



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4235 and REF4236

Referrer: An individual

Admission authority: The ARBIB Education Trust for the Langley Academy Primary School, Slough

Date of decision: 8 January 2024

Determination

I have considered the admission arrangements for September 2024 and September 2025 for the Langley Academy Primary School in the area of Slough Borough Council, in accordance with sections 88H and 88I(5) of the School Standards and Framework Act 1998 and find that as set out below 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 by 31 January 2024.

Jurisdiction

1. The terms of the Academy agreement between the academy trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust which is the admission authority for the school, on that basis. The objection to these determined arrangements was submitted on 3 October 2023. The objection is to the admission arrangements for Langley Academy Primary (the school) for admission in September 2025 (the 2025 Arrangements). The objection is also to the admission arrangements for admission in September 2024 (the 2024 Arrangements). The deadline for submitting an objection to the 2024 Arrangements was 15 May 2023 and that has now passed. I will treat the objection to the 2024 Arrangements as a referral and consider it under my powers set out in section 88I of the School Standards and Framework Act 1998. The objection to the 2025 Arrangements has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Background

2. The school is a co-educational academy primary school for children aged 3 to 11 located in Langley in the area of Slough Borough Council (the local authority).
3. The Office of the Schools Adjudicator wrote to the school and to the other parties a letter dated 4 December 2023 (the trust letter) setting out the issues raised in the objection and other matters raised by me. In respect of each, the school's response dated 11 December 2023 accepts that the wording does not fully comply with the School Admissions Code (the Code). The detail is set out below, together with my brief formal finding that in each case the wording does not so comply.

Consideration of Case

The 2024 Arrangements

4. Paragraph 2.18 of the Code requires that "Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group". These are not set out in the 2024 Arrangements. However, these are set out in the 2025 Arrangements.
5. The trust letter reads "We recognise the omission of this information and will ensure these are included, to comply with the Code". I find that as determined the admission arrangements are not compliant with the Code on this issue and will require amendment.

The 2025 Arrangements and the 2024 Arrangements

6. Paragraph 2.17 c) of the Code states (in part) "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". The 2024 and 2025 Arrangements state "Parents can also request that their children attend part-time until they reach compulsory school age. Each request will be considered by TLAP on its merits". The wording of the Code does not give the admission authority discretion to decide whether or not to allow a child to attend part-time in these circumstances; it is for the parent to choose.
7. The trust letter states "We recognise the impact of the superfluous wording and acknowledge that it does not comply with the Code. We are keen to remove this wording to rectify this". I find that as determined the admission arrangements are not compliant with the Code on this issue and will require amendment.

Other matters

8. Having considered the 2024 and the 2025 Arrangements as a whole it appeared that the following matters also do not conform with requirements. The same wording appears in both sets of arrangements. The relevant points are set out in the following paragraphs. References in bold type are to paragraphs and footnotes in the published admissions arrangements.
9. **Paragraph 6** reads: "All children whose Education Health Care Plan (EHCP) names TLAP [the school] will be admitted if it is felt that TLAP can meet their

needs". Paragraph 1.6 states (in part) "All children whose Education, Health and Care Plan names the school **must** be admitted". Although a school must be consulted before it is named in an EHCP, once named the child must be admitted.

10. The trust letter reads: "This wording refers to the consultation process, however, we now recognise that the current wording does not reflect paragraph 1.6 of the Code". I find that as determined the admission arrangements are not compliant with the Code on this issue and will require amendment.

11. **Paragraph 7 (i)** reads:

"Looked after children and previously looked after children..."

and the footnote reads:

"A looked after child is a child who is a) in the care of a local authority either in this country or abroad, or (b) being provided with accommodation by a local authority either in this country or abroad the exercise of their social services functions (see definition in Section 22(1) of the Children Act 1989). A previously looked after child is a child who was looked after but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order). (See section 1.7 of The Admissions Code 2012.)"

12. The reference to paragraph 1.7 of the Code is correct. However, the Code reads:

"All schools **must** have oversubscription criteria for each 'relevant age group' and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted."

13. The wording of the Code relating to children who appear to have been in state care outside of England is not accurately reflected in the wording of the admission arrangements. For example, "in the care of a local authority" may not reflect the arrangements for "state care" in another country.

14. The trust letter reads: "We acknowledge the wording needs updating to include those children who have been in state care outside of England." I find that as determined the admission arrangements are not compliant with the Code on this issue and will require amendment.

15. **Paragraph 8, footnote 3**, reads:

"A child's permanent address is the place of normal residence during term time. Where parental responsibility is shared, the address of the parent/carer who receives the Child Benefit Allowance for the child will be taken as the permanent address, or, in cases where no Child Benefit Allowance is received, the address that is utilised is that which is registered with their Doctor. Proof of residence can be asked for at any time. during the admissions process. This

will normally be in the form of a recent council tax bill or a utility bill less than 3 months old.”

16. In most cases child benefit will be paid to the person the child lives with most of the time (most often their mother). However, this should not be an absolute indicator of where a child lives most of the time as child benefit is potentially payable to anyone, whether a parent or not, who contributes at least a prescribed minimum amount to the cost of supporting the child. It is only payable to one person but that need not be the person the child lives with most of the time or at all.
17. Similarly, the address which is registered with a child’s doctor may not be the child’s permanent or normal residence. It is acceptable to take matters such as the address of the recipient of child benefit or the address registered with the child’s doctor as evidence of address as long as it can be rebutted by evidence that some other address is, in fact, the appropriate address to use in dealing with admissions.
18. The trust letter reads: “We will adjust the wording appropriately to reflect relevant forms of proof of address”. I find that as determined the admission arrangements are not compliant with the Code on this issue and will require amendment.

Determination

19. I have considered the admission arrangements for September 2024 and September 2025 for the Langley Academy Primary School in the area of Slough Borough Council, in accordance with sections 88H and 88I(5) of the School Standards and Framework Act 1998 and find that as set out above the arrangements do not conform with the requirements.
20. 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 by 31 January 2024.

Dated: 8 January 2024

Signed:

Tom Brooke Schools Adjudicator