



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3286

Objector: A parent

Admission Authority: The Governing Body of Welford and Wickham Church of England Primary School, West Berkshire

Date of decision: 2 November 2017

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2018 determined by the governing body for Welford and Wickham Church of England Primary School.

I have also considered the arrangements in accordance with section 88I(5) and find one other matter which does 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 two months of the date of this determination.

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 for September 2018 (the arrangements) for Welford and Wickham Church of England Primary School, (the school), a voluntary aided school for boys and girls in West Berkshire.
2. The objection is that the arrangements with respect to admission of summer born children do not comply with the requirements of paragraphs 2.16 and 2.17 of the School Admissions Code (the Code).
3. The local authority for the area in which the school is located is West Berkshire Council. The local authority, the school's governing body, and the

objector are parties to this objection. The Church of England Diocese of Oxford (the diocese) is also a party to the objection by virtue of its role as the designated religious authority for the school.

Jurisdiction

4. The arrangements were determined under section 88C of the Act by the school's governing body, which is the admission authority for this voluntary aided school. The arrangements were determined on 10 January 2017.
5. The objector submitted his objection to the arrangements on 5 May 2017. The objector has asked to have his identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations) by providing details of a name and address to me.
6. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the Code.
8. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 5 May 2017, and subsequent correspondence;
 - b. the response to the objection dated 12 May 2017 from the diocese, its admission guidance booklet for schools, and further correspondence;
 - c. the local authority's response to the objection on 16 May 2017, a link to its on-line composite prospectus, and further correspondence;
 - d. the school's response to the objection dated 17 May 2017, subsequent correspondence and supporting documents;
 - e. the determined arrangements published on the school's website; and
 - f. the guidance "Advice on the admission of summer born children: For local authorities, school admission authorities and parents" published in December 2014 by the Department for Education (DfE guidance).

The Objection

9. The objector said that, with respect to the admission of summer born children, the following aspects of the arrangements do not comply with the Code as follows (relevant paragraph of the Code in brackets):
 - i. the requirement for parents to provide "*strong*" supporting reasons for seeking a place in the Reception year (year R) for their summer born child in the September following their fifth birthday (2.17);

- ii. the requirement for parents in such circumstances to apply in September 2018 *“for a place that they do not want”* (2.17);
 - iii. the arrangements provide only for parents to *“request”* deferred entry until later in the school year (2.16); and
 - iv. there is no provision for children to attend part-time (2.16).
10. The objector also said that the arrangements *“fail to give the admission authority and the headteacher the reasonable opportunity to properly make the assessment mandated by the code.”* However, after careful consideration, I have decided that I do not have jurisdiction in this particular matter which relates to paragraphs 2.17A and 2.17B regarding the operation of the process for requesting the admission of summer born children out of the normal age group, and how decisions are made following such requests.

Other Matter

11. When I considered the arrangements as a whole, there was one other matter within my jurisdiction which appeared to me not to meet certain requirements relating to admissions. The arrangements may be in breach of the Code at paragraph 1.13 regarding how the distance between an applicant’s home and school will be measured.

Background

12. Welford and Wickham Church of England Primary School is a small, voluntary aided school for boys and girls in West Berkshire. It has a published admission number (PAN) of 15.
13. The school changed status from voluntary controlled to voluntary aided on 1 September 2016 and shares a headteacher with another small Church of England school in the local authority area.
14. The arrangements make clear that if there are more applications than the 15 places available, then after the admission of children with a statement of special educational needs or Education, Health and Care Plan which names the school, the remaining places will be allocated according to the priority order of the oversubscription criteria which I have summarised below:
- a) looked after and previously looked after children;
 - b) children (or a parent) with exceptional medical or social needs which make it essential that they attend the school;
 - c) children living in the catchment area with a sibling who will be on roll at the school at the time of admission;
 - d) children living in the catchment area;
 - e) out-of-catchment children with a sibling who will be on roll at the school at the time of admission;
 - f) children of teachers or teaching assistants who have been employed at the school for two or more years at the time of application or have been recruited to fill a demonstrable skill shortage;

g) all other children.

