



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: VAR731

Admission Authority: Kent County Council for Brookfield Infant School and Brookfield Junior School, Aylesford

Date of decision: 18 October 2017

Determination

In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Kent County Council for Brookfield Infant School and Brookfield Junior School, Aylesford, Kent, for September 2018.

I determine that for admissions in September 2018, the schools shall be considered linked. For admission to Reception of Brookfield Infant School, the oversubscription criterion which gives preference to a sibling already in the school shall be extended to include a sibling in Brookfield Junior School. For admission to Year 3 of Brookfield Junior School, pupils at Brookfield Infant School shall be considered for admission under a criterion of attendance at a linked school and the oversubscription criterion which gives preference to a sibling already in the school shall include a sibling in Brookfield Infant School.

The referral

1. Kent County Council, the local authority and admission authority for Brookfield Infant School (the infant school) and Brookfield Junior School (the junior school), has referred variations to the adjudicator concerning the admission arrangements for the schools which are adjoining community schools on the same site. The infant school is for pupils aged 5-7 years, the junior school is for pupils aged 7-11 years. The variations requested for September 2018 are that the schools be regarded as linked so that priority is given for admission to Year 3 at the junior school to pupils from the infant school and for both schools the criterion giving priority to siblings should include a sibling in the other school as well as a sibling in the same school.

Jurisdiction

2. The referral was made to me in accordance with section 88E of the School Standards and Framework Act 1998 (the Act) which states that:

“where an admission authority (a) have in accordance with section 88C determined the admission arrangements which are to apply for a particular school year, but (b) at any time before the end of that year consider that the arrangements should be varied in view of a major change in circumstances occurring since they were so determined the authority must [except in a case where the authority’s proposed variations fall within any description of variation prescribed] (a) refer their proposed variations to the adjudicator, and (b) notify the appropriate bodies of the proposed variations.”

I am satisfied that the proposed variation 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 local authority’s form of referral of 8 August 2017 and supporting documents;
 - b. the determined arrangements for 2018 and the proposed variation to those arrangements;
 - c. a copy of the local authority’s composite prospectus for parents seeking admission to schools in the area in September 2017;
 - d. a copy of the notice informing the appropriate bodies about the proposed variation; and
 - e. information about the consultation on the matter undertaken by the local authority.

Background and consideration of factors

5. The local authority’s oversubscription criteria for the community and voluntary controlled schools for which it is the admission authority are in summary:
 - a. looked after and previously looked after children;
 - b. children attending a linked school;

- c. children with a sibling already at the school or at a linked infant/junior school;
 - d. health /special access reasons;
 - e. distance.
6. As the arrangements outlined above, for those schools that are linked the sibling criterion connection includes brothers or sisters in the linked school. The infant school and junior school which are the subjects of these variations are on the same site and indeed federated under a single head teacher. For some reason, however, they are not shown as linked and their admission arrangements do not have the sibling connection in the other school nor the criterion giving priority to children seeking to progress from the infant to the junior school. The local authority tells me that this *“has resulted from an oversight on the part of the local authority in failing to include these schools in its listings”*. This situation came to light when the junior school was oversubscribed for the first time for many years and not all children in the infant school who wanted to go on to the junior school gained a place there.
7. In addition, six children with siblings in the junior school who applied to the infant school for September 2017 were not offered a reception place as they could not be considered under the sibling criterion but only under the distance criterion. The local authority’s arrangements for other schools provides for admission links between infant and junior school to ensure *“children in Infant schools have a secure onward destination during Junior Transfer and allows parents the same security for siblings as those with children in Primary schools.”*
8. The local authority determined the admission arrangements for September 2018 on 20 February 2017. Regulation 17 of the School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and paragraph 1.46 of the Code requires an admission authority to determine arrangements by 28 February each year. The local authority was unaware of its oversight at this time and no change was proposed in consultation.
9. The schools’ governing bodies asked the local authority to make changes in the admission arrangements to rectify this oversight. To ensure that reports that it had that there was widespread support for this change were correct, local authority undertook a consultation on this matter. The consultation ran from 29 June to 21 July 2017. The local authority reports that all parents at the schools were included as were all parents with children attending primary schools, child minders and nurseries in a three mile radius. In addition, the local Parish Council and County Councillor were informed.
10. The local authority received 58 responses, the highest recorded response to an admissions consultation. Respondents were unanimously in favour of the

proposed change.

11. The schools are federated and working together as would be expected of linked schools. The schools are not presently linked because of an oversight by the local authority, as a consequence, children are not offered admission to the schools in line with the arrangements in place elsewhere in the local authority. The local authority consulted on this request for a variation and reports that it was supported. I consider it reasonable that families applying for places at these schools should be treated in the same manner as other families in the local authority and am satisfied that the variation addresses the circumstance described.

Conclusion

12. The admission arrangements for the Kent, the local authority provide for preference in oversubscription criteria for linked infant and junior schools. These schools are on the same site and are federated. The error did not come to light until recently and too late for the local authority to consult within the required timescale for such a change for 2018. I find this error should be corrected by these variations.

Determination

13. In accordance with section 88E of the School Standards and Framework Act 1998, I approve the variations to the admission arrangements determined by Kent County Council for Brookfield Infant School and Brookfield Junior School, Aylesford, Kent, for September 2018.
14. I determine that for admissions in September 2018, the schools shall be considered linked. For admission to Reception of Brookfield Infant School, the oversubscription criterion which gives preference to a sibling already in the school shall be extended to include a sibling in Brookfield Junior School. For admission to Year 3 of Brookfield Junior School, pupils at Brookfield Infant School shall be considered for admission under a criterion of attendance at a linked school and the oversubscription criterion which gives preference to a sibling already in the school shall include a sibling in Brookfield Infant School.

Dated: 18 October 2017

Signed:

Schools Adjudicator: Miss Jill Pullen