



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3762

Objector: A parent

Admission authority: Twyford Church of England Academies Trust on behalf of William Perkin Church of England High School, Ealing

Date of decision: 27 July 2021

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2022 determined by The Twyford Church of England Academies Trust on behalf of William Perkin Church of England High School, Ealing.

I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways 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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 30 September 2021.

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 William Perkin Church of England High School (the school), a Church of England free school for 11 to 18 year-olds for September 2022. The objection is to the priority given in the admission arrangements to numbers of pupils from two feeder primary schools.

2. The local authority for the area in which the school is located is the London Borough of Ealing. The local authority is a party to this objection. Other parties to the objection are the objector, the school's local governing board, the trust and the Diocese of London, the diocese, which is the religious authority for the school.

Jurisdiction

3. 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 the free school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 13 March 2021. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

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

5. The documents I have considered in reaching my decision include:

- a. a copy of the minutes of the meeting of the academy trust at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 13 March 2021, supporting documents and subsequent correspondence;
- d. the trust's response to the objection, supporting documents and subsequent correspondence;
- e. the local authority's response to the objection, supporting documents and subsequent correspondence;
- f. the Diocese of London's response to the objection;
- g. the local authority's composite prospectus for admissions to primary and secondary schools;
- h. maps of the area identifying relevant schools and distances; and
- i. information about the locations of schools and the distances between particular schools found on the Department for Education website, 'Get Information about Schools'.

I have also taken account of information received during a meeting I convened on 28 June 2021 held via Microsoft Teams. Present at that meeting were two representatives from the

school, two from the local authority, the objector and her husband and a representative from the Diocese of London. I have also taken account of information I received from the parties after the meeting.

The Objection

6. The objector believes that it is neither reasonable nor transparent to name Edward Betham C of E Primary School as a feeder school and that this does not comply with paragraph 1.15 of the Code which states that ‘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.’

7. The objector also believes that it is not reasonable, objective or procedurally fair to offer priority for places at the school to children from Edward Betham C of E Primary School or to ‘excessive numbers’ of pupils from Horsenden Primary School and that this does not comply with paragraph 1.8 of the Code which states that ‘Oversubscription Criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation including equalities legislation.’

Other Matters

8. The following matters may not conform with the requirements of the Code or the law.

- The arrangements say that priority for 20 places is given to those with aptitude for modern foreign languages, but this is not reflected in the oversubscription criteria.
- The clarity of the oversubscription criteria in terms of the number of places made available to children who have attended the two feeder schools.

9. These issues may not conform to paragraph 14 of the Code which 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.”

10. I have considered also whether the giving of priority to children from the two named primary schools in the precise way that this is done in the current arrangements is fair as required by paragraph 14 of the Code.

Background

11. The school is an 11 to 18 school which was opened in 2013 as a free school. The school’s website states that ‘William Perkin CofE High School came about in response to long-standing community demand, and we hope to remain wholly engaged with the

parents and community members who helped to persuade the Government to open this school in Greenford'. It is a successful and popular school and is heavily oversubscribed.

12. The current admission arrangements show that the published admission number (PAN) is 200. The published oversubscription criteria can be summarised as follows:

- a. Looked after and previously looked after children.
- b. Children with a sibling in the school.
- c. Children for whom the school is the nearest maintained or academy high school.
- d. 40 places for children from Horsenden Primary School (HPS) and 20 places for children from Edward Betham Church of England Primary School (EBPS).
- e. Other children by distance.

13. In the notes which accompany the oversubscription criteria it states that 'criteria a-c will be applied initially until 120 places have been allocated.' The notes then explain that where not all children in any of the categories a - d can be admitted, distance from the school is used to rank them in priority order. If two applicants for the final place live the same distance from the school, then random allocation is used to separate them. Given that 120 (categories a – c) plus 40 (HPS) and 20 (EBPS) sums to 180, I infer that the balance of 20 places are for language aptitude applicants, but this is not made clear as I explain below.

14. As noted above the admission arrangements refer to 20 places for which priority is given on the basis of aptitude in modern foreign languages. These are described in the arrangements as Language Scholarship places. However, the oversubscription criteria fail to include these Language Scholarship places, so there is no provision for how these 20 pupils will be identified or what level of priority they will be afforded. Indeed, the notes on the criteria summarised above state that criteria a to c will be applied initially until 120 places have been allocated and that remaining places will then be allocated by reference to categories d and e.

15. Two primary schools are identified in the arrangements; HPS and EBPS. The Code permits children from a particular, named school to be given priority in admission arrangements and these are referred to in the Code as feeder schools. Most admission arrangements which include feeder schools simply afford a level of priority to all children from the feeder schools. In this school's arrangements, priority is instead given to a set number of children from each school. That said, these two schools are classed as feeder schools because attendance at them affords some priority for places at the school and the admission authority for the school must therefore ensure that their selection as feeder schools complies with paragraph 1.15 of the Code. While the school's arrangements in relation to its feeder schools are quite unusual there is no prohibition in the Code or elsewhere of its approach in principle.

