



Office of
the Schools
Adjudicator

Determination

Case reference: ADA2820

Referrer: A member of the public

Admission Authority: The governing body of Beit Shvidler Primary School, Barnet

Date of decision: 6 May 2015

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements for Beit Shvidler Primary School for admissions in September 2015. I determine that some aspects do not conform with the requirements relating to admission arrangements.

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.

The referral

1. The admission arrangements (the arrangements) of Beit Shvidler Primary School (the school) for September 2015 were brought to the attention of the Office of the Schools Adjudicator (OSA) by a member of the public (the referrer) on 21 July 2014. The school is a voluntary aided primary school with a Jewish religious character for boys and girls aged 3 to 11. The religious authority for the school is the Jewish Secondary Schools Movement (JSSM).

2. The matter brought to my attention which may not be compliant with the requirements of the School Admission Code (the Code) concerns the inclusion in the school's arrangements of priority for admission to the reception year (Year R) for children who attend the school's nursery.

Jurisdiction

3. These arrangements were determined under section 88C of the School Standards and Framework Act 1998 (the Act) by the governing body which is the admission authority for the school.

4. Although the referral was received after 30 June 2014, the deadline for receipt of objections to admission arrangements for admission in September 2015, it appeared to me that the arrangements may not conform with the requirements relating to admission arrangements. Accordingly, I have used my power under section 88I(5) of the Act to consider the matter brought to my attention and also the arrangements as a whole.

Procedure

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

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

- the referral submitted on an objection form dated 21 July 2014;
- the composite admissions prospectus for 2014 and also for 2015 downloaded from the website of the London Borough of Barnet (the local authority);
- a copy of the 2015 arrangements downloaded from the school's website at the time the referral was made;
- the supplementary information form (SIF) downloaded from the school's website;
- the school's responses of 10 and 21 September 2014 and supporting correspondence and documentation including an extract from the minutes of the admissions committee of the governing body dated 9 September 2014;
- amended 2015 arrangements sent by the school on 29 October 2014;
- the school's response of 14 November 2014 to questions about the SIF and subsequent correspondence;
- allocations data provided by the local authority on 12 and 19 March 2015; and
- additional information provided by the school on 27 March 2015.

7. I arranged a meeting on 12 March 2015 (the meeting) with the school and the local authority. The JSSM was also invited to the meeting but could not attend at that time. After the meeting correspondence was submitted both by the school and the local authority as a result of my requests for further information, and this has been copied to the school, the JSSM and the local authority as appropriate. In making my determination I have considered the representations made to me at the meeting and the correspondence submitted before and after the meeting.

Background

8. Beit Shvidler Primary School is a voluntary aided primary school for boys and girls aged 3 to 11 years. The published admission number (PAN) for Year R is 30 and there are 30 places available in the school's nursery. Records show that the school opened on 15 February 2007 as an independent, co-educational primary school, formerly known as Edgware Jewish Primary School, to serve the local community of Edgware Adath Yisroel congregation (EAYC) synagogue. The school changed status to voluntary aided on 3 January 2011, and the name changed to Beit Shvidler Primary School at the same time.

9. The school is designated by the Secretary of State under section 69(3) of the Act as having a Jewish religious character, and is permitted by Schedule 11 of the Equality Act to prioritise applicants for a place at the school on the basis of faith. On its website, the school describes itself as an *“Orthodox Jewish primary school that welcomes a broad range of families, all of whom have a shared commitment to Shabbos, Kashrus and community involvement together with ongoing learning and religious growth.”*

10. To apply for a place in Year R parents are required to complete and return the common application form (CAF) to their local authority and must also complete the SIF. The 2015 arrangements state that *“priority for admission is given to those who regularly attend EAYC synagogue and whose family practices Orthodox Judaism as certified by the Electoral Rabbonim of the Jewish Secondary School Movement.”* The decision as to whether or not an applicant qualifies for priority consideration is based on the information provided on the SIF, and verification of active Orthodox worship and observance of Orthodox Jewish laws and practice will be obtained from the rabbi of the EAYC synagogue or other Orthodox synagogue the family attends.

