that process clearly, but there is no doubt that they do set that process out. They conform to the requirement of paragraph 2.17 that a process for making requests is described. However, the arrangements state that “*consideration*” will only be given to such requests in limited circumstances, whereas all requests must be considered by the admission authority. As a result the arrangements are not clear, as they are required to be by paragraph 14 of the Code.

Conclusion

22. I have set out above my reasons for coming to the view that:

(i) the school failed to determine its admission arrangements in accordance with paragraph 1.46 of the Code and publish them as required by paragraph 1.47;

(i) the arrangements do not state correctly the position of children whose statement of special educational needs or Education, Health and Care plan names the school and so do not comply with paragraph 1.6 of the Code, and

(ii) are not clear, as required by paragraph 14 of the Code.

Determination

24. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of Pyrgo Priory Primary School. I determine that the arrangements do not conform with the requirements relating to admission arrangements as set out in this determination.

25. By virtue of section 88K(2) of the Act, 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 this decision.

Dated: 24 September 2015

Signed:

Schools Adjudicator: Dr Bryan Slater