



Office of  
the Schools  
Adjudicator

## DETERMINATION

**Case reference:** ADA3045

**Objector:** A member of the public

**Admission Authority:** The Goldsworth Trust, for Goldsworth Primary School, Woking, Surrey

**Date of decision:** 24 September 2015

### Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of Goldsworth 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 way 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 Goldsworth Primary School (the school), an academy school for pupils aged 4 to 11 years, for September 2016. The objection is to the omission of information in the arrangements about deferred admission to the reception class (Year R) or about admission on a part-time basis for children below compulsory school age; and further, there is no information about the admission of summer born children to Year R, in the September following their fifth birthday. 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 Goldsworth 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, which is the admission authority for the school, on 2 December 2014, on that basis.

3. The objection to these determined arrangements for 2016 was submitted 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.

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 both 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;
- the school's responses dated 9 and 11 September 2015;
- a response from Surrey County Council, the local authority (the LA) dated 21 July 2015;
- an email from the school dated 11 September, to confirm the determination of the arrangements for 2016 on 2 December 2014;
- the determined arrangements for 2016; and
- the LA's composite prospectus for parents seeking admission to primary schools in the Woking area of Surrey, in September 2016.

## The Objection

7. The objector contends that the arrangements do not mention parental rights to defer admission to Year R or to attend part-time in respect 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 to Year R in the September following their fifth birthday. This is 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 another issue which may contravene the Code, that is, the lack of information concerning the admission of children with an Education, Health and Care (EHC) plan that names the school.

### **Background**

11. The school was previously a community school and converted to academy status on 1 February 2012. It is a large primary school for pupils aged 4 to 11 years, with a published admission number of 90 and there are approximately 500 pupils on roll. The school is supported by a multi-academy trust, the Goldsworth Trust which consists of two primary schools.

12. The arrangements for 2016 were easy to locate on the school's website. However, a link from the admissions webpage takes parents to the school's prospectus which unfortunately still contains information about admissions for September 2013 and refers parents to the LA's arrangements for community and voluntary controlled schools.

### **Consideration of Factors**

13. In response to the first aspect of the objection the school says that the arrangements include the requisite statements about deferred admission and part-time attendance in Year R and therefore comply with paragraph 2.16 of the Code.

14. Commenting on the objection, the LA says that the arrangements are compliant with paragraph 2.16 b) and c) of the School Admissions Code, as they include statements under 'Starting school' on the rights of a parent to ask

to defer their child's admission to Year R until later in the school year or to ask that their child starts part-time.

15. Having reviewed the arrangements I found the following statement in section 16, *“Starting school: Goldsworth Primary School has 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 for September 2016. Parents may request to 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 academic year for which the original application was accepted. Parents may also request for their child to start part time until their child reaches statutory school age.”* This section of the arrangements meets the requirements set out in paragraph 2.16 of the Code.

16. The second part of the objection relates to the admission of children out of their chronological age group. The school has explained that the governing body had understood that in order to update the arrangements to meet the requirements of paragraph 2.17 there would need to be a full consultation. The school says it is now aware that as the requirement set out in the Code is mandatory, the governing body can use the provision in paragraph 3.6 to revise the arrangements.

17. The LA notes that the arrangements do not include information about the admission of children out of their chronological age group, even though advice had been sent to all own admission authorities by the LA in November 2014.

18. Having looked at the arrangements it is clear that they do not include information about the admission of children out of their chronological age group; and that in this respect they not comply with paragraph 2.17 of the Code.

### **Other Matters**

19. I have reviewed the arrangements as a whole for admission to the school in September 2016 and noted that there is no mention of the admission of children with EHC plans. Note 5 of the arrangements states, *“Children with a Statement of Special Educational Needs that names the School will be allocated a place before other applicants are considered. In this way, the number of places available will be reduced by the number of children with a statement that has named the School.”*

20. 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...”* The arrangements must be revised in order to meet this mandatory requirement.

### **Conclusion**

21. There are two parts to the objection, the first is that the arrangements

fail to include the requisite information about deferred admissions or part-time attendance in Year R, but it is evident that the arrangements do provide clear information as required by paragraph 2.16 of the Code and for this reason I do not uphold this part of the objection.

22. In the second part the objector contends that there is no information about the admission of children out of their chronological age group for children and I have found this to be correct. The requirement set out in paragraph 2.17 is not met and I therefore uphold this part of the objection.

23. Having reviewed the arrangements as a whole for admission to the school in September 2016, I have concluded that the arrangements for 2016 fail to include information about the admission of children with EHC plans as required by paragraph 1.6 of the Code.

### **Determination**

24. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of Goldsworth Primary School, on behalf of the academy trust, the admission authority for the school, for admissions in September 2016.

25. 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 way set out in this determination.

26. 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: 24 September 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons