



## Determination

<b>Case reference:</b>	<b>REF3631</b>
<b>Referrer:</b>	<b>The Office of the Schools Adjudicator</b>
<b>Admission authority:</b>	<b>Slough Borough Council for Community and Voluntary Controlled Primary Schools in Slough</b>
<b>Date of decision:</b>	<b>22 January 2020</b>

### Determination

I have considered the admission arrangements for September 2020, as originally determined, for Community and Voluntary Controlled Primary Schools in Slough in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in the ways set out in this determination, the arrangements do not conform with the requirements.

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 where necessary within two months of the date of the determination. The admission authority has revised the arrangements and no further action is necessary.

### The referral

1. Under section 88I(5) of the School Standards and Framework Act 1998, (the Act) the admission arrangements (the arrangements) for Community and Voluntary Controlled Primary Schools in Slough, for which Slough Borough Council (the local authority) is the admission authority, have come to the attention of the adjudicator.
2. In the course of considering requests for variations to the admission arrangements of two schools in the local authority area, I examined the arrangements for Community and Voluntary Controlled Primary Schools in full and considered that they might not conform with the requirements relating to admission arrangements in the ways set out in this

determination. I have decided to use the power conferred under section 88I(5) of the Act to consider whether this is the case.

## **Jurisdiction**

3. These arrangements were determined under section 88C of the Act by the local authority on 26 February 2019. I am satisfied that it is within my jurisdiction under section 88I of the Act to consider them as they have come to my attention.

## **Procedure**

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a) confirmation from the local authority of the determination of the arrangements;
- b) the local authority's composite prospectus for parents seeking admission to primary schools in the area in September 2020; and
- c) a set of revised arrangements provided by the local authority.

6. I have also taken account of information received during a meeting (the meeting) I convened on 13 January 2020 at the offices of Slough Borough Council. The meeting was attended by representatives of the local authority. I am grateful to the local authority for its constructive approach to ensuring that the arrangements meet the requirements of the Code and admissions law.

## **The referral**

7. There are three Community Primary Schools and one Voluntary Controlled Primary School (St Mary's Church of England School) in the local authority area. The arrangements for these schools, as originally determined, are set out in the composite prospectus. The ways in which I considered that the arrangements might not comply with the requirements are listed below:

- the arrangements include a definition of previously looked after children that makes reference to "residence orders", which were replaced by child arrangements orders in 2014, but in the oversubscription criteria, there is no reference to previously looked after children who, along with looked after children, must be given the highest priority (paragraph 1.7 of the Code);
- there appears to be no reference in the arrangements to Education, Health and Care (EHC) plans, which have replaced statements of special educational needs;

- it is unclear why there is reference to infant and junior schools in the oversubscription criteria, as all of the Community and Voluntary Controlled Schools are Primary Schools catering for children aged 4 to 11;
- in the oversubscription criteria for St Mary’s Church of England School, the term “*Denominational*” appears, but no explanation is given;
- the tie-breaker does not distinguish between applicants who live exactly the same distance from the school, as required by paragraph 1.8 of the Code; and
- applicants are required to supply a copy of the child’s birth certificate with the Common Application Form (paragraph 2.5 of the Code states that “*Once a place has been offered, admission authorities may ask for proof of birth date*”).

## Consideration of Case

8. At the meeting, the local authority’s representatives acknowledged that the arrangements did not conform with the requirements in all of the ways listed above. The arrangements, as originally determined, had not been appropriately updated. The local authority was at pains to point out that children with EHC plans naming a school are admitted to that school and that previously looked after children are given the highest priority. The local authority explained that the reference to “*Denominational*” priority in the criteria for St Mary’s School is obsolete, having not been applied in recent years. Similarly, the reference to infant and junior schools is irrelevant and should have been removed.

9. The local authority recognised that a tie-breaker to decide between two applications that cannot otherwise be separated because the children live at the same distance from the school needed to be included in the arrangements and that requesting a copy of a birth certificate before places had been offered is in breach of the Code.

10. Following the meeting, the local authority revised its arrangements for Community and Voluntary Controlled Primary Schools for September 2020. These arrangements were forwarded to me on 17 January 2020. The revised arrangements correct the errors in respect of children with EHC plans and previously looked after children. The obsolete references have been removed. An appropriate tie-breaker based on random allocation has been included.

11. As paragraph 3.6 of the Code explains, it is not necessary for an admission authority to obtain the approval of the Schools Adjudicator when revisions are made to determined arrangements in order to give effect to mandatory requirements of the Code or admissions law or to correct any misprint in the admission arrangements. Nevertheless, I am satisfied that the ways in which the arrangements, as originally determined, did not conform with the requirements have been addressed appropriately. No further action is required.

## Determination

12. I have considered the admission arrangements for September 2020, as originally determined, for Community and Voluntary Controlled Primary Schools in Slough in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in the ways set out in this determination, the arrangements do not conform with the requirements.

13. 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 where necessary within two months of the date of the determination. The admission authority has revised the arrangements and no further action is necessary.

Dated: 22 January 2020

Signed:

Schools Adjudicator: Peter Goringe