16. The admission arrangements have been changed a number of times since the school opened. Each time, the school's local governing board and subsequently the trust directors have discussed changes and the agreed proposals have been open to appropriate consultations. The changes have been the addition of EBPS as a named feeder school with 20 places added in addition to those being admitted under criteria a to c and the increase in additional places for HPS from 20 to 40, again in addition to children admitted under a to c. The last consultation proposed removing the sibling criterion from the main criteria. Consultation responses were negative about this change and therefore the trust decided to retain the sibling criterion.

17. The school was opened in 2013 after considerable lobbying and work by members of the local community. It is clear in the consultation paper and the bid to the Department for Education that there was a need for a new school in the area and it was accepted that the school should have a Church of England religious character. The original bids make it clear that the school was set up to serve its local community and that, although the ethos and values of the school were to be in line with Church of England doctrine, there were to be no over subscription criteria relating to religious affiliation or observance.

18. The initial bid for the free school includes 'The William Perkin vision is to be a local school for local people' and under the heading 'The Vision for the School' it states 'The open admissions policy is key to the vision of a school that serves the local community and has a correspondingly high level of commitment from the local community. This will be achieved by giving priority to those who live near the school and who therefore are likely to attend one of the six nearest primary schools.'

19. However, the aspiration to serve the "local community" was from the outset intended to be somewhat different from meaning solely or simply the area closest to the school. A section in the same document headed "North Greenford Area" explains that the local primary school in North Greenford (which as I explain later is in fact some distance from the school) do not have a nearby or "local" secondary school and as a result very few children at that time got into their first or second preference school and each year 6 cohort was likely to be distributed across 25 or more high schools with children having to travel long distances. This problem was most acute at HPS (the largest local primary with at that time three forms of entry) which is close to the border of the borough and far from most Ealing secondary schools. The paper goes on to suggest that 'up to 20 places are made available [at the new school] to children attending HPS and that priority is given to children for whom the school will be the nearest maintained high school or academy in Ealing'.

20. When the school was being planned, the hope was that it would be built towards the north of the borough and thus relatively close to HPS. As noted above, there are no secondary schools near to HPS and a new school was seen by all as essential. Unfortunately, the only site where the new school could be built was further south in the borough and thus further from HPS but closer to EBPS. Many parties involved in the case mention the main trunk road – the A40 – which bisects the area from west to east and had hoped for a new school well to the north of this trunk road. The only site available was actually next to the A40 – albeit on the northern side. This means that for most pupils at

HPS the school is their nearest school but at a considerable distance and, if the oversubscription criteria did not afford any priority to children from HPS, then many of these children would be unsuccessful in their application because of the number of other families for whom it is also the nearest state funded secondary school but who live closer to the school. HPS is 1.08 miles from the school, the next two nearest schools to HPS are in a different London borough and are 1.38 and 1.48 miles from the school. By contrast EBPS is situated 0.23 miles from the school; the four next nearest secondary schools to EBPS (excluding a Roman Catholic school) are 0.74, 0.81, 1.31 and 1.45 miles away. This means HPS is much further away from the school than is EBPS. Most importantly the school is the nearest secondary school for a large majority of the pupils from HPS even though they live further from it than do many of the other children for whom it is also the nearest school. In line with the school's vision of providing places for children in the area served by HPS, the original arrangements made provision for pupils from HPS to have some priority for places. This is also the reason the trust decided on the criteria of 'nearest secondary school' rather than simply distance from the school. The use of 'nearest secondary school' also meant that priority would be afforded to others for whom it was their nearest school, while those who had a different secondary school nearer to their home than William Perkins would have less priority. It is worth noting here that there are far more families for whom this is a local school, and indeed the nearest state funded secondary school to their home and would like their children to go there, than the school can accommodate. Whatever arrangements the school adopts, some children for whom this is the nearest school will be disappointed.

21. This is a reissuing of this determination. The determination as initially issued said at paragraph 24, line 11 'I asked for three years data but only received this year's'. In fact, the local authority had provided three years' data and I was mistaken. The sentence now reads 'The local authority provided me with three years' data'. The additional information made no difference to my conclusion in this case and was circulated to other parties. The date of the determination has not been changed.

Consideration of Case

22. The school has proved very popular and in June 2015 the school was judged to be outstanding by Ofsted. Information from all parties has indicated that the degree of oversubscription and popularity was greater than was expected and therefore pressure on places has increased since the school opened. It is clear from the minutes of both the local governing board and the trust directors' meetings over time that they understand these pressures and have sought to ameliorate this situation. This is summed up at the time of the increase in places to HPS by the Academy Director. A quote from the minutes of the directors' meeting on 9 February 2016 states 'she was concerned that when you look at the changes as a whole increasing HPS to 40 places and not tightening the sibling criteria as a tie break the impact of doubling HPS places will be greater. By year 11 the number of sibling places and language places in combination with the increase in HPS could mean significantly less places to offer on distance to local children.' This was the

year that the directors proposed removing the sibling criterion but did not do so because of responses to the consultation.

