



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3039

Objector: A parent

Admission Authority: Wokingham Borough Council for Polehampton Church of England Infant School

Date of decision: 15 October 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 Wokingham Borough Council for Polehampton Church of England Infant School, Twyford, Wokingham for admissions in 2016.

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 admission arrangements (the arrangements) for Polehampton Church of England Infant School (the school), a voluntary-controlled (VC) school in Twyford, Wokingham with a Church of England religious character for children aged four to seven for admissions in September 2016. The objection concerns the priority to be given to siblings of existing pupils at the school in certain circumstances.

Jurisdiction

2. These arrangements were determined under section 88C of the Act on 26 March 2015 by Wokingham Borough Council which is the local authority (LA) for the area and the admission authority for the school. The objector submitted the objection to these determined arrangements on 17 June 2015. 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

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

4. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 17 June 2015 and subsequent submissions;
 - b. the LA's response to the objection dated 17 July 2015 and supporting documents and subsequent submissions;
 - c. the school's comments on the objection dated 12 October 2015;
 - d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
 - e. a copy of the minutes of the meeting of the LA at which the arrangements were determined; and
 - f. a copy of the determined arrangements.

The Objection

5. The objection relates to the priority given to siblings of existing pupils at the school. The arrangements give significant priority to a sibling of an existing pupil where the child's permanent home is in the school's designated area. The same level of priority is given to a sibling of an existing pupil who was allocated and accepted a place at a school because he or she could not be offered a place at his or her designated area school. I shall refer to this as the "sibling protection clause" for ease of reference and because that is how the LA has referred to it. The sibling protection clause does not apply where a place is allocated at a school as a result of a late application after the national offer date of 16 April for primary school places following a change of preference by the parent. The objector cites paragraph 1.11 of the Code which is concerned with priority given to siblings and former siblings of children at schools and with the definition of siblings in arrangements. The objection does not refer to any other specific provisions or paragraphs of the Code. However, all admission arrangements have to meet the requirements of paragraphs 14 and 18 of the Code which together state that arrangements **must** be clear, fair and objective. I have accordingly considered whether the sibling protection clause meets these requirements.

Background

6. The objection is to the arrangements of one school – Polehampton Church of England Infant School. The admission authority is the LA and the same arrangements, including the oversubscription criteria, apply to all VC and community infant schools in the LA's area. I have summarised the oversubscription criteria below and set out in full criterion D (and the corresponding Note 5) as that is the criterion relevant to the objection.

A - looked after and previously looked after children

B - social and medical need

C - applies to junior school admissions only

D - *“Children whose permanent home address is **inside** the schools’ designated area and who has a sibling at the school at the time of application; who is expected to be attending the school when the child will enter the school.”*

E - children living in the designated area;

F - children living outside the designated area and who have a sibling at the school;

G - any other children.

7. Note 5 then reads as follows:

“Occasionally a parent with more than one child can express a preference for their designated area school(s) for the older child, but the local authority is unable to meet this preference. The local authority will then allocate a place at a lower ranked preferred school or the closest available school with places. In this case, the parent may then prefer to send younger sibling(s) to the same school as the older child attends. In such instances, the allocated school may be regarded as if were the designated area school for subsequent siblings and would be treated as meeting criterion D (sibling resident inside the designated area). Parents must notify the school admissions team at the time of application that they consider this exception applies. Where there is an application for the actual designated area school(s), designated area status would still be applied.”

8. The composite prospectus repeats (as required by the School Information (England) Regulations 2008) the admission arrangements for the school. It also gives two examples of how criterion D and note 5 work.

Consideration of Factors

9. The objector has pointed out that the arrangements do not address the question of whether priority under the sibling protection clause is also given in a particular set of circumstances. These circumstances are when a parent did not receive an offer of a place at any of the schools for which he or she expressed a preference, has not accepted the place allocated for his or her child at a school and, after the national offer date of 16 April for primary school places, has changed his or her preferences and applied for a place at further schools and been offered a place at one such school. The arrangements neither say that the priority is given in such circumstances nor that it is not given. The

objector argues both that the sibling protection clause should apply in relation to places allocated as a result of change of preference applications and that the arrangements should make clear whether or not the sibling protection clause applies.

