



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** REF4237

**Admission authority:** Oxfordshire County Council for community and voluntary controlled schools in its area

**Date of decision:** 26 February 2024

### Determination

I have considered the admission arrangements for September 2023 for community and voluntary controlled schools within Oxfordshire local authority in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that there are matters in the arrangements that do not conform with the requirements for such arrangements. Those matters are 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 the determination.

### Referral and Jurisdiction

1. The arrangements were determined under section 88C of the School Standards and Framework Act 1988 (the Act) by Oxfordshire County Council, which is the local authority (the local authority) and admission authority for community and voluntary controlled schools within the local authority area, on 21 February 2022.
2. The arrangements were brought to my attention in the course of my consideration of a case relating to a primary school within the area: Woodstock Church of England Primary School (case reference VAR2378).

3. Having had sight of the arrangements, it appeared to me that they did not conform with the requirements relating to admissions. I have accordingly considered the arrangements in accordance with my jurisdiction under section 88I(5) of the Act.
4. The only party to this case is the local authority.

## 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) evidence that the arrangements were determined;
  - b) a copy of the determined arrangements; and
  - c) comments from the local authority on the matters raised.

## Consideration of Case

7. The matters I raised with the local authority in respect of its arrangements are as detailed in this section.
8. Paragraph 14 of the Code states 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.” That paragraph of the Code is relevant to the matters set out below unless otherwise specified.
9. I note that the local authority had a different view to my own in respect of some of the matters raised. It is not my role to advise admission authorities on how they address any matters raised; it is my role to indicate where I have concluded admission arrangements do not conform to the Code. In circumstances where the Schools Adjudicator has determined that a set of admission arrangements do not comply with the Code or legislation, the Code requires that the arrangements be revised to render them lawful and Code-compliant. In my consideration of the matters raised below I include the local authority’s response and explain why I have reached the view that these matters do not conform to the requirements of the Code. My decision in these matters is binding on the local authority as provided for by section 88K of the Act.
10. Paragraph 15d of the Code includes that “Published admission arrangements **must** make clear to parents that a separate application **must** be made for any transfer from nursery to primary school, and from infant to junior school”. The arrangements do not contain this information and therefore do not conform to the requirements of the Code.

11. The local authority has told me that it will address the above issue, which is welcomed.
12. Paragraph 1.2 of the Code states: “As part of determining their admission arrangements, all admission authorities **must** set an admission number for each ‘relevant age group’”. The arrangements make no mention of admission numbers or where these may be found. This makes the arrangements unclear and therefore not in conformity with the Code. Moreover, section 88D of the Act requires that admission arrangements must include admission numbers.
13. I have found admission numbers published separately on the local authority website, in documents entitled ‘Determined admission numbers 2023-24’ and ‘Determined Admission Numbers for 2024-25’. These documents appear to contain typographical errors in stating ‘2223/24’ in a column heading which presumably relates to 2023; this is likely to be confusing for parents. The documents also refer to “proposed admission numbers”, which is unclear.
14. In respect of the above point the local authority stated, “These typographical errors will be corrected, and the amended documents will be placed on Oxfordshire’s public website. The proposed admission numbers were agreed by the Director of Children’s Services on 21 February 2022.”
15. Although I welcome the local authority’s assurance that these documents will be amended, I remain concerned by the use of the phrase “proposed admission numbers”. The word “proposed” suggests that which is put forward for consideration rather than that which has been agreed, and therefore renders the arrangements unclear and potentially unlawful and in breach of section 88D. The Code uses the term “published admission number” and both it and the Act require that such numbers are set as part of the determination of arrangements. It is self-evidently the case that accurate published admission numbers should be easily available to parents and any other interested party who looks at the arrangements. To rectify this matter the local authority could, for example, amend the documents in question to use the correct term of “published admission number” and ensure that the arrangements explain where these documents may be found.
16. The Code allows for the use of feeder schools as stated in paragraph 1.15: “Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds”. The arrangements refer, within the oversubscription criteria for entry to Year 7, to “the designated feeder schools in the partnership (listed separately)”. The arrangements do not state what is meant by “the partnership” or where a list of feeder schools may be found. This is unclear for parents and does not comply with the Code. It is also a breach of paragraph 1.15 of the Code.
17. The local authority has told me that the admission arrangements will be amended to ensure it is clear what is meant by “the partnership”, which is welcomed.

18. In relation to the other points raised regarding feeder schools the local authority stated, “We are currently consulting on the admission arrangements for entry in September 2025 (normal phased transfer from primary or junior to secondary school). The proposed over-subscription criteria for entry to Year 7 state that there is only one community secondary school in Oxfordshire, Carterton Community College, and that the feeder schools are Carterton Primary School, Edith Moorhouse Primary School, Gateway Primary School, St John the Evangelist Church of England Primary School, and St Joseph’s Catholic Primary School, Carterton. These schools have been feeder schools for Carterton Community College for many years and they all lie within Carterton which is small town in Oxfordshire. [There] are no feeder schools to any of the community primary schools in Oxfordshire. There are also no feeder nursery schools for any of the community primary schools in the county.”
19. The current arrangements remain in place until the academic year beginning in September 2024; an assurance that this matter will be amended for 2025 is insufficient. As I have noted above, where the Schools Adjudicator has determined that a set of admission arrangements do not comply with the Code, the Code requires that the arrangements be revised and this must be completed within the timescale set out in this determination. The arrangements do not include clear information regarding the feeder school arrangements which the local authority has told me are in place and therefore must be revised.
20. Paragraph 2.17 of the Code requires that admission authorities make clear in their arrangements: the entitlement to full-time places for children in the September following their fourth birthday; the parental right to defer admission until later in the school year; and the parental right to part-time attendance for their child prior to the point at which they reach statutory school age. The arrangements do not include this information and therefore do not comply with the Code.
21. In respect of this point the local authority stated, “This information is contained in the composite prospectus which is issued by Oxfordshire County Council. It is repetitive to place this information in the document admission arrangements as well as in the composite prospectus. . . Given the Adjudicator’s comments we will add this information to the separate document setting out admission arrangements for community and voluntary controlled schools”.
22. I welcome the local authority’s assurance that the arrangements will be amended to correct this matter. I note as an aside that the deadline for local authorities to publish a composite prospectus is some six months after that by which admission arrangements must be published; this means that including this information in the prospectus only, rather than also in the arrangements, is likely to be unhelpful to parents as well as failing to comply with the Code. It would also mean that a parent wishing to object to this aspect of the arrangements would be unable to do so as the composite prospectus is published some months after the deadline for objections to admission arrangements.

