



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3017

Objector: A parent

Admission Authority: The Governing Body of St Paul'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 for St Paul's Church of England Primary School for admissions in September 2016.

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 determined arrangements for admissions in September 2016 (the arrangements) for St Paul's Church of England Primary School, Brentford, 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. the school's response of 16 July 2015 including copies of the minutes of four recent meetings of the governing body;
 - d. 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;
 - e. a response from the local authority on 21 July 2015;
 - f. the objector's further response of 27 July 2015; and
 - g. the school's email of 3 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. Paul's Church of England Primary School is a co-educational school which first opened in 1873 and still *"resides in the original Victorian buildings, recently renovated"* in the centre of Brentford. The published admission number (PAN) increased from 30 to 60 in September 2015. On its website, the school says it *"has a distinctive Christian ethos, which is at the heart of the school and provides an inclusive, caring and supportive environment where children learn and flourish in a setting shaped by Christian values. St Paul's welcomes applications from all members of the community."*

Consideration of Factors

8. 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.*”

9. The school sent the proposed arrangements to the local authority on 17 October 2014 for inclusion 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 3 September 2015 that there were no responses to the consultation and no changes were required. From the minutes of meetings of the governing body on 21 May and 12 November 2014, and 23 February 2015 the arrangements appear to have been discussed and agreed, but the governing body did not record formally in the minutes when the arrangements were determined.

10. 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. 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 date at which arrangements will be 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.

11. 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.

12. 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.”

13. 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.”*

14. I have reviewed the 2016 arrangements and it is clear that the arrangements make no mention at all of the mandatory information required by paragraph 2.16. It is to the school’s credit that it acknowledged in its response of 16 July 2015 that *“we agree with this objection and will seek advice to make the appropriate changes.”* I uphold this part of the objection.

15. 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.

16. 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.”*

17. Having reviewed the arrangements, 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. The school acknowledged in its response of 16 July 2015 that *“we also agree in principle with this objection and will seek guidance on how to rectify this.”* I uphold this part of the objection.

18. 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. Therefore, the governing body had access to detailed guidance from the diocese but did not follow it. The governing body needs to satisfy itself that the arrangements comply with the Code before it determines them every year.

19. 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

20. The arrangements do not comply with paragraph 2.16 of the Code because there is 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.

21. Furthermore, the arrangements do not comply with paragraph 2.17 of the Code because there is no mention of how a parent may request admission for his/her child outside of the normal age group. I also uphold this part of the objection.

22. I acknowledge that the school has said it will seek advice and guidance to ensure that the arrangements comply fully with the Code. It must amend its arrangements and publish them in full on its website within two months.

23. 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.

Determination

24. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined for St Paul's Church of England Primary School for admissions in September 2016.

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 of the date of this determination.

Dated: 22 September 2015

Signed:

Schools Adjudicator: Ms Cecilia Galloway