



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3044

Objector: A member of the public

Admission Authority: The Barnsbury Primary School Trust for
Barnsbury Primary School, Woking, Surrey

Date of decision: 22 September 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 of Barnsbury Primary School, on behalf of the academy trust, the admission authority for the school, for admissions in September 2016.

I have also considered the arrangements in accordance with section 88I(5). I determine that the arrangements do not conform with the requirements relating to admission arrangements in the matters 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.

The objection

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 Barnsbury Primary School (the school), an academy school for pupils aged 4 to 11 years, for September 2016. The objection is to the omission of provision in the arrangements for deferred admission to the reception class (Year R), or for admission on a part-time basis for children below compulsory school age; and further, that there is no information about the admission of summer born

children to Year R following their fifth birthday, that is, out of their chronological age group. 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 Barnsbury Primary School 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 10 February 2015, on that basis.

3. The objector submitted the objection to these determined arrangements for 2016 on 30 June 2015 and 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. I have also used my power under section 88I of the Act to consider the arrangements for 2016 as a whole.

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

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:

- the objection dated 30 June 2015 and further comments from the objector, dated 15 July 2015;
- the school's response dated 20 July 2015, with supporting documents;
- a response from Surrey County Council, the local authority (the LA) dated 22 July 2015;
- an email from the chairman of governors dated 18 September, to confirm the determination of the arrangements for 2016 on 10 February 2015;
- the determined arrangements for 2016; and
- the LA's composite prospectus for parents seeking admission to primary schools in the Woking area in September 2016.

The Objection

7. The objector contends that the arrangements do not mention parental rights to defer admission to the school or to attend part-time in respect of

admission of children below compulsory school age; and further the school does not mention the right of the parents of a summer born child to request admission into the reception class (Year R) after the child's fifth birthday, that is, out of the chronological age group. These matters are said to contravene paragraphs 2.16 and 2.17 of the Code.

8. Paragraph 2.16 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. Paragraph 2.17 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"*.

Other Matters

10. Having reviewed the arrangements as a whole for admission to the school in September 2016, I considered other issues which may contravene the Code. These were a lack of clarity about the admission of children who have an Education, Health and Care (EHC) plan that names the school; and the sufficiency of the information about the operation of the waiting list.

Background

11. The school converted from a community school to an academy on 1 January 2014 and it is supported by the Barnsbury Primary School Trust. The published admission number is 60 and there are approximately 370 pupils on roll.

12. The arrangements for 2016 are easy for parents to locate on the school's website.

Consideration of Factors

13. Responding to the objection the school says that the arrangements have been modelled on those of the LA and meet the requirements of the Code as they include references to parental rights to defer the admission of a child to Year R or for a child to attend part-time. This information is on page 3 in explanatory note b – ‘*Starting School*’.

14. Commenting on the objection the LA says that having reviewed the arrangements and noted that they include statements about the rights of a parent to ask to defer their child's entry to Year R until later in the school year or to ask that their child starts part time; they consider the text to be compliant with paragraphs 2.16 b) and c) of Code.

15. When I looked at the arrangements I found clear statements about deferred admission to Year R and about the possibility of part-time attendance.

16. On the second point of the objection, relating to the right of a parent of a summer born child to request the entry into the reception class (Year R) in the September after their fifth birthday, the school says this is set out on page 4 in explanatory note d – ‘*Pupils applying for a place outside their chronological age group*’.

17. Referring to this aspect of the objection the LA says the arrangements include a statement on the final page setting out the fact that applicants may choose to seek places outside their child's chronological year group and that decisions will be made based on the circumstances of each case. The paragraph used by the school is one that was recommended by the LA in emails to all own admission authority schools.

18. When I checked the arrangements I found that the school has included clear information for parents in the arrangements for 2016 about their right to make a request for consideration to be given to the admission of a child out of their chronological age group. There has been no contravention of the Code on either point of the objection.

Other Matters

19. Having reviewed the arrangements as a whole for admission to the school in September 2016, I considered two matters that appear to contravene the Code. The first of these concerns a lack of accurate information about the admission of children whose Education, Health and Care (EHC) plans name the school. The arrangements state, “*All children applying for a school place at the school in EYFS whose statement of educational needs (SEN) names the school will be admitted.*” I have two concerns about this statement; first that mention of the admission of children with Education, Health and Care Plans (EHC) has been omitted altogether and second, that although the arrangements concern entry to Year R it may seem to parents of older children with a statement of SEN or an EHC plan, that they may be excluded from consideration for admission because the text refers specifically to the Early Years Foundation Stage. Paragraph 1.6 of the Code says, “.....*All children whose statement of special educational*

*needs (SEN) or Education, Health and Care (EHC) plan names the school **must** be admitted.....”*

20. The second matter relates to information about the waiting list which does not explain how the list will operate when each additional child is added to it. Paragraph 2.14 of the Code says, “*Each admission authority **must** maintain a clear, fair and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list.*” This information must be included in the arrangements.

Conclusion

21. The objector asserts that the arrangements fail to include the requisite information about deferred admissions, part-time attendance and admission out of chronological age group for children below compulsory school age. However, it is clear that the arrangements do provide clear information as required by paragraphs 2.16 and 2.17 of the Code and for this reason I do not uphold the objection.

22. Having reviewed the arrangements as a whole for admission to the school in September 2016, I have concluded that there are two matters within the arrangements that do not comply with the Code. These include the requirement for the arrangements for 2016 to include information about the admission of children with EHC plans and about the operation of the waiting list as each new child is added to the list.

Determination

23. 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 of Barnsbury Primary School, on behalf of the academy trust, the admission authority for the school, for admissions in September 2016.

24. I have also considered the arrangements in accordance with section 88I(5). I determine that the arrangements do not conform with the requirements relating to admission arrangements in the matters set out in this determination.

25. 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.

Date: 22 September 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons