



Office of
the Schools
Adjudicator

DETERMINATION

Case references: ADA2997 and ADA3041

Objector: A parent and a member of the public

Admission Authority: Surrey County Council for community and voluntary controlled primary schools

Date of decision: 13 August 2015

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements determined by Surrey County Council for community and voluntary controlled primary schools, for admissions in September 2016.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), objections have been referred to the adjudicator by a parent and a member of the public, (the objectors), about the admission arrangements (the arrangements) determined by Surrey County Council, the local authority (the LA), for September 2016 for community and voluntary controlled primary schools. The first objection is that the arrangements do not make clear the process for requesting admission of children out of the chronological age group and this is said to contravene the requirements of paragraph 2.17 of the School Admissions Code (the Code). The second objection is that the arrangements do not provide information about parental rights to defer the entry to the reception class (Year R) or attend part-time in respect of admission of children below compulsory school age, which is said to contravene paragraph 2.16 of the Code; and do not mention the right of parents of a summer born child to request entry into Year R, at compulsory school age.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the LA, which is the admission authority for community and voluntary controlled primary schools. The objectors submitted the objections to these determined arrangements on 30 June 2015.

3. One 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.

4. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

Procedure

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

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

- the first objector's email of objection dated 30 June 2015 and subsequent emails of 17, 18 and 20 July 2015;
- the LA's response to the first objection dated 24 July 2015;
- the second objection dated 30 June 2015 and an email dated 7 August 2015;
- the LA's response to the second objection dated 21 July 2015;
- the school's responses to the two objections dated 20 July 2015;
- the LA's composite prospectus for parents seeking admission to primary schools in the area in September 2015;
- confirmation of when consultation on the arrangements last took place;
- copies of a report for a meeting of the Cabinet held on 24 February 2015 and of the minutes of the meeting of the County Council held on 17 March 2015 at which the arrangements for 2016 were considered and determined;
- a copy of the determined arrangements for community and voluntary controlled schools for 2016; and
- a copy of the LA's guidance, "*Guidance on the education of children out of their chronological year group.*"

The objection

7. The first objection is that the arrangements do not make clear the process for requesting admission of children out of the chronological age group and this is said to contravene the requirements of paragraph 2.17 of the Code. The second objection is that the arrangements do not provide information about parental rights to defer the entry to the Year R or attend part-time in respect of admission of children below compulsory school age; and do not mention the right of parents of a summer born child to request

entry into Year R, at compulsory school age. Paragraphs 2.16 and 2.17 of the Code are said to be contravened.

Background

8. One objector sought information on the websites of several local schools about deferring entry to Year R and about the admission of summer born children, but found that none of the schools mentioned a parent's right to defer the entry to the school or to attend part-time in respect of admission of children below compulsory school. The objector's view is that the Code is very specific that these parental rights must be made clear.

9. The school websites that were viewed were those of Kingfield Primary School, Maybury Primary School and Westfield Primary School in Woking. As all three schools are community schools and the admission authority is the LA, it is the arrangements for community and voluntary controlled primary schools that must be considered. Each school's website provides a direct link to the LA's arrangements.

10. The other objector has experience of making an application for the admission of a summer born child out of the chronological age group and considers that the process to follow is not sufficiently clear.

Consideration of factors

11. One objector contends that the arrangements do not provide information about parental rights to defer the entry to Year R or to attend part-time in respect of admission of children below compulsory school age. Paragraph 2.16 of the Code 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."

12. Responding to this objection the LA refers to section 17 of the arrangements which includes information on the right of parents to defer their child's entry to Year R until later in the school year and the right for their child to start part time. Section 17 of the arrangements says, "*The community and voluntary controlled infant and primary schools in Surrey have a single intake into Reception. 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. Applicants can 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, nor beyond the beginning of the final term of the academic year for which the offer was made. Applicants may also arrange for their child to start part time until their child reaches statutory school age." The LA submits that the arrangements in this regard are compliant with paragraph 2.16 of the Code.

13. I found the arrangements easy to locate on the LA's website under a tab, "*Admission arrangements and outcomes.*" Having reviewed the arrangements I found that they include clear information about part-time attendance and deferred entry to school. The arrangements include bold type for emphasis and state, "*Applicants **can** 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, nor beyond the **beginning of the final term of the** academic year for which the offer was made. Applicants may also **arrange** for their child to start part time until their child reaches statutory school age*". There is no contravention of the Code.

14. Both objectors contend that the arrangements do not make the process for requesting admission out of the chronological age group for summer born children sufficiently clear and say that this contravenes the requirements of 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.*"

15. The LA responded to this part of the objections saying that its arrangements were updated after consultation, to take account of the advice issued by the Department of Education (DfE) in December 2014 concerning the admission of summer born children and it considers the arrangements to be compliant with paragraph 2.17 of the Code and to the non-statutory advice from the DfE. Section 18 of the arrangements includes a considerable amount of information on the admission of children out of their chronological year group. It begins with: "*Applicants may choose to seek a place outside their child's chronological (correct) year group. Decisions will be made on the basis of the circumstances of each case and what is in the best interests of the child concerned.....*" and ends with "*More information on educating children out of their chronological year group **and the process for making such requests** is available at www.surreycc.gov.uk/admissions.*"

16. The arrangements provide the necessary information about admission to a year group other than the chronological age group. The arrangements and the additional information make plain the process for requesting admission out of the normal age group as is required by paragraph 2.17 of the Code.

17. It is evident then, that information is provided 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 and for this reason I do not uphold the objections.

Conclusion

18. One objector referred to a lack of information about deferred entry or part-time education for children applying for admission to Year R but evidence provided by the LA indicates that the required information has been included in the determined arrangements for 2016 and that it therefore complies with the requirements of paragraph 2.16 of the Code.

19. Both objectors express concern about the lack of relevant information they require in order to make applications for education of a child out of chronological age group. The LA provided evidence that it has met the specific mandatory requirement set out in paragraph 2.17 of the Code, that is, "*Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group*".

20. Parents may expect to find clear references in the arrangements to the admission of summer born children out of their chronological age group. However, there is no requirement in the Code to refer specifically to one particular group of children for admission outside their chronological age group. There are further concerns about the terminology used in the arrangements to describe how requests might be processed, but matters of process are not within my jurisdiction.

21. For the reasons given above I conclude that the requirements of the Code have been met and I do not uphold these objections.

Determination

22. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objections to the admission arrangements determined by Surrey County Council for the community and voluntary controlled primary schools, for admissions in September 2016.

Date: 13 August 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons