



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3042

Objector: A member of the public

Admission Authority: The Bourne Education Trust for Sythwood Primary School, Woking, Surrey

Date of decision: 17 August 2015

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the governing body on behalf of the academy trust, the admission authority for the school, for Sythwood Primary School, for admissions in September 2016.

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 member of the public (the objector), about the admission arrangements (the arrangements) determined by the governing body of Sythwood Primary School (the school), an academy school for pupils aged 3 to 11 years, for September 2016. The objection is to the omission of information in the arrangements concerning deferred admission, part-time attendance; and the admission of summer born children to the reception class (Year R) at compulsory school age. The arrangements are said to contravene paragraphs 2.16 and 2.17 of the School Admissions Code (the Code).

Jurisdiction

2. The terms of the academy agreement between the Bourne Education Trust (the 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 governing body on behalf of the trust which is the admission authority for the school, on 9 March 2015, on that basis. The objector submitted the objection to these determined arrangements for 2016 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.

3. The objector has asked to remain anonymous and has satisfied the requirement of regulation 24 of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing name and address to the Office of the Schools Adjudicator (OSA).

Procedure

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

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

- the objection dated 30 June 2015 and further comments dated 15 July 2015;
- the school's response dated 14 July 2015, with supporting documents; and further information sent on 17 July 2015;
- a response from Surrey County Council, the local authority (the LA) dated 21 July 2015;
- minutes of the meeting the governing body held on 9 March 2015 at which the arrangements for admission in September 2016 were determined;
- the determined arrangements for 2016;
- a copy of the funding agreement dated 20 December 2013; and
- the LA's composite prospectus for parents seeking admission to primary schools in the area in September 2015.

The Objection

6. The objection is to the omission of information in the arrangements about deferred admission, part-time attendance; and the admission of summer born children at compulsory school age to Year R. The objector says there is no mention of summer born children and the arrangements are said to contravene paragraphs 2.16 and 2.17 of the Code.

Background

7. The school was previously a community school and converted to academy status on 1 January 2014. It is a primary school for pupils aged 4 to 11 years and has the capacity to accommodate 456 pupils plus a nursery with 30 full-time-equivalent places; and a special needs unit for up to 12 pupils aged 3 to 11 with visual impairment. There are approximately 580 pupils on roll. The school is supported by the Bourne Education Trust which is a multi-academy trust of four schools, two primary and two secondary schools.

Consideration of Factors

8. The objector asserts that there is no information in the arrangements about deferred admission or part-time attendance. The arrangements are said to contravene paragraph 2.16 of the Code which says, "*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."

9. Commenting on the objection and the school's response the LA says the arrangements are compliant with paragraph 2.16 of the Code as they do include statements about the right of a parent to ask to defer their child's entry to Year R until later in the school year and to ask that a child starts part-time.

10. I found the arrangements easy to locate on the school's website via the route, "Welcome" and the tab, "Admissions." Having reviewed the arrangements I found that they include clear information about part-time attendance and deferred entry to school under the heading, "Starting School". "All children whose date of birth falls between 1 September 2011 and 31 August 2012 will be eligible to apply for a full time place in Reception at a Surrey school for September 2016. Parents may request to defer their child's entry to Reception until later in the school year, but this will not be agreed beyond the beginning of the term after the child's fifth birthday (children whose birthday falls between 13 April 2012 to 31 August 2012 must commence school by the start of the Summer Term (13 April 2017). Parents may also request for their child to start part-time until their child reaches statutory school age." There is clear information in the arrangements and no contravention of the Code.

11. The second part of the objection concerns a lack of information about the admission of summer born children at compulsory school age to Year R, that is, out of their chronological age group. This is said to contravene paragraph 2.17 of the Code which says, "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."

12. In response to the objection the school confirmed that children have been admitted into Year R and to other year groups where the particular circumstances of each child indicated an exceptional need to be admitted into

a different chronological age group. Although the arrangements do not specifically refer to summer born children they do state that parents can request that any child will be considered for admission out of the normal age group. There is no requirement in the Code for arrangements to refer specifically to summer born children. However, in the light of the objection the school says that in future it proposes to include a reference to summer born children.

13. When I considered the arrangements I found the following statement, *“Applicants may choose to seek places outside of their child’s chronological year group. Decisions will be made on the basis of the circumstances of each case. Applicants must state clearly why they feel admission to a different year group is in the child’s best interest and provide evidence to support this. More information on educating children out of their chronological year group is available at www.surreycc.gov.uk/admissions.”*

14. The school has provided evidence that information is contained within the arrangements about part-time attendance, deferred entry to Year R and about the process for making a request for admission of children out of their chronological age group. I therefore conclude that there has been no contravention of paragraphs 2.16 or 2.17 of the Code.

Conclusion

15. The objector asserts that there is no information about deferred entry or part-time education for children applying for admission to Year R, nor to the admission of summer born children at compulsory school age to Year R but evidence provided by the school indicates that the required information has been included in the arrangements and that the school has therefore complied with the requirements of paragraphs 2.16 and 2.17 of the Code.

16. For the reasons given above I conclude that the requirements of the Code have been met and I do not uphold this objection.

Determination

17. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by the governing body on behalf of the academy trust, the admission authority for the school, for Sythwood Primary School, for admissions in September 2016.

Date: 17 August 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons