



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA2976

**Objector:** A parent

**Admission Authority:** Warwickshire County Council for community and voluntary controlled schools

**Date of decision:** 13 August 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 Warwickshire County Council for community and voluntary controlled primary schools within the local authority for admissions in September 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) determined by Warwickshire County Council, the local authority (the LA), for September 2016, for community and voluntary controlled primary schools in its area. The objection is that the arrangements refer to the 2012 School Admissions Code; that they do not include information about the process for part-time or deferred admission or about requesting admission out of chronological age group.

### **Jurisdiction**

2. These arrangements were determined under section 88C of the Act by Warwickshire County Council, the local authority (LA), which is the admission authority for community and voluntary controlled primary schools. The objector submitted the objection to these determined arrangements on 29 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 these matters I have had regard to all relevant legislation and the 2014 School Admissions Code (the Code).

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

- the objection dated 29 June 2015 and further comment in an email dated 31 July 2015;
- the LA's response dated 22 July 2015, with supporting documents and further comments in an email dated 3 August;
- the LA's composite prospectus, "*Apply for a Primary, Infant or Junior school place 2015/16*";
- a copy of the Cabinet report which records the decision made on 17 March 2015 to determine the arrangements for community and voluntary controlled primary schools for 2016/17; and
- a copy of the LA's determined arrangements for 2016.

### **The objection**

5. The objector contends that the arrangements refer to the 2012 School Admissions Code and cites section 9.2 of the arrangements as an example. There is also concern that the arrangements do not include information about part-time or deferred admission for children below compulsory school age and this is said to contravene paragraph 2.16 of the Code. In the objector's view the arrangements should also outline the process for the admission of a summer born child whose parents would like to request admission to Year R having reached compulsory school age, in line with paragraph 2.17 of the Code and the '*summer born guidance (2014)*' issued by the Department for Education (DfE).

### **Consideration of factors**

6. The objector contends that the arrangements refer to the 2012 School Admissions Code and cites section 9.2 which provides information about in-year admissions. It states, "*Under the School Admissions Code that came into effect on 01 February 2012, there is no requirement for local authorities to co-ordinate in-year admissions from September 2013 onwards. However, Warwickshire County Council will co-ordinate in-year applications for Warwickshire residents for all community and voluntary controlled and own admission authority schools unless the school has indicated otherwise in their admission arrangements.*" This section explains the change of requirement relating to the LA's role in co-ordinating in-year arrangements that came into effect in 2012 and still holds true. However, I note that the first sentence of the arrangements states, "*The information in this document is believed to be correct at the time of publication and is based on the School Admissions Code which came into effect on 01 February 2012.*"

7. In response to the objection the LA offers apologies for any references to the 2012 Code in the arrangements and says this oversight was due to the fact that the arrangements were originally drafted prior to the introduction of the new Code in December 2014, and will be amended as permitted by the Code. Evidence provided by the LA shows that the arrangements were properly determined and that they include the relevant updates set out in the

amended Code. It is not within my jurisdiction to consider the arrangements for in-year admissions.

8. The objector asserts that the arrangements do not refer explicitly to paragraph 2.16 of the Code which 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. The arrangements state in section 2.3, "*Where a child is offered a place in advance of compulsory school age, parents can request that the date their child is admitted to school is deferred until later in the year or until the term in which the child reaches compulsory school age. However, a place cannot be deferred beyond the academic year for which the application was originally made.*" Section 2.4 states, "*Parents can also request that their child takes up the place part-time until the child reaches compulsory school age.*"

10. As it is clear from the arrangements that the requirements set out in paragraph 2.16 of the Code concerning deferred or part-time admission for children below compulsory school age have been met I conclude that the arrangements comply with the Code in this respect. Accordingly, I do not uphold this aspect of the objection.

11. The objector says that the arrangements should outline the process for the admission of a summer born child whose parents would like to request admission to Year R having reached compulsory school age, in line with the '*summer born guidance (2014)*' issued by the DfE and paragraph 2.17 of the Code which 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 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."*

12. The objector says, "*Whilst the 2016/2017 determined admission arrangements Warwickshire refer to the 'detailed process' they have in place to consider an out of year group entry they do not actually outline this process for parents, the process needs to include how decisions are based upon the*

*circumstances of each case including the view of parents, the relevant head teacher(s), the child's social, academic and emotional development and whether the child has been previously educated out of year group."*

13. The arrangements refer to "*Under Age and Over Age applications*" and state, "*Warwickshire County Council's policy is that children should generally be educated within their appropriate age group. In rare cases where it might not be appropriate for the child to be educated in the normal year group, there is a detailed process to consider the child's physical, emotional and social maturity before any decisions are made.*" The objector's view is that the term '*generally*' is misleading and the term '*in rare cases*' would deter parents from making a request for admission '*out of their normal age group*'. The LA said that although the arrangements do not refer specifically to paragraph 2.17 of the Code they do comply with all relevant requirements relating to requests for children to be educated out of year group. In considering any such request, each one is considered on an individual basis, and account is taken of all of information as required in the 2014 Code and other guidance.

14. It is clear from the arrangements that parents may request that children are admitted out of normal age group and I conclude that the arrangements comply with paragraph 2.17 of the Code in this respect. Accordingly, I do not uphold this aspect of the objection.

15. However, in the light of this objection, the LA has decided to provide further detail on this matter in order to assist parents and it proposes an amendment to the determined admission arrangements.

16. Also, in addition to proposed change the LA says it will consider adding a section on its website with information for parents who wish to request that their child is educated out of year group. The objector welcomes the proposed changes to the LA's arrangements but raises a point of clarification concerning the requirements of paragraph 2.17A of the Code. The way in which requests for earlier or later admission are considered is outside my jurisdiction and any remaining concerns should be referred to the Department for Education.

## **Conclusion**

17. Despite a minor proof reading error which left in a reference to the 2012 Code, the arrangements that were determined take account of the requirements of the revised Code; they do include information about part-time or deferred admission of children below compulsory school age; and state that parents can make a request for the admission of children outside of their normal age group. I conclude therefore that the arrangements comply with paragraphs 2.16 and 2.17 of the Code.

18. Accordingly, I do not uphold the objection to the arrangements for community and voluntary controlled schools determined by the LA for admissions in September 2016.

## **Determination**

19. 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 Warwickshire County Council for community and voluntary controlled primary schools within the local authority for admissions in September 2016.

Date: 13 August 2015

Signed:

Schools Adjudicator: Mrs Carol Parsons