



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA3016

**Objector:** A parent

**Admission Authority:** The Governing Body of St Michael's and St Martin's Catholic Primary School, Hounslow

**Date of decision:** 8 October 2015

### **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 Michael's and St Martin's Catholic Primary School, Hounslow 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 Michael's and St Martin's Catholic Primary School, (the school), a voluntary aided primary school for 3 to 11 year olds. The objection concerns the arrangements for September 2016 and the admission of children starting school for the first time.

### **Jurisdiction**

2. The objector submitted her objection to these determined arrangements on 30 June 2015. 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 30 June 2015 and subsequent correspondence;
  - b) the school's response to the objection, further correspondence and

supporting documents;

- c) the Diocese of Westminster's (the diocese) responses to the objection and supporting documents;
- d) the response to the objection from Hounslow Council, the local authority (the LA);
- e) the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;
- f) a copy of the minutes of the meeting of the governing body at which the September 2015 arrangements were determined; and
- g) a copy of the determined arrangements.

### The Objection

5. The objection has two parts. First, the objector says that the arrangements have not been written with "*proper consideration*" to paragraph 2.16 of the Code which states 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, where they have offered a child a place at a school;*
- a) *that child is entitled to a full-time place in the September following their fourth birthday;*
  - b) *the child's parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and*
  - c) *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 objector believes that: the use of the term "*statutory school age*" in the arrangements is incorrect; the section in the arrangements which deals with deferrals is inaccurate; and the section on part-time entry does not reflect the Code and is confusing.

6. Secondly the objector says that the arrangements directly contravene paragraphs 2.17, 2.17A and 2.17B of the Code. Paragraph 2.17 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.*” The objector says that the arrangements do not make clear the process for requesting admission out of the normal age group.

7. In relation to paragraph 2.17A the objector says that this part of the arrangements is confusing and does not provide the information contained in the Code. The objector also says that the details of how decisions are made are mostly omitted from the arrangements and this does not comply with paragraph 2.17B.

## **Background**

8. The school is designated as having a Roman Catholic religious character and is within the Archdiocese of Westminster. The school has a published admission number (PAN) of 60 for admission to reception (YR). Currently there are 472 pupils on roll.

## **Consideration of Factors**

9. Paragraph 1.46 of the Code says that *“all admission authorities **must** determine (i.e. formally agree) admission arrangements every year, even if they have not changed from previous years and a consultation has not been required. Admission authorities **must** determine admission arrangements for entry in September 2016 by **15 April 2015** and for all subsequent years, by **28 February** in the determination year.”*
10. The school has provided me with a copy of the minutes of the governing body meetings of 26 November 2013 and 25 March 2014 at which they determined the arrangements for September 2015. The headteacher provided me with copies of email correspondence between the governors and the LA in which the arrangements for September 2016 were agreed with only minor amendments. According to the emails, the arrangements were forwarded to the LA on 16 October 2014. I accept the school’s assurance that the arrangements were agreed, but the governing body did not formally record this at a meeting. The governing body must ensure that in future admission rounds it complies with the requirement to agree formally (determine) admission arrangements annually in order to comply with paragraph 1.46 of the Code and record the decision to avoid any doubt about its compliance.
11. Following the publication of the revised Code in December 2014 the school was provided with information on the amendments and the new requirements of the Code by the diocese. The school subsequently changed the arrangements to take account of the diocesan advice. The arrangements are published on the school’s website as required by the Code. A section of the arrangements headed *“Reception Year Deferred Entry”* states that *“Applicants may defer entry to school up until statutory school age i.e. the first day of term following the child’s fifth birthday. Application is made in the usual way and then the deferral is requested. The place will be held until the first day of the spring or summer term as applicable. Applicants may also request that their*

*child attends part-time until statutory school age is reached. Entry may not be deferred beyond statutory school age or beyond the year of application. Applicants whose children have birthdays in the summer term should be aware that, if they wish to defer, they will need to apply for a Year 1 place for the following September and if the school is oversubscribed they are very unlikely to obtain a place."*