11. If there are more applications than the 30 places available in Year R, the 2015 arrangements at the time of the referral specified that the school will allocate places according to the oversubscription criteria which I have summarised below:

- a. Looked after Orthodox Jewish children;
- b. Orthodox Jewish children attending the school's (BSPS) nursery;
- c. Orthodox Jewish children with siblings currently at the school;
- d. Orthodox Jewish children of families who regularly attend and participate at EAYC synagogue;
- e. Children of families who regularly attend and participate at other Orthodox synagogues;
- f. Other Orthodox Jewish children;
- g. Other looked after children;
- h. Other children

Children with a statement of special educational needs (SEN) that names the school will be admitted. This is a separate process to the normal admission procedure.

If there are more qualifying applicants than places available in any category, priority will be given to the family living nearest the school, determined by Barnet's measuring tool. If there are two families who live in the same block of flats, the applicant living closest to the front door will have priority. If all criteria and measures are equal then the final place will be allocated by random ballot.

12. At the meeting the local authority provided allocations data for the last four years which I have summarised below. I note that the number of families identifying the school as their first preference has at least matched and sometimes exceeded the 30 places available in Year R and that most of the reception places are allocated to siblings or to children who have attended the school's nursery.

Year of admission	Applications				With SEN statement	Allocations by oversubscription criteria								
	On time	Late	First preferences	PAN		Orthodox Jewish children						Other		Distance tie breaker
						Previously/ Looked after	At BSPS nursery	Sibling	Attends EAYC synagogue	Other Orthodox synagogue	Other	Previously/ Looked after	Any other	
2012	44	1	35	0	0	0	7	22	0	1	0	0	0	0
2013	46	2	38	30	1	0	6	24	0	0	0	0	0	0
2014	46	1	30	30	0	0	29	0	0	0	0	0	0	0
2015	52	0	30	30	1	Allocations data not available until national offer day								

Consideration of Factors

13. The reason given by the referrer for bringing the school's arrangements to the attention of the adjudicator is that a number of Jewish primary schools in north-west London, including this school, have in their admission arrangements priority for admission to Year R for children who have attended the attached nursery. The referrer said that in several previous rulings by the OSA this practice had been found not to comply with the Code and that the schools had to change their admissions criteria. The referrer suggested that these schools *"have seen their nurseries placed at a disadvantage in relation to the nurseries of other Jewish schools which have retained their nursery priority"* and *"it is only fair that all Jewish schools in the same geographic area have to live by the same rules and interpretations of the Code as determined by the OSA."* The referrer quoted that fairness is required by paragraphs 14 and 1.8 of the Code.

14. On looking at the arrangements published at the time of the referral I noted that they make clear that attendance in the nursery does not guarantee admission to Year R in the school. However, as there are 30 nursery places and 30 reception places, I consider that the impression may have been given that the school expects all of its Year R places to be filled from its own nursery.

15. Given the priority afforded to children attending the school's nursery, those applicants would be prioritised before other Orthodox Jewish children, such as those who may be living closer to the school. It seems to me that having looked at the oversubscription criteria, some parents may feel obliged to send their child to the nursery in order to have a chance of gaining a place in Year R at the school.

16. Securing a reception place at the school should not, in my view, be reliant on attendance at the school's nursery which is not a compulsory phase of education. Furthermore, for some families, it may not be possible nor desirable for their child to attend the nursery. Accordingly, I consider that the priority for nursery attendance in the oversubscription criteria is unreasonable and does not comply with paragraph 1.8 of the Code which requires that *"oversubscription criteria must be reasonable."*

17. It also seems unfair to me that the probability of another Orthodox Jewish child of statutory school age being allocated a place is greatly reduced by the high

priority given to the children who attend the school's non-compulsory nursery phase. The extreme of this is shown by the 2014 data in the table above when only children who had attended the nursery were allocated a reception place. I consider that the priority afforded to Orthodox Jewish children because they are on the roll of the nursery is unfair and does not comply with paragraph 14 of the Code which requires *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..."*

18. In the email dated 10 September 2014 the new chair of governors confirmed that amendments to the 2015 had been approved at a meeting of the governing body on the previous evening. In the follow-up email of 21 September 2014, the chair of governors said that the revised arrangements had been tabled for discussion at an earlier meeting of governing body on 22 July 2014, which was prior to receiving notice of the referral. In the email of 27 March 2015 the school provided an extract from the minutes of the governing body's meeting of 22 July 2014 which confirmed there was a discussion *"with regard to recent rulings by the schools' adjudicator in relation to priority given to pupils in the nursery to be granted places in reception. It was noted that if Governors decided to change the Admissions Policy, it was subject to consultation. It was agreed that this would be fully discussed at the next Governing Body meeting in very early September 2014."*

19. The email of 21 September 2014 provided the relevant extract from the minutes of the governors' meeting on 9 September relating to the revisions to the 2015 arrangements. The extract summarised the governors' deliberations at the meeting and the decision that *"in recognition of the policy of the adjudicators in the recent past, it was resolved unanimously to remove the priority of nursery pupils to continue into reception."* I acknowledge the action taken and it is to the school's credit that the 2015 arrangements were revised so promptly.

20. With the email of 21 September 2014 the chair of governors also attached a copy of the amended arrangements and suggested that the meeting I had requested to discuss the school's arrangements would not be necessary. However, the file attached was labelled *"Admissions Policy Procedure Sept 2014"* and it was unclear from the policy itself that the arrangements were for admissions in September 2015. In the email of 15 October 2014 the chair of governors confirmed that the arrangements were for 2015 and then sent the correct version on 29 October 2014.

Other matters

21. In reviewing the 2015 admission arrangements I noticed other aspects that appeared not to comply with the requirements relating to admission arrangements, so I used my power under s88I of the Act to review the arrangements as a whole for compliance with the Code. I raised a number of matters which appeared to contravene the Code, first in a letter and then later in the meeting at the school on 12 March 2015. As many of these points could be amended immediately by the school as a permitted variation under paragraph 3.6 of the Code, I offered the school the opportunity to make the amendments to comply with the Code, and agreed to note the progress in my determination.

22. Paragraphs 1.36 to 1.38 of the Code set out what is and what is not permissible in relation to faith-based oversubscription criteria, and other parts of the Code also apply, such as paragraph 1.9 which deals with matters that must not be included in admission arrangements. Paragraph 2.4 specifies when a SIF may be needed and what can and cannot be included in a SIF.

23. Paragraph 1.36 of the Code makes clear that the school is required *“to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available.”* In reviewing the arrangements I noted that the first six of the eight oversubscription criteria prioritise Orthodox Jewish children. As a school designated by the Secretary of State as having a religious character, paragraph 1.36 permits the school to use *“faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed”* but paragraph 1.37 specifies that the admission authority **“must ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.”**

24. The SIF: The Code at paragraph 2.4 states permits admission authorities to use a SIF in order to process applications, but *“if they do so, they **must** only use ... forms that request additional information when it has a direct bearing on decisions about oversubscription criteria...”* The opening sentence of the SIF states that its purpose is *“to allow the school to fairly and accurately offer places”* and then asks for information about religious practice and activities. Paragraph 1.38 of the Code states that *“admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based oversubscription criteria...[and]... **must** also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated.”*

25. In the email of 21 September 2014 the chair of governors said that the school had consulted with the JSSM in January 2012, and that the school had received guidance from the JSSM *“on the admissions arrangements including the oversubscription criteria, how practice of the faith is to be demonstrated and the supplementary information form. This guidance is reflected in the current admission arrangements, SIF and oversubscription criteria which has been agreed with them.”*

