



DETERMINATION

Case reference: REF3338 and REF3339

Objector: The Governing Bodies of Wybunbury Delves Primary School and Weston Village Primary School

Admission Authority: The Learning for Life Partnership for Shavington Primary School

Date of decision: 10 October 2017

Determination

I have considered the admission arrangements determined by the Local Governing Body of Shavington Primary School on behalf of the Learning for Life Partnership for September 2018 in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find there are matters which do not conform with the requirements relating to admission arrangements in the ways 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 21 days of the date of this determination.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), objections have been referred to the Adjudicator by the headteachers of Wybunbury Delves Primary School and Weston Village Primary school, in each case on behalf of the school's governing body, about the admission arrangements (the arrangements) for Shavington Primary School (the school), an academy primary school for children aged 2 to 11 in East Cheshire, part of the Learning for Life Partnership, a multi-academy trust. Each objection is dated 15 May 2017. The objections are in virtually identical form. Each objects to the increase in the Published Admission Number (PAN) for the school for entry in September 2017. The School Admissions Code (the Code) requires objections to admission arrangements for 2017 to be made to the Adjudicator by 15 May 2016. Objections must be made in the year preceding the year of entry to which the arrangements apply. An objection is not required to be determined by the Adjudicator unless it is received on or before that date (Regulation 23 Of the School Admission (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations)). In

addition, under Regulation 21 (1) (c) of the Regulations objections that the admission number has been increased for an Academy (and some other schools) may not be referred to the Adjudicator under section 88H of the Act. However, as the arrangements have been brought to the attention of the adjudicator, I have decided to use the power conferred under section 88I(5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements

2. The local authority for the area in which the school is located is Cheshire East. The local authority and the Learning for Life Partnership are parties to this referral.

Jurisdiction

3. The terms of the Academy agreement between the Learning for Life Partnership (the trust), and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to foundation and voluntary aided schools, and with equalities law. These arrangements were determined by the Local Governing Body (LGB) on behalf of the trust, which is the admission authority for the school, on that basis.
4. I have used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. The two objections dated 15 May 2017.
 - b. the admission authority's response to the objection and supporting documents;
 - c. the comments of the local authority on the objection and supporting documents;
 - d. copies of the minutes of the meeting at which the school's LGB determined the arrangements; and
 - e. a copy of the determined arrangements.

Background

7. The school is a primary school for boys and girls aged 2 to 11. The school became an academy on 1 December 2015 and so the trust has been the admissions authority for the school since that date. For entry in 2017 the school had a PAN of 30. It admitted significantly above PAN, admitting over 50 pupils to its reception year in 2017. For entry in

2018 the school has increased its PAN to 60. Otherwise the school has kept the same admission arrangements which were determined by the LGB on behalf of the trust on 15 November 2016, being in substance the same as those it had when it was maintained by the local authority prior to becoming an academy. In summary these are:

- a. Looked after and previously looked after children
- b. Children with siblings already attending the school
- c. Children resident within the school's catchment area
- d. Pupils living nearest to the school.

Consideration of Case

8. The arrangements do not comply with the Code as set out in the paragraphs which follow.
9. There is no final tie-breaker as required by paragraph 1.8 of the Code.

*“Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.”*

10. There is no provision for deferred entry to school as required by paragraph 2.16 of the Code.

*“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.”*

11. There is no provision for admission of children outside their normal age group as required by paragraphs 2.17 to 2.17B of the Code.

“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.”*

12. In paragraph 2 of the oversubscription criteria “Siblings”, the wording refers to “preferred school” when it seems the only school in question is Shavington Primary School. This is unclear and so does not comply with paragraph 14 and 1.8 of the Code.

*“14. In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”*

*“1.8 Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.”*

13. The school has a catchment area and priority is given to children who live in the catchment area. Paragraph 1.14 of the Code requires catchment areas to be clearly defined. I was able to locate a map on the LA website but there is no reference or link to this in the school’s arrangements. The trust is the admission authority and is responsible for ensuring that its arrangements conform with the relevant requirements. Because there was no catchment area shown in the arrangements, they do not conform with paragraph 1.14. In addition, the lack of a catchment area means that the arrangements are unclear and that parents would not be able to look at the arrangements and understand how places are allocated. For these reasons, the arrangements also fail to conform with paragraphs 14 and 1.8 of the Code.

14. The information on waiting lists required by paragraph 2.14 of the Code is not included save to state that waiting lists are held until the end of the autumn term. This does not comply with the requirement of paragraph 2.14 of the Code that waiting lists are maintained until at least 31 December and the autumn term will end well before that date. The paragraph in the arrangements continues with a reference to a document on the LA website. However, this document deals with admissions for 2017 and does not form part of the admission arrangements for 2018. With some searching the correct information for 2017 can be found, although the document refers back to individual school websites for non-maintained schools. The information can be found within Annex 1 of the LA Co-ordinated Admissions Scheme 2018-2019 but it would be unreasonable to expect a parent to find this and in any event that document is not published until much later in the year and so would not assist a parent seeking information on waiting lists.

*“Each admission authority **must** maintain a clear, fair and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list. Looked after children, previously looked after children, and those allocated a place at the school in accordance with a Fair Access Protocol, **must** take precedence over those on a waiting list.”*

15. In addition, I note that the arrangements refer erroneously to the “Schools Admissions Code 2012”. The current version is the School Admissions Code 2014 and any reference to the Code should be to that version.
16. The OSA wrote to the trust on 15th June 2017 bringing to its attention each of the matters set out in paragraphs 10 to 16 above. In respect of each matter the trust has responded stating that it will remedy each issue in “our next update of the admissions policy for 2019/20 and add to our 2018/19 policy if required to do so”. The trust is required to revise its admission arrangements for entry to the school in 2018 and has agreed to do so if that is required. The amendments required are straightforward and it is reasonable to expect the school to put them in place without undue delay in order to allow parents to consider the arrangements in amended form when making decisions about applications.

Determination

17. I have considered the arrangements for entry to Shavington Primary School determined by the Learning for Life Partnership in accordance with section 88I(5) and find there are matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
18. 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 21 days of the date of this determination.

Dated: 10 October 2017

Signed:

Tom Brooke
Schools Adjudicator