



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA3978

**Objector:** An individual

**Admission authority:** Pegasus Academy Trust for Beulah Infant and Nursery School, Croydon

**Date of decision:** 17 August 2022

### 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 2023 determined by the Pegasus Academy Trust for Beulah Infant and Nursery School, Croydon.**

**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 an individual (the objector), about the admission arrangements (the arrangements) for Beulah Infant and Nursery School, Croydon (the school) for September 2023. The school is an academy within the Pegasus Academy Trust (the trust) and the trust is the admissions authority for the school. The objection is in two parts, the first is that the arrangements do not comply with paragraph 1.50 of the Code which requires a school to publish a copy of the arrangements in the determination year by 15 March and to display a copy of the relevant arrangements on its website for the whole of an offer year. The second part of the objection is that the objector considers that section 8 of the school's admission arrangements appear to deter parents from exercising their right to request an out of year place for their child and by doing so it does not comply with paragraphs 2.18 – 2.20 of the Code.

2. The local authority (LA) for the area in which the school is located is Croydon Council. The school, the Pegasus Academy Trust (the trust), Croydon Council and the objector are parties to this objection.

## Jurisdiction

3. These arrangements were determined under section 88C of the Act by the Pegasus Academy Trust, which is the admission authority for the school referred to in the objection. The objector submitted her objection to the 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

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

## The Objection

6. The objector says that when she made her objection she was unable to find the school's admissions arrangements for either 2022-23 or 2023-24 on the admissions page of the school's website. The most recent arrangements on the website were those for 2021-22. Paragraph 1.50 of the Code says that "once admission authorities have determined their admission arrangements, they must notify the appropriate bodies and must publish a copy of the determined arrangements on the school's website..... by 15 March in the determination year and continue displaying them for the whole offer year (the school year in which offers for places are made)....."

7. The second part of the objection is that the objector believes that section 8 of the school's arrangements which covers the admission of children outside their normal year group is designed to deter parents from exercising their legal right accorded by Sections 2.18 – 2.20 of the Code. Section 8 of the arrangements says "It is the expectation of the directors that a child is educated alongside his/her age equivalent peers, in almost all

cases. We would strongly advise that all children enter into their normal year group. The responsibility for addressing individual educational needs lies with the Trust through an appropriately differentiated and enriched curriculum”.

## Consideration of Case

8. The first part of the objection concerns when the school’s arrangements were posted upon the school’s website. In its response to my enquiries the school acknowledges that it has been late in displaying the 2022 and 2023 arrangements on its website and in mitigation explains that the arrangements have not changed during these two years. The lack of change does not remove the need to post the arrangements and the requirements within paragraph 1.50 of the Code are quite clear. In consequence, the school or the trust on behalf of the school must ensure that the appropriate arrangements are correctly posted in compliance with the Code. In this respect, I uphold this element of the objection that has been made.

9. In the second part of the objection the objector expresses her concern that section 8 the school’s arrangements quoted above are phrased in a way that will discourage parents from requesting that their child is admitted outside their normal year group. She says that this is not in compliance with paragraphs 2.18-2.20 of the Code.

10. Paragraph 2.18 of the Code says “parents may seek a place for their child outside of their normal age group, ..... admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group.” Paragraph 2.19 says “admission authorities must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned. ....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.” Paragraph 2.20 says” where an admission authority agrees to a parent’s request for their child to be admitted out of their normal age group ..... the local authority and admission authority must process the application as part of the main admissions round, unless the parental request is made too late for this to be possible, and on the basis of their determined admission arrangements only, including the application of oversubscription criteria where applicable. They must not give the application lower priority on the basis that the child is being admitted out of their normal age group. Parents have a statutory right to appeal against the refusal of a place at a school for which they have applied. This right does not apply if they are offered a place at the school, but it is not in their preferred age group.”

11. The headteacher of the school commented on behalf of the school and the trust and said that it is true that the trust’s directors, advised by senior leaders, believe it is usually best “that a child is educated alongside his/her age equivalent peers, and in almost all cases would advise that all children enter into their normal year group and the evidence below, based on previous experience in the school.” By way of further explanation, the headteacher provided a brief account of a case that the school had experienced in recent

years where a child was admitted out of the normal year group and which had a tragic outcome. The headteacher explained that the sadness at having made the wrong decision in that case is just one of the reasons the school tries to discourage parents from requesting that their children are educated outside their normal year group.

12. The headteacher points out that a similar message is included in the non statutory guidance published by the Department for Education in May 2021, Admissions of Summer Born Children: advice for local authorities and school admissions Authorities, which says that, “in general, children should be educated in their normal age group, with the curriculum differentiated as appropriate, and that they should only be educated out of their normal age group in very limited circumstances. Parents do not have the right to insist that their child is admitted to a particular year group.”

13. The paragraph that the objector quotes is the second of three that deal with this matter in the school’s arrangements. When referring to out of year admission, the first paragraph in the arrangements says “parents and carers may request that their child is exceptionally admitted outside of their normal age group. Any request must be made in writing to the Directors of the Trust who will decide whether or not the individual child’s circumstances make this appropriate on educational grounds.” It then includes the paragraph that the objector draws attention to and then concludes in the third paragraph that “all requests to educate a child outside their normal year group should include an explanation of why this is necessary and where applicable, evidence of the child’s circumstances from a relevant professional detailing the child’s educational need which makes education outside the normal age group necessary. Decisions are made on the basis of the circumstances of each case and in the best interest of the child.....”

14. The relevant paragraphs of the Code are quoted above and I have considered these together with the comments made when considering whether the arrangements meet the requirements of the Code. I am satisfied that the school makes clear the process for requesting admission out of the normal age group as required. The headteacher has explained that in making decisions about out of year admission the school considers the circumstances of each individual case and considers the best interests of the child concerned. This approach complies with the Code. The headteacher also explained that when the school had reached a decision in response to a request for out of year admission, it informed the parents about its reasons for its decision as required by the Code. It is true that the school has expressed its view about admission out of the normal year group but it also makes it clear that parents may request such a place for their child and the process for considering the individual case is clearly set out. I see no evidence through this objection that the school is not complying with the Code’s requirement to consider a request for admission out of the normal year group. For these reasons I do not uphold this aspect of the objection.

15. In summary, I have upheld the first part of the objection about the posting of the arrangements on the school’s website. The school or the trust on behalf of the school must take the necessary action to ensure that the arrangements are posted in compliance with

the Code and must do so within two months of the date of the determination. I have not upheld the second part of the objection which covers the admission of children outside their normal year group for the reasons set out above.

## **Determination**

16. 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 2023 determined by the Pegasus Academy Trust for Beulah Infant and Nursery School, Croydon.

17. 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: 17 August 2022

Signed:

Schools Adjudicator: David Lennard Jones