26. The Code is clear at paragraph 1.9(i) that it is for admission authorities to formulate their admission arrangements, but they **must not** *“prioritise children on the basis of their own or their parents’ past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination).”* As the SIF asks for information about religious activities, I asked the JSSM on 12 September 2014, and again, several months later, for a copy of its guidance to schools regarding faith-based oversubscription criteria and how membership or practice of the faith is to be demonstrated, but the JSSM did not respond to these requests.

27. Having reviewed the arrangements, including the SIF and the information on the school’s website, I had a number of queries. As the school did not consider that a meeting was necessary, and in the absence of any guidance laid down by the JSSM,

I asked the school in the email of 3 November 2014 the questions I had about the SIF and the website information. I considered it was important to give the school the opportunity to explain and clarify the aspects I had highlighted as queries. The school replied promptly and in detail, but as I still had some queries after considering the school's responses, I repeated my offer of a meeting as I considered it would be helpful to discuss and clarify the arrangements including the SIF. After several months, during which the school explored with the OSA its concerns about the adjudication process, the meeting took place at the school on 12 March 2015.

28. At the start of the meeting the school raised its concerns about being included indirectly in a group complaint, and the need for any further investigation, as it considered the complaint was no longer valid because the priority for children attending the nursery had been removed from the 2015 arrangements. The school said that the governing body had discussed and agreed to remove the nursery priority at its meeting on 22 July 2014, which was prior to receipt of its copy of the referral. I explained that the complaint related to the arrangements published at the time of the referral on the school's website and in the local authority's 2015 composite admissions prospectus. Irrespective of the means by which the referral had come to my attention, once I had looked at the arrangements and considered that there may be aspects which may not conform with requirements relating to admission arrangements, it was my duty then to investigate the complaint and decide whether the arrangements at the time of the referral were lawful or not. I acknowledged that the governing body had formally agreed on 9 September 2014 to remove the priority for children attending the nursery, but the school did not provide a copy of the correct version of the revised arrangements until 29 October 2014. Furthermore, I noticed there were other matters about the arrangements which may not comply with the Code.

29. I drew the school's attention to relevant paragraphs of the Code. Paragraph 5 states that *"it is the responsibility of admission authorities to ensure that admission arrangements are compliant with"* the Code, and paragraph 14 stipulates 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..."* I also referred to paragraph 1.38 which requires the governing body to have had regard to any guidance from the JSSM when constructing the faith-based oversubscription criteria, and to have consulted the JSSM regarding how membership or practice of the faith is to be demonstrated.

30. The introduction to the arrangements specifies that *"the decision as to whether or not an applicant qualifies for priority consideration will be based on the information provided by the applicant on the school's ... SIF"*. As six of the eight oversubscription criteria relate to Orthodox Jewish children, it was important to understand the guidance on how applicants are expected to demonstrate their Orthodox Jewish religion and *"whether or not an applicant qualifies for priority consideration."* I explained that I had asked the JSSM on 12 September 2014 and again on 10 March 2015 for a copy of its guidance to schools regarding faith-based oversubscription criteria and how membership or practice of the faith is to be demonstrated, but the JSSM had not responded to this request, and had chosen not to comment about any of the correspondence related to the referral. In addition, as

the JSSM were not in attendance at the meeting, it was not possible to have any clarification from the JSSM about any guidance it may have provided.

31. The school said that during the process of becoming a voluntary aided school in 2011, it had worked closely with the JSSM when constructing the oversubscription criteria and developing the SIF. Furthermore, the school had consulted the JSSM again about amending the SIF to comply with a change in how membership of the Orthodox Jewish faith should be demonstrated. After the meeting the school provided a copy of an email from the JSSM dated 24 January 2012 which confirms the approval of the JSSM trustees for an amendment to the SIF and that a public consultation was not necessary, but no other information about the SIF or the guidance was included. I accept the school's assurance that it had guidance from the JSSM several years ago, but a previous version of the Code was in force at that time. Therefore it is not possible to verify from this whether the 2015 arrangements including the SIF take account of any guidance laid out by the faith body, nor whether any guidance had been updated to take account of the Code in force at the time the referral was made.