The tie breaker is proximity to the school, as measured by “*the straight line distance (see Note 6) between the home and school, with those living nearer being accorded the higher priority...*” In the event that two distance measurements are identical, the final tie breaker will be random allocation, supervised by someone independent of the school.

15. The local authority in its email of 16 May 2017 provided information about applications to the school for admission in September 2017, as summarised in the table below:

Criterion	Total number of preferences	Places allocated
Children looked after and previously looked after	1	1
Medical/social need	0	0
Catchment	7	5
Siblings	7	7
Other children	36	2
Furthest distance from home to school		2.122 miles
Total	51	15

16. When I compared the oversubscription criteria in the 2018 determined arrangements with the allocations data for the 2017 admissions round, it became apparent that two extra criteria had been inserted. These were a new priority for children living in the catchment area with a sibling at the school inserted at criterion (c); and another new priority for the children of teachers or teaching assistants at criterion (f). The school provided evidence that a consultation process had been conducted about the proposed change before the governing body determined the arrangements, but it is disappointing that the consultation document did not accurately reflect the changes proposed. However, as I do not have jurisdiction in relation to the consultation under section 88I of the Act, I have not taken account of the consultation in my consideration of the case.

Consideration of Case

17. The objector raised a number of concerns about the arrangements regarding the admission of summer born children.

18. The term “summer born” is defined in footnote 50 to paragraph 2.17 of the Code as “*all children born from 1 April to 31 August*”. The summer born children in this case are those whose fifth birthday falls between 1 April 2019 and 31 August 2019.

19. Footnote 50 to paragraph 2.17 states further that “*these children reach compulsory school age on 31 August following their fifth birthday (or on their*

fifth birthday if it falls on 31 August).” The term “compulsory school age” is detailed further at footnote 49 to paragraph 2.16 which explains that *“a child reaches compulsory school age on the prescribed day following his or her fifth birthday (or on his or her fifth birthday if it falls on a prescribed day). The prescribed days are 31 December, 31 March and 31 August.”*

20. The Code at paragraph 2.16 requires that *“admission authorities **must** provide for the admission of all children in the September following their fourth birthday.”* Therefore, some summer born children will reach compulsory school age up to 12 months after they could first have been admitted to year R.
21. I now consider each of the objector’s detailed concerns, together with the responses to the objection from the school, the local authority and the diocese, and further comments from the objector.

Requirement for “strong” supporting reasons

22. The objector questioned the requirement for parents to provide *“strong”* supporting reasons when seeking a place in year R for their summer born child in the September following their fifth birthday, by which time the child will have reached compulsory school age. The arrangements state that *“parents would need to provide strong supporting reasons for seeking a place outside the normal age group and should discuss the position with the head teacher as early as possible.”*
23. Paragraph 2.17 of the Code states that *“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.”*
24. The school explained in its response dated 17 May 2017 that the arrangements support *“the understanding”* in the Code that *“for the admissions authority to make a decision on this issue information should be sought from a number of sources which includes parent’s views (see paragraph 2.17A of the Code). The Code also emphasises the importance of the opinion of the headteacher in this process. Therefore, ‘strong supporting reasons’ are consistent with the Code and certainly do not mean that Welford and Wickham’s Policy makes an a priori conclusion that in the absence of strong supporting reasons it is in the best interests of a summer born child to be refused entry into the Reception Year if their parents decide to start their schooling at the statutory school age. It demonstrates that the school wishes to be able to make informed decisions on a case by case basis, in the best interests of the child and consistent with the Code.”*
25. The objector said in his response of 21 May that *“the interpretation of the school policy given by the school is reassuring but does appear to be at odds with the actual wording of the school policy. If the school policy is merely attempting to demonstrate ‘that the school wishes to be able to make informed*

decisions on a case by case basis, in the best interests of the child and consistent with the Code, then the wording of the policy unnecessarily requires that parents provide reasons which meet some threshold of 'strength'."

26. The objector said that the school's requirement for supporting reasons to be "strong" goes "much further than the Code, or at best, can easily be misinterpreted to do so ... "the code merely calls for a test of what, on balance, is in the best interests of the child, given all the circumstances. Given the absence of any right to appeal by parents, avoiding misinterpretations is very important."
27. In its response dated 16 May 2017, the local authority said that paragraph 2.17A requires that "admission authorities must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. This will include taking account of the parent's views; information about the child's academic, social and emotional development; where relevant, their medical history and the views of a medical professional; whether they have previously been educated out of their normal age group; and whether they may naturally have fallen into a lower age group if it were not for being born prematurely."
28. The local authority suggested that "the objector has made a determination of what they believe strong reasons to be, but the school I assume will apply the term to the section in the code above. So for example if the child was born prematurely and the expected date was in the following year, then that could meet their strong reason criteria."
29. The local authority also quoted from the DfE guidance that "it is reasonable for admission authorities to expect parents to provide them with information in support of their request – since without it they are unlikely to be able to make a decision on the basis of the circumstances of the case. This should demonstrate why it would be in the child's interests to be admitted to reception rather than year one" and added "this clarifies that it is reasonable for the school to ask for information to support a request."
30. In his further response of 19 May 2017, the objector agreed that it might be reasonable for the school to ask for information to support such a request but not for evidence that must "meet some vague threshold of being sufficiently 'strong'."
31. The diocese explained in its response of 12 May 2017 that it also includes a requirement for "strong" supporting reasons in the model admissions policy located in the diocesan guidance booklet for schools because it has "found that many parents are under the impression that they have the right to defer entry to Reception in the following school year in the case of a summer born child. Until there is a change in the law, this is not the case and our view is that it is necessary to give compelling reasons for a request for such a deferral. We encourage parents to seek an early meeting with the head teacher so that there can be a sensible discussion of the pros and cons of deferral. Of course, in taking the decision, the school will weigh the

arguments for and against a deferral, looking at all the circumstances, and take it in the best interests of the child concerned.”

32. The objector responded on 19 May 2017 to question why there appear to be two tests. The test used in Code is *“what on balance is in the best interests of the child. According to the diocese, the test is: are there compelling reasons?”* The objector said that these two tests are not the same. The objector questioned *“what reasons would compel a headteacher in such a situation”,* and pondered whether *“the best interests of the child could, on balance, be overridden because the evidence was somehow not compelling.”*
33. The objector also said that the terms *“strong supporting reasons”* and *“compelling reasons”* are vague and unhelpful and contradict the Code and questioned *“what threshold does evidence need to meet before it is considered strong?”* The objector added that *“the school has a combined class for years 1 and 2. Therefore, a summer born child starting at statutory age would start school in a class with some children whom has already attended the school for 2 years. In such circumstances the insistence on ‘compelling reasons’ and ‘strong evidence’ seems absurd.”*
34. The arrangements state that parents who do not wish their summer born child *“to start school in school year 2018/19 but to be admitted to the Reception year in September 2019, should ... apply at the usual time for a place in September 2018 together with a written request that the child is admitted outside his or her normal age group to the Reception year in September 2019. NB parents would need to provide strong supporting reasons for seeking a place outside the normal age group and should discuss the position with the head teacher as early as possible.”*
35. The school requires parents to provide *“strong supporting reasons for seeking a place outside the normal age group”* which the objector contends exceeds the requirements of the Code.
36. The Code does not stipulate that parents must submit *“strong”* reasons or *“compelling”* reasons in support of their request that their child should be admitted out of their normal age group, to year R rather than year 1.
37. I have also considered the DfE guidance which, although not statutory, has been produced to help local authorities, admission authorities and parents understand the statutory framework imposed by the Code regarding parental requests for summer born children to be admitted out of their normal age group. I note that the local authority provides the same wording as the DfE guidance in its composite prospectus regarding advice to parents of a summer born child.
38. The DfE guidance states that *“it is reasonable for admission authorities to expect parents to provide them with information in support of their request – since without it they are unlikely to be able to make a decision on the basis of the circumstances of the case. This should demonstrate why it would be in the child’s interests to be admitted to reception rather than year one. In some cases, parents may have professional evidence that it would be appropriate*

