



## **DETERMINATION**

<b>Case reference:</b>	<b>ADA2677</b>
<b>Objector:</b>	<b>A parent</b>
<b>Admission Authority:</b>	<b>London Borough of Croydon</b>
<b>Date of decision:</b>	<b>8 August 2014</b>

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the London Borough of Croydon for Beaumont Primary School for September 2015.**

**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 as quickly as possible.**

### **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 a parent (the objector), concerning the admission arrangements (the arrangements) for admission to Beaumont Primary School. The school is a community primary school for pupils aged 4 to 11 years. As a community school in the London Borough of Croydon, the local authority (LA) is also the admission authority for the school. The objection concerns the LA's arrangements for admissions in September 2015 and the absence of an explanation of how exceptional circumstances may be taken into account if a parent wishes to defer entry to the reception class in a community school.

### **Jurisdiction**

2. The arrangements were determined on 10 February 2014 under section 88C of the Act by the LA, the admission authority for community and voluntary controlled schools in its area. The objector submitted the objection to these determined arrangements on 17 June 2014. I am satisfied the objection has been properly referred to me in accordance with section 88H(2) of the Act and it is within my jurisdiction.

### **Procedure**

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

4. The documents I have considered in reaching my decision include:
- the parent's objection dated 17 June 2013 and subsequent comments;
  - the LA's response to the objection and subsequent comments;
  - the LA's published arrangements for community and voluntary controlled schools in 2015;
  - the LA's composite prospectus for starting school in 2014; and
  - "Advice on the admission of summer born children - For local authorities, school admission authorities and parents." issued on 26 July 2013 and updated on 7 May 2014 by the Department for Education (DfE).

### The objection

5. The objector refers to paragraph 2.17 of the Code that says: "**Admission of children outside their normal age group** -Parents of children of gifted and talented children, or those who have experienced problems or missed part of a year, for example due to ill health, can seek places outside their normal age group. Admission authorities **must** make decisions on the basis of circumstances of each case, informing parents of their statutory right to appeal. This right does not apply if they are offered a place in another year group at the school."
6. As the admissions authority for Beaumont Primary school, the LA's arrangements state under the heading "When can my child start school?" that "If you wish to defer entry until the September after their (the child's) fifth birthday ..... your child will go straight into Year 1 and will miss reception class altogether. You will lose any reception place offer and will need to re-apply for a Year 1 place."
7. The objector considers that this statement does not take sufficient account of paragraph 2.17 of the Code and "falls short on clarity and ease of understanding for how places in exceptional circumstances may be allocated in relation to the admission of children outside their normal age group".
8. The objector points out that the Code requires in paragraph 14 that, "*In drawing up their arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of 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.*"
9. The objector also commented that the LA was slow to publish the determined arrangements on its website.

### Background

10. The LA's arrangements apply to all community and voluntary controlled schools in Croydon. They are therefore the arrangements for admission to year R for Beaumont Primary School which is the subject of this objection.

## Consideration of Factors

11. Paragraph 2.16 of the Code says that *“Admission authorities **must** provide for the admission of all children in the September following their fourth birthday. The authority **must** make it clear in their arrangements that:*
  - a) *parents can request that the date their child is admitted to school is deferred until later in the academic year or until the term in which the child reaches compulsory school age, and*
  - b) *parents can request that their child takes up the place part time until the child reaches compulsory school age.”*
12. The LA explains in its arrangements that parents may request deferred or part-time entry to school within the same academic year and that this would need to be agreed with the headteacher of the school. It goes on to say : *“If you wish to defer entry until the September after their fifth birthday (only applicable for children born between 1 April and 31 August) your child will need to go straight into Year 1 and will miss reception class altogether.”* This paragraph fails to explain that the LA will make decisions on the basis of the circumstances of each case.
13. There is no automatic right for a parent who is allocated a place for their child at a school to insist that the child is admitted to the school to join a class in the year above or below the class to which their actual age means the child would normally be admitted. For a child born earlier than the expected due date it would be for the parent to make a case as to why the child should join the reception rather than the year 1 class when the child has recently had his/her fifth birthday. This is not a circumstance that is specifically included in the examples in paragraph 2.17 of the Code quoted above, but neither is it prohibited.
14. There can be no dispute over a child’s age and if born on, or before, 31 August, the child reaches compulsory school age on that day and must attend school the following term. The wording in the LA’s arrangements may be read as implying there is no discretion about which year group a child joins although what is written is factually accurate in that a child who reaches five years old before 1 September is in the age group found in a year 1 class. Thus year 1 is the class to which a child would normally be expected to be admitted.
15. The LA has commented that, in practice, when it receives a request for admission outside the normal age group it does consider the individual circumstances of the case. It provided some examples in recent years where this had happened. However, it agrees that this part of the arrangements does not include any reference to exceptional circumstances. The Code requires in paragraph 14 that, *“In drawing up their arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of 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.”* I consider that the arrangements as currently written

do not take sufficient account of paragraph 2.17 of the Code and I conclude that by not doing so they do not comply with the requirements of paragraph 14.

16. Having agreed that this section of its arrangements could be clarified, the LA has provided some alternative wording with which it could amend its 2015 arrangements to make the matter clearer and within this wording it sets out the possibility of admission to a different age group and it recommends that parents discuss this with the school at the earliest opportunity. The admission authority of the school can then make a decision on the basis of the circumstances of each case. The additional wording asks parents to assist by setting out their case with supporting professional evidence. The LA lists some of the factors that it will consider in making this decision and describes what a parent may do if they are unhappy with the decision made. I consider that these proposed amendments rectify the lack of information provided in the current arrangements.
17. The objector commented that the LA had been slow to publish the determined arrangements on its website. The LA recognises that this was the case and explains that there was a technical problem with the website that had to be rectified before publication was possible. This matter was resolved before the deadline for objections in June and so while publication was late, the arrangements are now available as required by the Code.

## **Conclusion**

18. The Code makes clear that admission arrangements must be fair, clear and objective and parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. The arrangements for 2015 fall short on clarity and ease of understanding by failing to explain that places may be allocated outside a child's normal age group in appropriate circumstances.
19. The LA has recently drawn up some revised wording that it proposes to incorporate into its 2015 in response to this objection. The wording makes it clear that parents can seek a place other than in the expected age group and explain some of the considerations that will be taken into account when decisions are made on the basis of the circumstances of each case. If it makes these changes it will address the issue raised in the objection and make the arrangements compliant with the Code in this respect

## **Determination**

20. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the London Borough of Croydon for Beaumont Primary School for September 2015.

21. 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 as quickly as possible.

Dated: 8 August 2014

Signed:

Schools Adjudicator: David Lennard Jones