23. Regarding this matter the local authority also stated, “the composite prospectus published by Oxfordshire County Council also covers when children should start school and explains that it is possible to request part-time education and to defer entry until later in the year” and provided the relevant paragraph from the composite prospectus which reads, as far as is relevant here: “Parents can decide if they want to request a part-time or full-time place for their child. Schools will comply with any reasonable request... it is expected that children will start in the Reception year group with a full-time or part-time place (as requested by their parent) from the beginning of the Autumn Term and will not have a gradual or staggered start into their Reception year. However, legally children do not have to start full-time education until the term after their fifth birthday, and some parents decide to defer their children’s start date at primary or infant school. If a parent wishes to defer their child’s admission to school, they should discuss the implications with the school concerned.”
24. I note that in both the composite prospectus and the local authority’s response to me, the word “request” is used regarding the part-time attendance of reception aged children. The Code states that, prior to a child’s reaching compulsory school age, choosing part-time attendance is a parent’s legal right and that this must be made clear in admission arrangements. I must stress that if the local authority were to use the term “request” when revising the arrangements as required by this determination, this would be contrary to the Code.
25. Paragraph 2.18 of the Code states: “Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, 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.”
26. The arrangements include the process for requesting admission to an older or younger age group for “gifted and talented children, or those who have experienced problems or missed part of a year, for example due to ill health” but do not include the rights of parents regarding summer born children. This is likely to be unclear to parents and is therefore contrary to the Code.
27. With regard to the above point the local authority stated, "This information is contained in Starting School (the composite prospectus)". Inclusion in the composite prospectus of any information which the Code requires is published in admission arrangements does not remove the requirement for that information to be included in the arrangements. The Code requires that the rights of parents regarding summer born children are made clear in admission arrangements and so the arrangements must be revised in this regard.
28. The arrangements deal with how home address will be determined in the event of shared parental responsibility, stating: “If children spend time equally at different

addresses, then the address which will be used for admissions purposes will be the one registered for child benefit.” This is likely to be found to be unreasonable and unfair and is not compliant with the Code.

29. On this point the local authority stated, “The LA accepts that it is important to establish the place of residence, to help ensure that children are offered places according to the agreed and lawful oversubscription criteria. Domestic arrangements which involve children living at two addresses are not uncommon and it is both possible for those children to be disadvantaged as well as other children who may be unfairly displaced. However, in practice it is uncommon to have to use an address established through the Child Benefit arrangements. Currently we are consulting on using the main address registered and confirmed by the nursery/school. Where children spend time with parents at more than one address then the address given on the form should be the one that they live at (i.e., sleep at) for the majority of term-time school nights (Sunday night to Thursday night). If it is not possible to establish the main address from the nursery/school records and there is a Court Order stating that the child should spend 50% of each week with each parent, the parents will be asked to agree on which is the main address or return to Court to resolve the issue. The approach outlined in the above paragraph follows legal advice on this issue from Oxfordshire County Council’s legal services.”
30. The approach the local authority has described to me may well be an effective and pragmatic one but is not that which is set out in the arrangements. As I have noted elsewhere, consultation on future arrangements does not address deficiencies in the current arrangements. The arrangements clearly state that the address registered for child benefit will be used to determine home address where the child lives “equally at different addresses” but this may not be fair.
31. The eligibility requirements for the receipt of child benefit require that the child lives with the parent concerned for some of the time as part of a “settled course of daily living” or that the parent (or other person) concerned contributes towards the cost of supporting the child (at least the amount of the child benefit claimed) regardless of whether the child ever lives with that parent. Although only one parent may claim child benefit in respect of the same child it is possible that both would meet the eligibility requirements for doing so. Moreover, in some families parents may have earnings over the threshold at which any child benefit paid will be reclaimed by HMRC in whole or in part and so parents may choose not to claim the benefit. In some families neither parent may be eligible for the benefit and there may also be families who are not aware they can claim, and so no claim will be made; the arrangements do not explain what approach will be used in these circumstances. The definition of home address in the event of a child living equally at different addresses is unclear in the arrangements and risks causing an unfairness to the child, and so does not comply with paragraph 14 of the Code.

## Summary of Findings

32. I have detailed above the elements of the admission arrangements which are non-compliant with the Code and the law governing admissions. These require amendment.

## Determination

**33. I have considered the admission arrangements for September 2023 for community and voluntary controlled schools within Oxfordshire local authority in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that there are matters in the arrangements that do not conform with the requirements for such arrangements. Those matters are set out in this determination.**

**34. 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 the determination.**

Dated: 26 February 2024

Signed:

Schools Adjudicator: Jennifer Gamble