



DETERMINATION

Case reference:	ADA 2886
Objector:	A member of the public
Admission Authority:	The London Borough of Havering for community schools, in particular for Broadford Primary School and Ardleigh Green Infant School
Date of decision:	24 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 London Borough of Havering.

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) for Broadford Primary School and Ardleigh Green Infant School, which are community primary schools for children aged three to 11 and four to seven respectively, for September 2016. The objector has also complained that all community primary schools in the London Borough of Havering have the same admission arrangements as those for the two community primary schools named in the objection.
2. The objection concerns the admission of summer born children to school and whether or not the arrangements comply with the School Admissions Code (the Code).

Jurisdiction

3. These arrangements were determined for community schools in the area of London Borough of Havering Council (the council) under section 88C of the Act by the council, which is the admission authority for them. The objector submitted the objection to these determined arrangements on 5 June 2015. The objector has exercised the right not to have their identity revealed to other parties to the case, but their name and address are known to me as is required by Regulation 24 of The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012. 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.

Procedure

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

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

- a. the objector's email and form of objection dated 5 June 2015;
- b. the contents of the council's website on the date the objection was made;
- c. the council's response to the objection and subsequent correspondence, and supporting documents;
- d. the council's composite prospectus for parents seeking admission to schools in the area in September 2016;
- e. a map of the area identifying relevant schools;
- f. confirmation of when consultation on the arrangements last took place;
- g. evidence of the determination of the arrangements under delegated powers by an officer of the council on 15 April 2015
- h. a copy of the determined arrangements.

I have also taken account of information received during a meeting I convened on 30 June 2015 at Romford Town Hall.

The Objection

6. The objector says that the admission arrangements for the two named schools and for all community primary schools in Havering are in breach of paragraphs 2.16 and 2.17 of the Code.

7. The objector has expanded the objection by saying that because the arrangements contain the sentence: "*Requests to defer applications for the entire academic year will only be considered in exceptional circumstances*" they fail to recognise that the Code sets out no requirement that exceptional circumstances are necessary for such requests to be successful.

8. Further, the objector says that the wording of the arrangements suggests that only children born prematurely or who are developmentally delayed would be considered for admission into a Reception class rather than to Year 1 with their normal age group, because they fail to state that decisions about such applications will be made in the best interests of the child. The objector says the arrangements therefore fail to comply with paragraph 2.17A of the Code

where this requirement is set out.

9. The objector also believes that the requirement in the arrangements that supporting evidence concerning a request for admission outside a child's normal age group is provided 20 months prior to their admission to school is unlawful, but does not say why.

Background

10. All children must attend school on a full-time basis, or be otherwise educated by their parents, at the beginning of the school term following their fifth birthday. Admission to a school before this date is an early admission. Children who are born between 1 April and 31 August are commonly referred to as "summer born" children.

11. The Code sets out requirements concerning early admissions to schools in terms of the provision that must be made by admission authorities and the ways in which parents can access it for their child. It also places requirements on admission authorities concerning the possible admission of children to school in an age group which would not be their normal one, based on their date of birth.

12. The admission arrangements determined by the council for 2016 contain the following:

"Summer born children

Where a parent of a 'summer-born' child (11 April – 31 August) wishes their child to start school in the autumn term following their fifth birthday, they must provide the School Admissions Manager supporting evidence from relevant professionals working with the child and family stating why the child must be placed outside their normal age appropriate cohort before the closing date 15 January 2016. It is essential that parents requesting their child be placed outside their normal age appropriate cohort still make an application for the correct chronological academic year in case the request to defer admission is refused. The LA will decide whether the application for a Reception place can be deferred for the academic year and will inform the parent of the decision in writing. If the request is agreed the child's application will be cancelled for the 2016/17 academic year and parent will be able to apply for a reception place for the academic year 2017/18.

Requests to defer applications for the entire academic year will only be considered in exceptional circumstances, examples of such are:

- Children born prematurely, who would have naturally fallen into the lower age group if they had been born on their expected date of birth;*
- Where it is evident that delayed social, emotional or physical development is adversely affecting a child's readiness for school."*

Deferring entry to school

As required by law, all Havering infant and primary schools provide for the full-

time admission of all children offered a place in the Reception year group from the September following their fourth birthday.....

Parents can request that the date their child is admitted to school is deferred until later in the school year or until the child reaches compulsory school age in the school year.....

Parents can also request that their child attends part-time until the child reaches compulsory school age.....

Where parents choose to defer entry, a school may reasonably expect that the child would start at the beginning of a new school term/half term.

Consideration of Factors

13. Paragraph 2.16 of the Code deals with the delayed entry of children to school below compulsory school age (known as deferred entry), and states that admission arrangements must make clear that parents can defer entry prior to that date on either a full-time or part-time basis. The statements made in the arrangements determined by the council under the heading “deferring entry to school” make it clear in my view that, although described in terms a request, parents may choose whether to defer and on what basis. As a result, the arrangements conform in my view with the requirements in paragraph 2.16. I do not uphold this part of the objection.

14. Paragraph 2.17 of the Code, which addresses the admission of children out of their normal age group has the following to say:

*“Parents may seek a place for their child outside 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 their 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 council commented on the objection to the effect that it rejected the complaints made by the objector, because it believed it had set out clearly the process that parents must follow in order to seek admission out of the normal age group, as required under paragraph 2.17 of the Code.

16. I raised with the council my concern that the contents of the paragraph in their arrangements under the heading “Summer born children” may not describe that process clearly, but there is no doubt that they do set that process out. I note that the wording in the composite prospectus for 2016 does remove the source of lack of clarity that I had brought to the council’s attention. I do not uphold this part of the objection.

17. When the current Code was approved, paragraph 2.17 was added to by the insertion of two further paragraphs, 2.17A and 2.17B. These concern the matters to be considered and the process to be adopted by the admission

authority in dealing with requests for admission outside the normal age group.

18. The objector believes that admission arrangements should be based on the guidance to admission authorities which has been issued by the Department for Education concerning the matters covered in paragraphs 2.17A and 2.17B, and that as a result parental requests for admission outside the normal year group must be considered whether or not professional evidence of exceptional circumstances is provided, since they must always be made in the interests of the child. Neither may an admission authority require such evidence so far in advance according to the objector, but they do not say why.

19. The role of the adjudicator is to consider the admission arrangements themselves and whether or not they meet the requirements set out in the Code. It does not extend to a consideration of the process used by an admission authority in making decisions about the admission of individual children, or about that process in general. That is to say, the matters dealt with in paragraphs 2.17A and 2.17B fall outside the adjudicator's remit. Although I have looked very carefully at what the objector has said, I have no jurisdiction concerning the objection which has been made about this aspect of the arrangements determined by the council.

20. If concerns persist about the process which the arrangements the council has determined describe, this will be a matter for the Department for Education.

Conclusion

21. I have explained in the preceding paragraphs my reasons for coming to the view that:

(i) the arrangements do not contravene the requirements set out in paragraphs 2.16 and 2.17 of the Code, and

(ii) I have no jurisdiction to consider the objection concerning that part of the arrangements determined by the council which deal with the process used in considering requests for admission outside the normal age group of a child in relation to paragraphs 2.17A and 2.17B of the Code.

Determination

22. 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 London Borough of Havering.

Dated: 24 September 2015

Signed:

Schools Adjudicator: Dr Bryan Slater