



## Determination

<b>Case reference:</b>	<b>ADA3977</b>
<b>Objector:</b>	<b>An individual</b>
<b>Admission authority:</b>	<b>Trafford Council</b>
<b>Date of decision:</b>	<b>02 August 2022</b>

### 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 for September 2023 determined by Trafford Council for those schools for whom it is the admission authority.**

### 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 an individual (the objector), about the admission arrangements (the arrangements) for those maintained primary schools (the schools), in the area of Trafford Council for which the local authority is the admission authority for September 2023.
2. The objection is to the way that the arrangements provide for the admission of children whose parents may be seeking an out of year group place for their child. The objector is concerned that the decision making panel comprises three headteachers and two local authority officers. She does not consider that headteachers should have the majority of votes upon this panel.
3. Trafford Council is the local authority (LA) for the area and is also the admission authority for the schools that are the subject of this objection. The LA is a party to this objection. The other party to the objection is the objector. I have not included the individual schools as parties to this objection because the local authority is the admission authority and will also administer admissions on behalf of the schools.

## Jurisdiction

4. These arrangements were determined under section 88C of the Act by Trafford Council, the local authority (LA), which is the admission authority for the schools referred to in the objection. The objector submitted her objection to these determined arrangements on 13 May 2022. 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

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 objector's form of objection dated 13 May 2022;
- b. comments from the local authority about the objection;
- c. a copy of the minutes of the meeting of the LA at which the arrangements were determined;
- d. a copy of the determined arrangements;
- e. the local authority's online composite prospectus for admissions to schools.

## The Objection

7. The objector believes that Trafford Council's arrangements for considering requests for admission out of year age group for summer born children give too much decision making power to headteachers of community and voluntary controlled schools. She quotes section 2.19 of the Code which says: "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. They **must** also take into account the views of the head teacher of the school concerned. When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision."

8. The objector then quotes the Trafford Council decision making process: "a decision panel will be constituted. The panel will include at least 3 headteachers; this will be the headteachers from all the preferred schools and any other nominated headteachers and 2 officers from Trafford's primary team. The panel will consider the decision outcomes from the relevant schools and a final decision will be agreed. All schools participating in the

scheme will abide by the final decision of the panel.” The objector expresses her opinion that “this means that where headteachers agree that the request should be refused, it will be refused. In my (the objector’s) experience headteachers in a particular area usually support each other. They will always outnumber the two officers on the panel. Also, if by chance one or two heads think the request should be granted, but the others on the panel do not agree, the parents will not be able to apply for a Reception place at any chosen school. I have never before seen a procedure where all schools are subject to the majority decision.”

## Consideration of Case

9. My jurisdiction in this matter is limited to the consideration of whether the arrangements comply with the requirements of the Code. Associated non-statutory guidance and how this is applied locally is not within my jurisdiction.

10. I asked the local authority for comments about this objection and in its response it commented that the local authority has been following the requirements of the relevant versions of the Code since 2012 and has supported the right for parents to request delayed entry into school throughout that time and continues to do so.

11. The Code requires admission authorities and, in this case therefore, the local authority to consider requests for children to be admitted out of their normal year group. The Department for Education published non-statutory guidance which was updated on 27 May 2021 with the title “Admission of summer born children: advice for local authorities and school admission authorities”. The description of the document states that “this advice is non-statutory, and has been produced to help admission authorities understand the framework within which they must operate when responding to parental requests for summer born children to be admitted out of their normal age group. It will help admission authorities fulfil the duties imposed on them by the statutory school admissions Code, and should be read in conjunction with the Code.” The non statutory guidance referred to above says that while there is no specification for how this should be done, many authorities find it helpful to convene a panel to consider such matters. This is the approach taken by the local authority in this case.

12. The local authority went on to explain that “when considering applications, Trafford’s panel considers the information provided by the parent and headteacher and, in most cases, agree that delayed entry into the reception class would be in the best interests of the child. In some cases, the panel might consider that it would benefit a child to be admitted to its normal cohort whilst accessing the pastoral support a school would provide. However, it is accepted that it is a parent’s right to decide that their child will not start school until they reach compulsory school age. In accordance with the guidance provided, the panel must then consider whether it is in the child’s best interest to start in the Reception class or Year 1 when they reach statutory school age. When considering this, Trafford’s panels have been unanimous in their opinion that the Reception Class is an essential beginning in each child’s educational journey and that starting in Year 1 would be extremely detrimental as the

child would miss the social and emotional development, phonic grounding and play based experiential learning needed to prepare him for National Curriculum teaching and learning in Year 1. In such cases the letter advising the parent of the outcome of their application will advise that the panel considered that it would not be detrimental to the child to start school with his normal cohort and that it may be beneficial and will allow the parent time to consider their opinions. This means that the final decision, whether to heed the advice given by the educational professionals, or to proceed with delayed entry, rests entirely with the parent.”

13. The local authority continues by saying that it “believes that its process is robust and appropriate in that it does not merely rubber stamp a parent’s request but rather actually considers what is in the best interests of the child. The process does not refer to the opinion of unqualified officers, or to the needs or opinion of a single school, rather decisions are made solely on the considerations of qualified teachers and impartial educational advisers, with experience of dealing with summer born children and the issues that they may face. The panel is constituted from the headteachers of schools that have received an application for delayed entry and, where the numbers are insufficient, is bolstered by other early years school practitioners.

14. In direct response to the objection and the concerns expressed about the weight of opinion by headteachers, the local authority commented that it “does not rely solely on the opinion of the relevant headteacher. Rather the decision rests with the collective expertise of the panel. It is not the role of the panel to dissuade a headteacher from their opinion that the delayed entry of a child should be agreed or, indeed, to persuade a headteacher that a request should be agreed. Rather it is the role of the panel to ensure that any decision to agree or to refuse a request has been taken after the full and impartial consideration of all the facts of the case. The views of the Panel members are not canvassed before they are asked to consider the cases and their considerations are not restricted to a list of criteria to be met. Rather each case is considered on the individual circumstances of the case and it is on the professional educational opinion of these experts that the LA relies and that the decisions are made. Every primary and infant school admission authority in Trafford participates in, and agrees to abide by, the final decision.”

15. In considering this matter and weighing the opinions expressed by the objector and the local authority I am guided by the requirements set out paragraph 2.19 of the Code and quoted above. I am satisfied that the local authority has a system that can make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. The objector expresses concerns that headteachers have too much influence in making these decisions. The local authority does not share this concern and explains that the panels rely on the educational knowledge and experience of the headteachers involved who work with the other participants that include local authority advisers. The panel has a role to “consider all the evidence and to come to a view about what is in the best interests of an individual child and to set out clearly the reasons for their decision.” In this respect I am satisfied that the local authority complies with the requirements of the Code and for this reason I do not uphold this objection.

## Determination

16. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2023 determined by Trafford Council for those schools for whom it is the admission authority.

Dated: 02 August 2022

Signed:

Schools Adjudicator: David Lennard Jones