12. The objector refers to this section of the arrangements and says that the use of the term "*Statutory school age*" is incorrect; she goes on to say that the arrangements suggest that a deferral or part-time attendance is "*requested*" and this does not make it clear that the parent can defer or decide on part-time attendance and that this does not need to be approved by the school. The objector believes that to say "*that deferral cannot be made beyond the year of application*" is not accurate in terms of the Code which states that "*deferral cannot be made beyond the final term of the school year*". The objector goes on to say that the arrangements are unclear because the paragraph describes deferral and then part-time attendance and then returns to an explanation of deferrals.
13. The education officer for the diocese states that the term "*compulsory school age is interchangeable with statutory school age*". She suggests that by "*requesting*" deferral or part-time attendance the parents are informing the school so that appropriate arrangements can be made for example, in staffing. She says that there is no suggestion that some-one else should approve the request. She explains that deferred entry and part-time attendance are grouped together in the Code and that the arrangements reflect this.
14. The school and the LA agree with the diocesan response and did not make any further comments on the objection.
15. The Code has the force of law and where the words "**must**" and "**must not**" are used these represent a mandatory requirement. The Code does not specify the words to be used by an admission authority in their arrangements only 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.*" (Paragraph 14 of the Code). The diocese is right in saying that the words statutory and compulsory have the same meaning when referring to the age at which children must start school. As the arrangements go on to explain the definition of the term I consider this to be clear. This section of the arrangements begins with the statement that "*Applicants may defer entry to school...*" and I believe that this makes it clear that deferral is an entitlement to parents and not something which requires a formal application. The use of the term "*request*" does not necessarily suggest that some-one else has to make a decision. One of the dictionary definitions of the word is "*something asked for*" and I am of the view that this is appropriate in this context. The arrangements make it clear that a deferral can result

in a child starting school in the spring or summer term in YR rather than the beginning of the autumn term when they are entitled to start and this is clear and does not contravene the Code. The positioning of text relating to paragraph 2.16 in the arrangements is a matter for the school to decide. I believe that this section in the arrangements is clear and conforms with the requirements in the Code. I therefore do not uphold this part of the objection

16. The second part of the objection refers to paragraphs 2.17, 2.17A and 2.17B of the Code. Under the heading "*The Admission of Summer Born Children*" the arrangements state that; "*Parents may request that their child be educated out of his/her chronological age group. Such request must be made in writing to the Chair of Governors during the autumn term in the year of application. Governors will consider each request on its own merits and permission will only be given in exceptional circumstances.*" The objector says that the arrangements do not make clear the process for requesting admission out of the normal age group
17. The diocesan response explains that this section of the arrangements was amended after the publication of the revised Code in December 2014 in order to conform with the Code.
18. Paragraph 2.17 of the Code states that "*Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group*" and the arrangements state clearly that the application must be in writing to the Chair of Governors and during the autumn term in the year of application. I am of the view that this conforms with this part of the Code. Therefore, I do not uphold this element of the objection.
19. Paragraphs 2.17A and 2.17B concern the process to be used when considering admission outside the normal age group. The Code does not require the details of the process by which admission authorities agree or disagree with out of normal age group requests to be explained in the arrangements, only that the arrangements make clear how parents may make such a request. Any concerns about the process of decision making itself are outside my jurisdiction and should be referred to the Department for Education.

## **Conclusion**

20. I conclude that the arrangements do not contravene the Code at paragraphs 2.16 and 2.17 as they make clear the process of deferral and explain how a parent may request an admission out of the normal age group. I therefore do not uphold 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**

21. 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 Michael's and St Martin's Catholic Primary School, Hounslow for admissions in September 2016 that are within my jurisdiction.

Dated: 8 October 2015

Signed:

Schools Adjudicator: Ann Talboys