



DETERMINATION

Case reference:	ADA2929
Objector:	A parent
Admission Authority:	The Governing Body of St Stephen's Church of England Primary School, Lewisham
Date of decision:	8 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 parts of the admission arrangements determined by the governing body of St Stephen's Church of England School, Lewisham for admissions in September 2016 that are within my jurisdiction.

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 St Stephen's Church of England School, (the school), a voluntary aided primary school for 3 to 11 year olds. The objection concerns the arrangements for admission to the reception year (YR) for September 2016 and, in particular, the admission of children outside their normal age group.

Jurisdiction

2. These arrangements were determined under section 88C of the Act by the school's governing body, which is the admission authority for the school. The objector submitted the objection to these determined arrangements on 25 June 2015. Anonymous objections cannot be brought to the adjudicator, but the objector met the requirement in regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing both name and address to the adjudicator. 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 25 June 2015 and subsequent correspondence;
 - b) the school's response to the objection and supporting documents dated 7 July 2015;
 - c) the Diocese of Southwark's (the diocese) responses to the objection dated 3 and 7 July 2015 and the diocesan general guidance on admissions;
 - d) the response to the objection from Lewisham Council, the local authority, (the LA) and supporting documents dated 16 July 2015;
 - e) the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
 - f) the Department for Education (DfE) departmental advice "Admission of summer-born children" published in December 2014;
 - g) a copy of the minutes of the meeting of the governing body at which the arrangements were determined; and
 - h) a copy of the determined arrangements.

The Objection

5. The objector states that the arrangements do not comply with paragraph 2.17 of the Code because they do not *"make clear, that for children born in the summer months, you have the option to start your child in reception at CSA (compulsory school age) in September 2017 (as opposed to a year early in September 2016). Nor does it explain the process or what happens if your request isn't granted"*. The objector quotes the section of the arrangements which details *"Education out of normal (chronological) age group"*. She supports her objection with an extract from an email received from the school which says *"As stated in the policy a request of this nature will only be considered in exceptional circumstances with supporting professional evidence. In the first instance you would have to see whether you meet our admission criteria as we are a church school. The next stage would be a written request to the Headteacher stating your particular circumstances"*. The objector further supports the objection with excerpts from the DfE's departmental advice on "Admission of summer-born children" which says that admission authorities must consider requests that are not accompanied by professional evidence and might simply be the parent's statement as to why they have made their request.

Background

6. The school has a published admission number (PAN) of 30 for admission to reception (YR). Currently there are 287 pupils on roll. The school has provided me with a copy of the minutes of the governing body's meeting of 4 March 2015 at which the arrangements for September 2016 were determined. The arrangements are published on the school's website as required by the Code.

Consideration of Factors

7. The objector says that the arrangements do not comply with the paragraph 2.17 of the code which 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."*
8. The objector says that the arrangements do not comply with this paragraph of the Code because the process for parents who seek a place specifically for their summer-born child to start school at CSA in YR rather than year 1 (Y1) is not explained in the published arrangements. She goes on to say that an email response to a request from the school was not in line with the DfE's advice.
9. The school's response says that the arrangements do conform with the Code. The section in the arrangements reads *"Children are normally educated in school with others of their age group; however, in exceptional circumstances parents/ carers may seek a place outside their child's normal age group. Decisions will be made on the basis of the circumstances of each case. Parents/carers must state clearly why they feel admission to a different year group is in the child's best interests and may provide recent professional evidence to support this."* The headteacher confirms that this section is not explicit in terms of parents of summer-born children seeking admission for their child into YR, but covers all out of normal age group requests.
10. The diocesan response confirms that the school's arrangements follow the diocesan guidance on admissions. The guidance was updated after the publication of the revised Code in December 2014 and the briefing paper to schools was included with the guidance. This briefing makes explicit reference to educating children out of chronological age and includes suggested text which schools may adopt. The diocesan assistant director goes on to explain that the wording does not include reference to summer-born children because the paragraph applies to all possible requests for education out of chronological age.
11. The LA says it is important to separate the Code from the non-statutory advice. It also says that requests for admission out of normal age group are the exception rather than the norm and that each case

should be considered on its own merits. The LA attached a letter sent to the school in February 2015 in which a model paragraph on out of the normal age group applications was provided.

12. Neither the email communication nor the DfE non-statutory advice form part of the school's arrangements which are the subject of this determination. I am of the view that the arrangements state clearly how parents should request an out of normal age group admission. This part of the arrangements applies to all such applications including those from parents of summer-born children requesting admission to YR. The Code does not require schools to specify a particular age group. I therefore consider that the arrangements do not contravene paragraph 2.17 of the Code.
13. The objector suggests that there is no explanation in the arrangements of the decision making process or what happens if the request is not granted. The Code does not require the details of the process by which an admission authority agrees or disagrees with out of normal age group requests to be explained in the arrangements, only that the arrangements make clear how parents may make such a request. Concerns about the process of decision making itself and the allocation of pupils to places after the decision is made are outside my jurisdiction and should be referred to the DfE.

Conclusion

14. I conclude that the arrangements do not contravene the Code at paragraph 2.17 as they make clear how a parent may request an admission out of the normal age group. I therefore do not uphold this part of the objection. The elements of the objection concerning the processes by which the admission authority makes the decision about admission outside normal age group are outside my jurisdiction.

Determination

15. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the parts of the admission arrangements determined by the governing body of St Stephen's Church of England School, Lewisham for admissions in September 2016 that are within my jurisdiction.

Dated: 8 October 2015

Signed:

Schools Adjudicator: Ann Talboys