32. The school uses the SIF to ask about the regular attendance and participation at EAYC or another Orthodox Jewish synagogue. The Code at paragraph 2.4 says that admission authorities may use a SIF to process applications only when the additional information requested "*has a direct bearing on decisions about oversubscription criteria...*" Therefore the SIF may ask a parent or carer to confirm whether or not the applicant is an Orthodox Jewish child and to identify the synagogue regarding their attendance and participation, and may ask the rabbi to provide verification, as these aspects of the faith are included in the oversubscription criteria. I acknowledge that after the meeting the school provided written confirmation from the EAYC synagogue that no fee or financial contribution is required for people to attend and/or participate.

33. However, the SIF also asks about involvement in religious activities. The Code at paragraph 1.9(i) states that admission authorities "*must not prioritise children on the basis of their own or their parents' past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination).*" As the JSSM did not attend the meeting, and there is no guidance from the JSSM, nor the notes of any meetings or discussions with the governing body about the 2015 arrangements, I have no evidence that any religious activities have actually been laid out by the JSSM. It seems to me that unless or until the JSSM has laid out the guidance, the school will not be able to evidence that the questions on the SIF about religious activities are permitted by the Code.

34. In addition, the questions about religious activities commonly start with "*we are looking for families who are ...*" but the faith-based oversubscription criteria refer only to Orthodox Jewish children, and the permitted exception for religious schools in paragraph 1.9(i) relates to the applicant child or parent(s) and not to families which could be taken to require commitment from more than the child and his or her parent(s). Furthermore, the wording "*we are looking for*" should be avoided as it may create the impression that the school is somehow selecting children from particular families, when this is not the case. As the phrase "*we are looking for families*" goes

beyond, in my view, the wording permitted by the Code, the school must review the wording on the SIF.

35. In the meeting I explained that references to parents (plural) and to families may also give the impression that the religious activities, which appear to involve a considerable time commitment, could only be met fully by applicants with two parents and/or within extended families, and thereby may unintentionally appear to disadvantage unfairly the children of single-parent families. The school accepted that single-parent families sometimes have less flexibility with respect to the availability of child care than other family arrangements but suggested that the rabbi verifying the SIF entries would be able to apply special consideration, where necessary. However, this posed another potential problem. The Code at paragraph 14 that *“admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are ... objective.”* For decisions about special consideration to be applied objectively and consistently by different rabbis in different synagogues, it seems to me that the arrangements would have to set out clearly how the circumstances in which special consideration may be applied and the supporting evidence required. Likewise, where the SIF provides boxes for comments from parents and the rabbi, then providing guidance for parents and rabbis on the matters which may or may not be taken into consideration may assist the objectivity of decisions based on the SIF. The school agreed to take these aspects into account when working with the local authority and the JSSM to review the SIF.

36. The Code at paragraph 14 states that *“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.”* However, the introduction to the arrangements states that *“priority for admission is given to those who regularly attend EAYC synagogue and whose family practices Orthodox Judaism ...”* The wording in this statement lacks clarity and must be reviewed as attendance at the EAYC synagogue affords only the fourth highest priority, after Orthodox Jewish children who have been looked after, those at the nursery, and siblings.

37. The arrangements say that *“those who qualify for priority are referred to as Orthodox Jewish children.”* However, in the event that the school is oversubscribed with more applications than the 30 places available in Year R, places would be allocated according to the eight oversubscription criteria, but only six of the criteria relate to Orthodox Jewish children, as criterion 7 and 8 are priorities for non-Orthodox Jewish and other children. Therefore the statement that *“those who qualify for priority are referred to as Orthodox Jewish children”* may also be confusing for parents. Furthermore, the arrangements say that *“the decision as to whether or not an applicant qualifies for priority consideration”* will be based on the information on the SIF, but the SIF asks for information relating to Orthodox Judaism, which would not be relevant for applicants seeking to be considered for priority at criterion 7 or 8.

38. I conclude that it is not clear from the arrangements that the school expects the SIF to be completed only by Orthodox Jewish applicants seeking to qualify against one of the faith-based criteria which afford a *higher* priority for a place in Year R. I acknowledge that at the meeting, the school agreed to work with the local

authority on a suitable amendment to the arrangements to make clear that completion of the SIF is expected only of applicants wishing to be considered for priority as an Orthodox Jewish child.

39. I drew the school's attention to other matters about the SIF, including:

- a) The first page asks for the email address and contact number of the mother and the father. As this information appears unnecessary, then to comply with paragraph 2.4 of the Code this requirement should be removed unless it has a direct bearing on decisions about the operation of the oversubscription criteria;
- b) The format/ layout of the SIF is confusing such that parents applying for Year R may not realise that the requirement to provide a copy of the child's birth certificate and two proofs of address applies only to applications for a nursery place. To avoid any such confusion, it may be helpful to parents for the school to provide a separate SIF for nursery applications;
- c) The SIF requires both parents to sign a declaration at the end of the form that *"to the best of our knowledge, all of the above information is correct."* The Code at paragraph 2.4 (e) makes clear that the admissions authority **must not** require both parents to sign the SIF; and
- d) Regular attendance is defined on the SIF as attending an average of 3 services a week for a minimum period of about 12 months (but does not say from when the 12 months should start or finish). To comply with paragraph 14 of the Code, the term *"regularly"* needs to be defined more clearly. It may be helpful to parents if the definition of *"regularly"* as also included in the notes section to the oversubscription criteria, in addition to the SIF, to avoid the need for parents to continually cross-reference between the documents.

40. Deadline for determining arrangements: In the meeting I explained that when I had downloaded the arrangements from the school's website at the time of the referral, the document appeared to be dated October 2013. As it was not clear when the 2015 arrangements had first been determined, I explained that paragraph 15(b) of the Code requires that *"admission authorities **must set** ('determine') admission arrangements annually"* and that paragraph 1.46 specifies that determination must be by *"**15 April every year, even if they have not changed from previous years and a consultation has not been required.**"* For future reference, I also drew the school's attention to the revision in the corresponding paragraph 1.46 of the 2014 Code which states that *"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.**"* The admissions authority agreed to adjust its schedule of meetings so as to comply with the deadlines specified in the Code.

41. Looked after and previously looked after children: To comply with the Code at paragraph 1.7 and footnote 17, the oversubscription criteria in section 2 must include "previously looked after" as well as "looked after" Orthodox Jewish children, and other children. Both terms should be defined to improve clarity for parents. I acknowledge that in the draft revised arrangements provided by the school on 27 March 2015, the first oversubscription criterion is now *"Orthodox Jewish children who are looked after or who have been previously looked after"* and the terms are now defined in the notes section at the end of the arrangements. However, to comply with

paragraph 1.37 of the Code, the wording of the criterion which prioritises *“other looked after children”* needs to be amended to read *“other looked after and previously looked after children”*

42. Tie breakers: The arrangements include tie-breakers in section 3 under the heading of *“admission criteria”* but the admission criteria are, in fact, the oversubscription criteria listed in section 2, so the location and title of the section detailing the tie-breakers should be reviewed to avoid the possibility of confusing parents. The distance tie-breaker prioritises the family living nearest the school gate using Barnet’s measuring tool, but the admission authority must also make *“clear how the ‘home’ address will be determined”* so as to comply with the Code at paragraph 1.13. Random ballot has also been included as an appropriate final tie-breaker, which complies with paragraph 1.8 of the Code, but for the avoidance of doubt, the arrangements should state that the random ballot will be *“independently verified”* to comply with paragraph 1.35. In the draft revised arrangements the tie-breakers are detailed in the section appropriately labelled *“tie breaker criteria”*, and the independent verification of the random ballot has also been specified, but I note that the amended wording of the distance tie breaker has still to be agreed with the local authority.