for them to submit, for example, when a child receives support from a speech and language therapist. However, there should be no expectation that parents will obtain professional evidence that they do not already have. Admission authorities must still consider requests that are not accompanied by professional evidence. In such cases the supporting information might simply be the parent's statement as to why they have made their request."

39. The DfE guidance makes clear that it is reasonable for the school to expect parents to provide information to demonstrate why it would be in the child's interests to be admitted to year R rather than year 1, and that the supporting evidence may simply be the parent's statement as to why they have made their request. The DfE guidance does not indicate that parents must submit "strong" or "compelling" reasons in support of their request.
40. I acknowledge that the school's expectation that parents submit "strong" supporting reasons is in line with the guidance from the diocese, but it seems to me that the school's expectation that supporting reasons must be "strong" places a burden on parents that goes beyond the requirements of the Code.
41. Furthermore, the Code at paragraph 14 requires *that "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."* As the admission authority has not defined what is meant by "strong" with respect to supporting reasons, it seems to me that the school's requirement for "strong" supporting reasons may not be clear to parents.
42. I find that the school's expectation that parents provide "strong" supporting reasons exceeds the requirements of the Code at paragraph 2.17A, and that the lack of clarity regarding the term "strong" does not comply with paragraph 14 of the Code which states that *"the practices and the criteria used to decide the allocation of school places are ... clear..."*
43. Accordingly, it seems to me that the arrangements do not make clear the process for requesting admission outside the normal age group, which does not meet the requirements of paragraph 2.17 of the Code. I uphold this part of the objection.

Requirement to apply for a year R place in September 2018

44. The second part of the objection is that the objector contends that the arrangements do not comply with the Code as parents are forced to seek a place in year R for their summer born child in September 2018 *"for a place that they do not want"*. The arrangements say that parents *"should apply at the usual time for a place in September 2018 together with a written request that the child is admitted outside his or her normal age group to the Reception year in September 2019."*
45. The objector said that there is *"no means to seek a place for their child outside of their normal age group unless they also apply for a place the year*

before as well. No such restriction is stated in the Code ... The Code gives parents of a summer born child the right to 'request that they are admitted out of their normal age group – to reception rather than year 1' and requires that the admissions authority must make a decision on that request i.e. the admissions authority must decide whether admission to Reception or Year 1 is in the best interests of the child at the statutory school age. Conversely, the ... school admissions policy forces the admission authority to decide a different question i.e. which admission year [e.g. 2018/19 academic year or 2019/20] to offer to a summer born child, one which is entirely prior to statutory school age, or one which is commensurate with statutory school age." The objector contends that the arrangements, therefore, do not comply with the requirements of paragraph 2.17.

46. The school said of the application requirements in the arrangements that *"this is as per Diocesan advice and in common with the LA Admissions Policy."*
47. The diocese said that *"there is a good reason for asking parents to apply in the normal way and then write to the head teacher with their reasons for seeking a deferral to the following school year. If the decision taken, following subsequent discussions with the head teacher, is to refuse the request, then the parents still have the option of leaving their application open. If the request is agreed, then they can withdraw the application before any offers of places are made and reapply the following year for a Reception place with the knowledge that the school will consider an application for that year group."*
48. The diocese added that *"parents could decide not to follow this route (the policy states 'should apply' not 'must apply'), but to apply for a Reception place a year later than normal, they would then run the risk of a decision being taken not to admit to the Reception year. If the school did so decide, then the only option, if the parent wanted a place at that school, would be for the parent to make an application for a Year 1 place with the possibility that there would be no places available in Year 1."*
49. The objector responded that *"without wishing to get lost in semantics, 'should' denotes 'obligation, duty and correctness' and so the policy does effectively force parents to apply for a place they do not want."* The objector said that, contrary to the response from the diocese, the arrangements *make "no mention that it is possible to apply for a reception place a year later than the school policy states parents 'should'. Nor does the West Berks admission guidance."* The objector said that *"the parents of a summer born child should be able, under the Code, to apply for a place in Reception Year for their child when they start school and they also have the choice to defer that start date until the statutory age. Of course the admission authority, at that time, may decide on balance that it is in the interest of a summer born child that they start their schooling in Year 1 and not Reception Year. However, the school policy, as currently worded, obligates parents of summer born children to apply for a place in Reception Year in the January 20 months prior to the statutory school start."*
50. The local authority responded that the DfE guidance *"recommends that admission authorities require parents to make an application for their child's*

normal age group” whereas the school’s arrangements only state that “parents should apply for their child’s normal age group, rather than must.”

51. I note that in its composite prospectus regarding a request for admission of a summer born child outside the normal age group, the local authority *“recommends that parents make an application for their child’s normal year group by the closing date 15 January 2018. At the same time parents can make a request in writing, providing the reasons why it is in their child’s best interests to delay starting school until September 2019 by the same closing date.”*
52. It seems to me that when parents decide to consider the possible deferred admission of their summer born child, the Code provides for two options, and each has implications on the year group to which the child may be admitted. Paragraph 2.16 of the Code concerns deferred entry within the school year following the child’s fourth birthday; whereas, paragraph 2.17 relates to admission delayed for a full school year until after the child’s fifth birthday.
53. Paragraph 2.16 requires that the admission authority **must** provide in the arrangements for all children to be admitted to year R in September 2018 following their fourth birthday. Parents are entitled to defer the admission of their summer born child to the spring or summer term of the offer year, but sub paragraph (b) states that the entitlement to defer admission to year R and take up a place in the reception class does not extend beyond the *“beginning of the final term of the school year for which it was made.”* Therefore, the entitlement to defer the summer born child’s admission to year R does not extend beyond the summer term 2019 because the summer born child would have reached compulsory school age on or by 31 August 2019, that is, before the start of the next academic year.
54. It follows that if parents would like their summer born child to start school in the September after the child’s fifth birthday, which would be the year after the offer year, then the child would be admitted to year 1 which would be the normal, chronological year group. As the school operates a combined class for years 1 and 2, the summer born child would therefore start school and be in the same class as peers moving up from year R to year 1, having already been at school for up to 12 months, and with older children in Year 2.
55. Paragraph 2.17 of the Code would apply where parents wish their summer born child to start school in the September following the child’s fifth birthday, but to join year R rather than year 1. Paragraph 2.17 states that *“... 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...”* The word *“request”* is used here because admission to year R rather than out of the child’s normal age group is not an entitlement. The parent may submit a request to the admission authority for admission outside of the child’s normal age group, but having taken account of parental views and those of the headteacher, it is for the admission authority to decide, on the basis of the circumstances of the case and in the best interests of the child, whether the child should be admitted to year 1 or to year R.

