



## DETERMINATION

<b>Case reference:</b>	<b>ADA3210</b>
<b>Referrer:</b>	<b>Two parents</b>
<b>Admission Authority:</b>	<b>The Academy Trust for St Mary's Church of England Primary School, Chiddingfold, Surrey</b>
<b>Date of decision:</b>	<b>22 July 2016</b>

### Determination

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined for St Mary's Church of England Primary School, Chiddingfold, Surrey for admissions in September 2017.**

### 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 two parents (the objectors) about the 2017 admission arrangements (the arrangements) for St Mary's Church of England Primary School (the school), an academy school with a Church of England religious character for boys and girls aged 4 to 11 years in Chiddingfold, Surrey. The objection relates to the low priority in the oversubscription criteria for out-of-parish siblings, and whether the school consulted on its admission arrangements within the last seven years.
2. The school is located in the area of Surrey County Council (the local authority) and therefore the local authority is a party to this objection.
3. St Mary's Church of England Primary School is an academy within the Good Shepherd Trust (the trust), a multi-academy trust within the Church of England Diocese of Guildford (the diocese). The diocese is also a party to this objection.

### Jurisdiction

4. 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 this academy school are in accordance with admissions law as it applies to maintained schools. The arrangements were determined on 24

February 2016 by the trust, which is the admission authority for the school, on that basis.

5. The objection was received on 15 May 2016. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and that the objectors' concerns about the admission arrangements are within my jurisdiction.

### **Procedure**

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
  - a. the objectors' form of objection dated 15 May 2016 and subsequent correspondence;
  - b. the response to the objection from the school, supporting documents and further correspondence;
  - c. the local authority's response to the objection;
  - d. the response to the objection from the diocese, supporting documents and subsequent correspondence;
  - e. the 2016 composite prospectus and allocations data for admissions to primary schools downloaded from the local authority's website; and
  - f. a copy of the funding agreement for the school.

### **The Objection**

8. The objection relates to the low priority in the oversubscription criteria for out-of-parish siblings, and whether the school consulted on its admission arrangements within the last seven years.

### **Background**

9. St Mary's Church of England Primary School became an academy for boys and girls aged 4 to 11 years on 1 November 2013. The school has a published admission number (PAN) of 30 and the funding agreement confirms it has a planned capacity of 207 pupils.
10. On its website, the school says it *"aims to offer every opportunity for children to reach their full potential in a secure and nurturing environment. We believe that self-esteem and confidence are the best predictors of future success and we value achievement in all areas of the curriculum."* The arrangements say that the school *"welcomes applications not only from parents who respect this faith, but also from parents of other faiths or of no faith. The school provides a distinctively Christian yet wholly inclusive environment in which each child is motivated to acquire skills for life, a love of learning and a sense of responsibility for themselves and others."*
11. If there are more applications than the 30 places available in the Reception year (Year R), the arrangements say that the oversubscription criteria, which I

have summarised below, will be applied:

1. Looked after or previously looked after children;
2. Any child with exceptional circumstances (defined as a serious medical, physical or psychological condition or sensitive family circumstances which make it *essential* that the child attends St Mary's school rather than any other);
3. Siblings of pupils living within the parish boundary of Chiddingfold who will still be on roll at the time of admission;
4. Children living within the parish boundary;
5. Siblings of pupils living outside the parish boundary who will still be on roll at the time of admission;
6. Children living outside the parish boundary.

12. Allocations data was supplied by the local authority and was also available on its website, and I have summarised the data in the table below. It can be seen that the school was undersubscribed in 2015. The local authority confirmed in its email of 31 May 2016 that in the 2016 admissions round, the school has been oversubscribed by applications listing it as first preference.

	2014	2015	2016
Number of places available (the PAN)	30	30	30
Children with a statement of SEN or EHC plan	0	0	0
Children looked after and previously looked after	0	1	0
Children with exceptional circumstances	0	0	0
Siblings within the parish boundary	17	8	12
Children within the parish boundary	12	14	18
Siblings outside the parish boundary	0	0	0
Children outside the parish boundary	1	5	0
Total places allocated	30	28	30

### Consideration of Case

13. The objectors questioned whether the school had consulted on its admission arrangements within the last seven years. Paragraph 15(b) of the Code states that *"if no changes are made to admission arrangements, they **must** be consulted on at least once every 7 years."*

14. Paragraph 1.42 details further that *"where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period."*

15. The diocese alerted the school in its email of 28 September 2015 to the need

for consultation before the 2017 arrangements were determined so as to comply with paragraphs 15(b) and 1.42 of the Code. The school confirmed that no changes were proposed to the arrangements. The diocese provided the school with helpful guidance on the requirements of paragraphs 1.43 to 1.45 of the Code regarding how the consultation must be conducted.