43. Statement of special education needs: The arrangements at section 10, near the end of the arrangements, state that *“children with a statement of special education needs that names the school will be admitted.”* It may be clearer for parents if this sentence were moved to the introductory paragraphs as the oversubscription criteria apply only after children with such a statement have been admitted. The school agreed to work with the local authority to update the sentence to include children with an education, health and care plan. I acknowledge that the school has provided draft revised arrangements which show the sentence has been moved as agreed.

44. Deferred entry and part-time provision: The Code at paragraph 2.16 requires that *“admission authorities **must** provide for the admission of all children in the September following their fourth birthday.”* The school does not make clear that parents with a child below compulsory school age *“(a) can request that the date their child is admitted to school is deferred until later in the academic year or until the term in which the child reaches compulsory school age”* and *“(b) can request that their child takes up the place part-time until the child reaches compulsory school age.”* The school agreed to work with the local authority to make this provision clear to parents. The draft revised arrangements now make provision for part-time and deferred entry, but the final wording has still to be agreed with the local authority.

45. Siblings of multiple birth: The local authority helpfully drew attention to paragraph 2.15(g) of the Code which requires the school to clarify in the arrangements the admission of twins or siblings of multiple birth. The draft revised arrangements now make clear that *“if only one place is available at the school and the next child who qualifies for a place is one of multiple birth siblings, we go over our published admission number to support the family. These children will be deemed as ‘excepted’ pupils under infant class size legislation.”*

46. The application process: I also noticed the statement that *“all applications for*

places at the school must be submitted on the Barnet CAF form and, if the applicant seeks consideration for priority admission, the applicant should complete the SIF." Whereas the local authority's 2015 composite prospectus specifies that applications should be made online to the home local authority, which may or may not be Barnet. Parents are expected to apply for a school place using the "*Pan London eAdmissions system*" but may use a paper application form available from their home local authority if unable to apply online. To avoid confusion for parents, the school may wish to work with the local authority to ensure that the application procedure is detailed consistently in the school's arrangements.

47. The school confirmed in the email of 27 March 2015 that it has "*taken on board all of the OSA recommendations and will be intending to implement them. However, we can't send you the draft of this document until the committee has had the chance to meet.*" The school explained that progress had been delayed due to the need to recruit "*a new head in time for September 2015.*" I accept the school's assurance that modifications to the arrangements and to the SIF are in progress.

Conclusion

48. I conclude that at the time the referral was made, the school's arrangements for admissions in September 2015 did not conform with the requirements relating to admissions for the reasons stated in the paragraphs above. I acknowledge that the school took prompt action to remove the oversubscription criterion which would have given a high priority for a place in Year R to children attending the school's nursery.

49. In addition, while I was reviewing the arrangements I noticed that there were other aspects that appeared not to comply with the requirements relating to admission arrangements, so I used my powers under s88I of the Act to review the arrangements as a whole for full compliance with the Code. I recognise that the school has taken steps to remedy most of these other matters, but other matters have still to be addressed. Paragraph 3.1 of the Code requires the admissions authority to revise its arrangements to give effect to the adjudicator's decision and sets the timescale for action to be taken.

Determination

50. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements for Beit Shvidler Primary School for admissions in September 2015. I determine that some aspects do not conform with the requirements relating to admission arrangements.

51. 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.

Dated: 6 May 2015

Signed:
Schools Adjudicator: Ms Cecilia Galloway