56. The objector has argued that the process specified in the arrangements for requesting admission out of the normal age group does not comply with paragraph 2.17 of the Code which states that *“admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.”* However, the Code does not prescribe the process for requesting admission out of the normal year group.
57. The process specified in the arrangements is that parents *“should apply at the usual time for a place in September 2018 together with a written request that the child is admitted outside his or her normal age group to the Reception year in September 2019.”*
58. The objector suggests that the process should not have to apply in September 2018 for a place in year R that they do not want at that time, as they want the year R place a year later. The DfE guidance states that the Code does not *“prescribe a particular process that must be used. This is for local authorities and admission authorities to determine.”*
59. As parents should know the outcome of their request for admission out of the normal age group in time to make an informed decision about whether or not their child will start school at the age of four, the DfE guidance recommends that the process admission authorities put in place *“requires the parent to make an application for their child’s normal age group at the usual time, but enables them to submit a request for admission out of the normal age group at the same time.”*
60. The arrangements state that parents *“should [my emphasis] apply at the usual time for a place in September 2018 together with a written request that the child is admitted outside his or her normal age group to the Reception year in September 2019.”* The arrangements do not say *“must apply”*.
61. It seems to me that it is possible for a parent to delay applying for a year R place for their summer born child until the 2019 admission round. As the child would be out of the normal age group at that time, the admission authority may decide it would not be in the best interests of the child to be admitted to year R, and decide that the child should be considered for a place in year 1. However, as a result of the delay in applying for a place, there is likely to be the very real risk that there would not be any places available in year 1 as children admitted to the school at the normal time would have moved up from year R to year 1.
62. It seems to me that the school’s expectation that parents apply at the usual time for a place in September 2018 together with their written request for admission to year R to be delayed for a year is reasonable. It follows the DfE guidance and it means that if the request is refused, the parents will then have the option to send the child to school in his or her normal age group in year R. I do not uphold this part of the objection.

Deferred entry until later in the school year

63. The arrangements state that *“children who reach the age of five between 1 September 2018 and 31 August 2019 are eligible for a place at the school from the beginning of the autumn term 2018. Parents may request to defer entry until a child reaches statutory school age (the term beginning in January, April or September after their fifth birthday). The school will consider the request and, if granted, the place will be held for the child provided it is taken up during the school year 2018-19”*
64. The objector expressed concern about the use of the word *“request”*, such as, that *“parents may ‘request’ to defer entry until a child reaches statutory school age”* and *“the school will consider the request ...”* The objector said that in using the word *“request”* the arrangements do not meet the requirements of the Code at paragraph 2.16.
65. It is paragraph 2.16(b) of the Code which concerns deferred entry within the school year following the child’s fourth birthday (below compulsory school age). Paragraph 2.16(b) of the Code states that *“the authority **must** make it clear in their arrangements that, where they have offered a child a place at a school ... 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 ...”*
66. The school said that *“this does not mean that the school is contravening the Code by being part of any decisions concerning deferring the date of entry. It is reasonable for the school to discuss what are the best interests of the child, which can sometimes be things a parent may not have considered.”*
67. The diocese said that *“parents have the right to defer within the school year for which the application was made and there is no requirement for them to request deferral and for the school to take a decision on the request.”*
68. The school commented in its second response of 24 May 2017 that *“as a school we put the children first and every child is different and therefore every case differs. Whilst there is a statutory right for parents to delay entry, the school should have the opportunity to point out potential disadvantages to the child in exercising these rights. The interests of other children in the school need to be considered with all arrangements and therefore the least disruptive way of facilitating either part time attendance or delayed entry need to be discussed and agreed. This does not deny the underlying right of the parents to delay the entry of their child if they so wish.”*
69. The school **must** provide full-time education for all children in the September following their fourth birthday but parents have the right to defer the date their child is admitted to the school until later in the school year, to the spring or summer term of the offer year. As parents are entitled to defer admission for a child below compulsory school age, the use of the word *“request”* in the arrangements is not appropriate as the decision is a matter for the parents and not the admission authority.

70. The arrangements do not meet the requirements of paragraph 2.16 of the Code. I uphold this part of the objection.

Provision for children below compulsory school age to attend part-time

71. The objector said that the arrangements do not comply with paragraph 2.16 (c) of the Code which requires that *“the admission authority must make it clear in their arrangements that 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.”*

72. I note that the model policy provided by the diocese complies with paragraph 2.16 of the code as it includes the wording *“until the child reaches compulsory school age, parents may also request that s/he attends part-time. In such cases, detailed arrangements should be discussed with the head teacher.”*

73. As the arrangements do not include provision for part-time attendance of children below compulsory school age, which is a mandatory requirement of paragraph 2.16 (c) of the Code, I uphold this part of the objection.