16. On the basis that the school conducted a six-week public consultation between 16 November and 28 December 2015, which was therefore within the last seven years, the consultation met the requirements of paragraphs 15(b) and 1.42 of the Code. I do not uphold this part of the objection.
17. During the investigation documentation was submitted by the school and the diocese about the consultation before the 2017 arrangements were determined. In their email of 11 June 2016, the objectors then questioned the adequacy of the consultation because they had not seen any evidence of communications sent to parents with children already at the school or to local nurseries. The objectors said they could not *“recall reading anything about a consultation last November, either at school or in the local area (and we are not aware of anyone else having seen anything). Certainly, had we seen this we would have taken the opportunity to comment at that time... Given this apparent lack of consultation with affected families we would like to understand if this could have any impact on the admissions policy for 2017.”*
18. The objectors detailed further in their email of 21 June 2016 that *“the [consultation] process requires that parents of relevant children aged 2-18 are made aware. Had we and other parents been made aware we would have been clear in our request for a change in sibling policy to be considered. Two of the main feeder nurseries for St Mary's include Barnkids and Chiddingfold Village Nursery and hence the children there are clearly relevant. In the correspondence you forwarded we can't see any indication that these nurseries were asked to make parents aware. Certainly we saw no such communication despite having children at Barnkids. We also don't believe there was any direct communication from St Mary's to parents at the school.”*
19. Paragraph 1.44 lists the parties that **must** be consulted including at subparagraph (a) *“parents of children between the ages of two and eighteen.”*
20. I note that the school sent an email on 16 November 2015 about the consultation (the consultation email) to schools in the diocese and in the local authority area, and copied the email to the diocese. The consultation email alerted headteachers and school offices about the consultation and requested that parents' attention be drawn to the proposed arrangements. The school has also assured me that the arrangements were published on the school's website throughout the consultation period.
21. No evidence has been presented to show that the parents of children already at the school were consulted. Furthermore, none of the autumn term newsletters available on the school's website contained any information about the consultation. However, from the historical allocations data published on the local authority's website, it is clear that the oversubscription criteria within the school's arrangements have remained the same since at least the 2014 admissions round. It therefore seems likely that parents with children already

at the school would have been aware, from earlier admissions rounds, of how the places at the school are prioritised in the event of oversubscription. Nevertheless, I conclude that the parents of children already at the school were not included in the consultation about the proposed 2017 arrangements.

22. I interpret paragraph 1.44 (a) to mean that the consultation must also include the parents of pre-school children. There are a number of ways the school might have brought the consultation to the attention of the parents of pre-school children, such as, through early years providers and childminders, or by placing information in local newspapers, doctor's surgeries, libraries, and local supermarkets. No evidence has been made available to me to indicate that the school consulted the parents of pre-school children.
23. The school did consult before the 2017 arrangements were determined, but it appears that the parents of children already at the school, and the parents of pre-school children, may not have had an opportunity to express their opinions before the 2017 arrangements were determined. I am persuaded that the consultation did not include all the relevant parents required by Paragraph 1.44(a) but I consider that this omission does not affect the status of these determined arrangements, the validity of the objection or my jurisdiction to consider the objection.
24. The other part of the objection concerned the level of priority in the oversubscription criteria for children who live outside the parish boundary but who have a sibling at the school (out-of-parish siblings). If the school were to be oversubscribed in the 2017 admission round, then Year R places would be allocated to children with a statement of SEN or EHC plan, children looked after and previously looked after, children with exceptional circumstances, siblings and then other children within the parish boundary, before out-of-parish siblings would be prioritised. The objectors live outside the parish boundary.
25. The objectors explained that in 2015, when their first born child was admitted, a number of out-of-parish pupils joined Year R. This is confirmed by the figures quoted in paragraph 12 above. The objectors' second child is due to start school in September 2017 but will have a relatively low priority for a place at the school as an out-of-parish sibling. The objectors suggest that five other out-of-parish families are in a similar position. The objectors contend that these are "*exceptional circumstances which should allow a change to the published admissions arrangements for 2017.*" It is understandable that families would want their children to be educated in the same school.
26. The 2017 arrangements were lawfully determined, and the school must allocate places according to its published arrangements as required by paragraph 2.7 of the Code. The school is located in the middle of the parish, and hence is in the middle of its catchment area. If the school is oversubscribed, then the school must consider applications against its published oversubscription criteria and in priority order. The school said it is always "*very sorry to have to disappoint parents*" but it was unable to find the extra funding for the additional teacher that would be required for a second reception class.

27. It seems to me inevitable that some families will be disappointed when a school is oversubscribed and decisions have to be made about which children should be offered places. Most parents do not want all their children to attend different schools as this may cause practical difficulties with transport, after school clubs and parents' evenings. Older children may also offer support to their younger siblings while at the school.
28. The school does prioritise siblings but this priority is exercised in conjunction with the priority for residence within the parish boundary. Therefore siblings and first born or only children in families living close to the school have the higher priority, and then children living outside the parish boundary but who have siblings at the school receive priority over other children living outside the parish. I consider that the priority order in the oversubscription criteria is reasonable. I am not persuaded that there has been any breach of the Code with respect to the level of priority in the oversubscription criteria for the siblings of children already at the school who live outside the parish boundary. I do not uphold this part of the objection.

### **Summary of Findings**

29. The school conducted a consultation before the 2017 arrangements were determined, which met the requirement of paragraphs 15(b) and 1.42 of the Code to consult on arrangements at least once every 7 years.
30. The level of priority in the oversubscription criteria for out-of-parish is reasonable and I am not persuaded that there has been any breach of the Code.
31. For these reasons I do not uphold the objection to the 2017 admission arrangements for St Mary's Church of England Primary School.

### **Determination**

32. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined for St Mary's Church of England Primary School, Chiddingfold, Surrey, for admissions in September 2017.

Dated: 22 July 2016

Signed:

Schools Adjudicator: Ms Cecilia Galloway