



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3012

Objector: A parent

Admission Authority: The Governing Body of St Richard's Church of England Primary School, Hounslow

Date of decision: 22 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 by the governing body for St Richard's Church of England Primary School, Hounslow.

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 arrangements for admissions in September 2016 (the arrangements) for St Richard's Church of England Primary School, Hanworth 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.

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. 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;
 - d. the school's response of 17 July 2015 including a copy of the minutes of the governing body's meeting of 4 November 2014, and a copy of the amended arrangements;
 - e. a response from the local authority on 21 July 2015; and
 - f. the school's email of 9 September 2015 in response to my request for further information of 6 August 2015.

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.

Background

7. St Richard's Church of England Primary School has 215 pupils on roll aged 3 to 11 years and a published admission number (PAN) of 30 for admissions to the reception year (Year R). Admissions to the attached autistic spectrum unit are decided by the local authority and not the school.

8. The school became a voluntary aided Church of England primary school on 1 January 2015, having previously been a community school known as Forge Lane Primary School. As the status of the school is voluntary aided, the governing body is the admission authority. On its website, the school says its vision is *"for a thriving and outstanding school where children and adults have the opportunity to become the best they can be."* The school also says that its *"Christian ethos means that every child knows that they are welcome, cared for and valued regardless of their beliefs."*

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 2016 arrangements are the same as the 2015 arrangements of the predecessor school except for the introduction of a new priority for children living within the local parish of St Richard of Chichester, and the removal of the previous priority for children with medical/social needs. The governing body formally agreed the changes to the arrangements in the meeting of 4 November 2014, and the proposed arrangements were then included 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 school confirmed in its email of 9 September 2015 that there were no responses to the consultation about the school’s arrangements and no changes were required, apart from minor amendments which were delegated to the head teacher and a member of the governing body. These arrangements were accepted, but the governing body did not formally record this at its next meeting, which the school said was a “*procedural mistake*” which may have been due to the governing body being new to the additional responsibilities that came with the recent change of status from community to voluntary aided school.

11. Paragraph 1.47 of the Code 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. However, paragraph 1.47 of the Code also makes clear 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.*” I note that the 2016 arrangements are not on the school’s website, which does not comply with paragraph 1.47. The school has confirmed that the governing body has now added to its work plan the meeting dates at which arrangements will be agreed initially and then formally determined but the governing body must ensure that in future admission rounds it complies fully with the requirements of paragraphs 1.46 and 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. 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, it is also the case that 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. I uphold this part of the objection.

19. I am aware that the school had access to detailed guidance from the diocese. 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.

20. It is to the school's credit that it acknowledged in its response of 17 July 2015 *"that the objection is accurate and we have (accidentally and without malice) made an error"* and provided a copy of the amended arrangements. The school said it would *"publish the amended arrangements on its website and inform the local authority to ensure they also publish the amended arrangements on their website and school literature."*

21. The amended arrangements sent by the school on 17 July 2015 include the following new section under the heading "Reception Year Deferred Entry":

"Applicants may defer entry to school 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 deferment is requested. The place will then be held until the first day of the spring or summer term. Applicants may also request that their child attend 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 unlikely to obtain a place."

22. Having considered the new section above, I acknowledge that the amended arrangements comply with paragraph 2.16 of the Code. The new section also includes information related to paragraph 2.17 but does not comply fully with it so the wording needs to be reviewed. I note that in the email of 9 September 2015, the school is seeking advice from the local authority and the diocese to ensure the 2016 arrangements comply fully with the admissions legislation. As these amended arrangements are not on the school's website at the time of this determination the amended arrangements remain in breach of paragraph 1.47 of the Code.

23. 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."*

Conclusion

24. The arrangements did not comply with paragraph 2.16 of the Code because there was no mention of the options for deferred entry to Year R or part-time provision for children below compulsory school age. I uphold this part of the objection.

25. It was also the case that the arrangements did not comply with paragraph 2.17 of the Code because there was no mention of how a parent may request the admission of his/her child outside of the normal age group. I also uphold this part of the objection.

26. As the arrangements at the time of the objection did not include the mandatory information required by paragraphs 2.16 and 2.17 of the Code, I uphold this objection.

27. I acknowledge that the school responded promptly to the objection by amending the 2016 arrangements but further revision of the wording with respect to paragraph 2.17 may be helpful to parents. In addition, the amended arrangements must be published on the school's website to comply with paragraph 1.47 of the Code.

Determination

28. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body for St Richard's Church of England Primary School, Hounslow.

29. 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: 22 September 2015

Signed:

Schools Adjudicator: Ms Cecilia Galloway