



## DETERMINATION

<b>Case reference:</b>	<b>ADA2930</b>
<b>Objector:</b>	<b>A parent</b>
<b>Admission Authority:</b>	<b>The Governing Body of St Mary Magdalen Roman Catholic Primary School, Lewisham</b>
<b>Date of decision:</b>	<b>8 October 2015</b>

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the parts of the admission arrangements determined by the governing body of St Mary Magdalen Roman Catholic Primary School, Lewisham for admissions in September 2016 that are within my jurisdiction.**

### **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, about the admission arrangements (the arrangements) for St Mary Magdalen Primary School, (the school), a Catholic voluntary aided primary school for 4 to 11 year olds. The objection concerns the arrangements for the school year 2016/17 and, in particular, the admission of children outside their normal age group.

### **Jurisdiction**

2. These arrangements were determined under section 88C of the Act by the school's governing body, which is the admission authority for the school. The objector submitted the objection to these determined arrangements on 25 June 2015. Anonymous objections cannot be brought to the adjudicator, but the objector met the requirement in regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing both name and address to the adjudicator. 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**

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:
  - a) the objector's form of objection dated 25 June 2015 and subsequent correspondence;
  - b) the school's response to the objection dated 17 July 2015;
  - c) the Catholic Diocese of Southwark's (the diocese) response to the objection dated 14 July 2015 and the diocesan general guidance on admissions;
  - d) the response to the objection from Lewisham Council, the local authority (the LA) and supporting documents dated 16 July 2015;
  - e) the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
  - f) the Department for Education (DfE) departmental advice "Admission of summer-born children" published December 2014;
  - g) a copy of the minutes of the meeting of the governing body at which the arrangements were determined; and
  - h) a copy of the determined arrangements.

### **The Objection**

5. The objector states that the arrangements do not comply with paragraph 2.17 of the Code because they do not "*make clear, that for children born in the summer months, you have the option to start your child in reception at CSA (compulsory school age) in September 2017 (as opposed to a year early in September 2016). Nor does it explain the process or what happens if your request isn't granted*". The objector quotes the section of the arrangements which details "*Out of normal age group applications*". The objector supports the objection with excerpts from the DfE's departmental advice on "Admission of summer-born children" which says that admission authorities must consider requests that are not accompanied by professional evidence and might simply be the parent's statement as to why they have made their request.

### **Background**

6. The school has a published admission number (PAN) of 30 for admission to reception (YR). Currently there are 195 pupils on roll and the school has a capacity of 210. The school has provided me with a copy of the minutes of the governing body's meeting of 5 February 2015 at which they determined the arrangements for September 2016. The arrangements are published on the school's website as required by the Code.

### **Consideration of Factors**

7. The objector says that the arrangements do not comply with paragraph 2.17 of the code which states that *“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.”*
8. The objector says that the arrangements do not comply with this paragraph of the Code because the process for parents who seek a place specifically for their summer-born child to start school at CSA in YR rather than year 1 (Y1) is not explained in the published arrangements.
9. The section in the arrangements reads *“In very exceptional circumstances the governors of the school will consider a request for admission out of cohort for an older child, including those born in the summer term. The application may be supported by the child’s nursery/primary headteacher and/or an educational psychologist/specialist confirming that the child has learning delay or difficulty or their social maturity is well below that of his or her peers. In coming to a decision the governors will consider the grounds presented by the parent to support their request as well as the views of the headteacher and any evidence s/he provides. Parents must consider the implications of a deferred transfer as primary/secondary schools are not required to continue to keep the child out of year group and may decide to later educate the child in the correct year.”* The school has made no comment on the objection.
10. The diocesan response confirms that the school’s arrangements are in line with the diocesan guidance on admissions. The guidance was updated following the publication of the revised Code in December 2014 and the briefing paper to schools was included with the guidance. This briefing explains the requirement in the revised Code that arrangements must set out how applications for the admission of children outside normal age group can be made; it includes an example of how this might be worded.
11. The LA says it is important to separate the Code from the non-statutory advice. It goes on to say that requests for admission out of normal age group are the exception rather than the norm and that each case should be considered on its own merits. The LA attached a letter sent to the school in February 2015 in which a model paragraph on out of the normal age group applications was suggested.
12. The DfE’s advice does not make statutory requirements for the school’s arrangements; it is non-statutory and was produced to help local authorities, admission authorities and parents understand the framework within which admission authorities must operate when

responding to parental requests for summer- born children to be admitted out of their normal age group.

13. I am of the view that the arrangements state clearly how parents should request an out of normal age group admission. I therefore consider that the arrangements conform with paragraph 2.17 of the Code.
14. The objector suggests that there is no explanation in the arrangements of the decision making process or what happens if the request is not granted. The Code does not require the details of the process by which schools agree or disagree with requests for admission out of normal age group to be explained in the arrangements, only that the arrangements make clear how parents may make such a request. Concerns about the process of decision making itself and the allocation of pupils to places after the decision is made are outside my jurisdiction and should be referred to the DfE.

### **Conclusion**

15. I conclude that the arrangements do not contravene the Code at paragraph 2.17 as they make clear how a parent may request an admission out of the normal age group. I therefore do not uphold this part of the objection. The elements of the objection concerning the processes by which the admission authority makes the decision about admission outside normal age group are outside my jurisdiction.

### **Determination**

16. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the parts of the admission arrangements determined by the governing body of St Mary Magdalen Roman Catholic Primary School, Lewisham for admissions in September 2016 that are within my jurisdiction.

Dated: 8 October 2015

Signed:

Schools Adjudicator: Ann Talboys