Measurement of distance

74. When I considered the arrangements as a whole, there was one other matter which appeared to me not to meet certain requirements relating to admissions.

75. The Code at paragraph 1.13 requires that *“admission authorities **must** clearly set out how distance from home to the school will be measured, making clear how the ‘home’ address will be determined and the point in the school from which all distances are measured.”*

76. The arrangements at the time the objection was made state that proximity to the school will be measured by *“the straight line distance (see Note 6) between the home and school...”* The further detail said to be located in Note 6 was actually located in Note 5. The school confirmed in its email of 19 July 2017 that the reference to Note 6, rather than Note 5, was an error. Note 5 stated that *“the straight line distance used to determine the proximity of the to the school will be measured by WBC LA’s Geographical Information System as described in the WBC LA admissions booklet.”*

77. However, the arrangements do not comply with paragraph 1.13 of the Code because the admission authority has not made clear in the arrangements how the ‘home’ address will be determined and the point in the school from which all distances are measured. For the full details of how distance will be measured, the school expects parents to cross-reference the explanation in the arrangements with that of the local authority’s definition in its composite prospectus. It seems to me that parents may find it confusing to have to cross reference the two different documents in order to predict the likelihood of their child being allocated a place on the basis of proximity to the school.

78. I find that the lack of clarity with respect to the method by which distance will be measured does not comply with paragraph 14 of the Code which requires that *“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.”* As the local authority calculates the distance measurements on behalf of the school, it seems to me that parents may be more likely to understand how distance will be measured if the school were to adopt exactly the same wording as that used by the local authority in its composite prospectus.

Summary of case

79. Paragraph 2.17 of the Code provides that parents may request that the admission of their summer born child to year R be delayed for a year. I find that school's requirement that parents provide *“strong”* reasons in support of their request exceeds the requirements of the Code at paragraph 2.17A. Furthermore, as the term *“strong”* has not been defined, the arrangements lack clarity in this respect and, thus, do not comply with paragraph 14 of the Code which requires that the practices used to decide the allocation of school places are clear. The arrangements do not make clear the process for requesting admission outside the normal age group, which does not meet the requirements of paragraph 2.17 of the Code. I have upheld this part of the objection.

80. The arrangements do not meet the requirements of paragraph 2.16(b) of the Code with respect to the right of parents to defer entry for a child below compulsory school age. I have upheld this part of the objection.

81. Parents also have the right for their child below compulsory school age to attend part-time. Provision in the arrangements for children below compulsory school age to be able to attend school part-time is a mandatory requirement of paragraph 2.16(c) of the Code. As the arrangements do not make provision for the part-time attendance of children below compulsory school age, I have upheld this part of the objection.

82. However, I find that the expectation that parents apply at the usual time for a year R place in September 2018 together with their written request for their summer born child's admission to year R to be delayed for a year is reasonable as it follows the DfE guidance. The Code does not prescribe the process for requesting admission out of the normal year group. I have not upheld this part of the objection.

83. I have upheld three of the four parts of the objection that are within my jurisdiction for the reasons stated in the paragraphs above. Accordingly, I partially uphold the objection to the admission arrangements for Welford and Wickham Church of England Primary School for September 2018.

84. Having considered the arrangements as a whole I find that the arrangements do not provide sufficient detail of how distance will be measured, in breach of

paragraph 1.13 of the Code.

85. Paragraph 3.1 of the Code requires the admission authority to revise its arrangements to give effect to the Adjudicator's decision within two months of the date of this determination.

Determination

86. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2018 determined by the governing body for Welford and Wickham Church of England Primary School.

87. I have also considered the arrangements in accordance with section 88I(5) and find one other matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

88. 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 of the date of this determination.

Dated: 2 November 2017

Signed:

Schools Adjudicator: Ms Cecilia Galloway