10. Notwithstanding the fact that the LA is the admission authority for the school, the headteacher and Chair of Governors of the School were asked if they wished to comment on the objection. The headteacher responded on the school's behalf stating that the school sympathised with the parent but had no information that would have an impact on the case and no further comments to add.
11. The LA in its response has explained that it introduced the sibling protection clause at the request of a parent whose child could not be admitted to his or her catchment area school and who wished to ensure that younger siblings could attend the same school as the older sibling. The LA adds that with the rise in the number of primary aged children in the area the clause is being applied more frequently. The LA states that the protection applies only where a child is allocated a place at a school which is not his or her catchment area school during the main admissions round. It would apply where:
 - a. a place was offered at a school which was not the catchment area school but was listed as a lower preference than the catchment area school on the common application form (CAF); or
 - b. where a place could not be offered at any of the schools listed on the CAF and a place was instead offered at an alternative school not listed by the parent.
12. The LA is equally clear that the protection does not apply where a parent does not accept the place offered (for which the child would acquire protected status) and instead submits a change of preference seeking a place at one or more other schools.
13. As paragraph 1.10 of the Code makes clear, it is for each admission authority to determine what oversubscription criteria it thinks would be most suitable for the school or schools concerned according to local circumstances and subject to the requirements set out in the Code. The Code neither requires nor prohibits the inclusion of sibling protection provision. It is accordingly for the admission authority concerned to decide whether or not to include such a provision and its extent provided that it meets the Code's requirements for clarity, objectivity and fairness. I have considered the LA's sibling protection provision against those core requirements. The provision is undoubtedly objective.
14. I next consider clarity noting that the objector was particularly concerned that the arrangements did not make clear when the sibling protection would and would not apply. The arrangements set out in note 5 how the sibling protection applies and when. It is the case that the arrangements do not explain all the possible circumstances in which the protection does not apply. However, I do not consider that it is

necessary for them to do so. It is normal for admission arrangements to be predicated on what is required for a child to satisfy a particular oversubscription category or criterion and not on an exhaustive list of what would not satisfy the category or criterion. The LA has undertaken to look at the wording of its arrangements to see if these could be made simpler or “*even more clear*” as the LA puts it. This is a matter for the LA to consider and not for me. My determination is that the sibling protection provision criterion as set out in the arrangements is clear when the provision applies and meets the requirements for clarity.

15. The objector wishes the sibling protection clause to apply in circumstances where the LA does not apply it and I have considered whether the LA’s approach is fair. The LA’s argument is that the sibling protection clause is offered and applies in relation to one school: the school at which a place has been offered in certain circumstances. If the parent chooses not to accept that offer and to apply for a place at other schools, then the sibling protection clause will not apply. I consider that the LA’s approach is fair.

16. In the objection, the objector referred to paragraph 1.11 of the Code which is concerned with siblings and, specifically, to the part of paragraph 1.11 which deals with siblings of former pupils and says: “*If an admission authority wishes to give some priority to siblings of former pupils, it must set out a clear and simple definition of such former pupils and how their siblings will be treated in the oversubscription criteria*”. The objector argued that the arrangements went “*against this as the wording does not specify the sibling protection doesn’t apply to change of preference forms*.” I do not accept this argument. A sibling of a former pupil is a sibling of a child who has left the school concerned as distinct from one who will still be at the school when a younger sibling is eligible to be admitted. Furthermore, there is no requirement for such a priority to be included in the admission arrangements for any school. I do not uphold the objection.

Conclusion

17. I have concluded that the sibling protection provision in the arrangements does not breach paragraph 1.11 of the Code and that it meets the Code’s requirements as to clarity, objectivity and fairness. I do not uphold the objection.

Determination

18. 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 Wokingham Borough Council for Polehampton Church of England Infant School, Twyford, Wokingham for admissions in 2016.

Dated: 15 October 2015

Signed:

Schools Adjudicator: Shan Scott