23. Moving forward in time from that meeting, figures from the local authority show that the director's projections were in fact accurate. In 2021, for example, 360 first preference applications were received meaning many of these families were unable to be accommodated at the school with a PAN of 200. Within these figures are 68 first preference applications for whom the school is the nearest school to the family home who were unsuccessful in their applications.

24. The local authority has provided three responses to requests for information. The first response said that 'the view of the local authority is that the selection of the feeder school places at EBPS and HPS was both transparent and made on reasonable grounds.' The local authority went on to say that in its view the admission arrangements were clear and transparent, that the local authority had received no queries about them since they were first determined and that in the local authority's view the number of pupils who could be allocated a place under the oversubscription criteria was clear. The local authority supplied first preference numbers for 2019, 2020 and 2021 which were 487, 371 and 360 respectively. In my second request for information, I asked for numbers of unsuccessful applicants for whom the school is the nearest school and distance away from the school of the successful applicants who were admitted under criterion d from EBPS. The local authority provided me with three years' data. The local authority made no comment in response to this second request for information.

25. At the meeting held on the 28 June 2021 I requested some additional information from the local authority which was provided. These data show that the 68 children for whom the school is their nearest school but who were not offered places were offered places at twelve different secondary schools. The local authority took this opportunity to comment on the objection. The local authority also commented on what it referred to as "retention figures" over time, by which it means the proportion of children living in the borough and attending a secondary school in the borough. The local authority is understandably keen that children in the borough should have the opportunity to attend a secondary school in their own area. Indeed, it is for its own population that the local authority has a duty to secure the provision of places. The local authority explained that in 2011 (so prior to the establishment of the school) 24 children from EBPS (40 per cent of cohort) and 53 children from HPS (48 per cent of cohort) accepted places at out of the borough secondary schools and this compared with a much lower proportion from the other local primary schools moving on to out of borough schools. In the most recent figures, the retention rates at both EBPS and HPS are in line with borough averages and the local authority cites the establishment of the school with priority for children from the two feeder schools as a key factor in the improvement of this situation over time. Before the school opened, children attending HPS found it difficult to access any Ealing secondary school simply because they lived too far away from all of them. When the school opened and provided priority for HPS pupils the numbers being retained in the local authority area increased.

26. The school has provided four responses to the objection. After the initial response which provided me with the admission arrangements for admission in September 2022 and the minutes of the meeting at which they were determined, I was provided with a comprehensive set of minutes and consultation documents which showed the conversations over time concerning the arrangements. In addition, I was provided with place allocations, numbers in the school from the two primary schools and some historical details of changes to the admissions arrangements. However, the response did not answer my main questions concerning why EBPS was chosen as feeder primary or why the number 20 was agreed for the additional quota for entry. In answer to my third question about why a nearest secondary school criterion was chosen rather than a criterion based purely on distance the school responded that 'The aim of the nearest high school criterion was always intended as means to serve the local community, particularly those residing in the north of the borough'. Again, the reference to the north of the borough I take to mean those living close to and attending HPS.

27. I requested answers to my main questions and, in a third response from the school, the school stated that EBPS was heavily involved in the setup of the school. Parents at the time were finding it difficult to access the only other CofE secondary school in the borough and therefore campaigned to open a new school. The school says that data provided by the local authority at the time indicated that EBPS pupils would gain entry to the new school on the basis of where they lived even if EBPS was not named as a feeder school. However, demographic trends quickly proved this to be incorrect, hence the change specifically to name the school as a feeder school. The school's response goes on to say, 'If it would be more transparent to indicate that it is being named as a Church of England feeder, it would be possible to adjust this.' I will deal with this last part of the response first. The initial bid for the new school and all subsequent documents have made it clear that although the school is a Church of England school and retains the ethos and values of the Church of England, there will not be any priority given on religious grounds. EBPS's admission arrangements give high priority to families who attend churches both in the area and beyond. By specifying a Church of England connection in the school's admission arrangements this would change the explicit terms of the bid and the school's philosophy. In her letter to me after the meeting the executive headteacher withdrew these comments saying that they did not accurately represent the trust's position. I am grateful to her for this clarification.

28. Having studied all the documents and the comments made by the parties I have decided that the process by which changes were made to the admission arrangements over the years has conformed to the Code and the law and that the establishment of the oversubscription criteria has been transparent throughout. This includes the provisions relating to the priority given to children from the two feeder primary schools.

29. One significant effect of the priority given to siblings and of the use of the quota approach for the two feeder primary schools is that in any given year not all places may be allocated to children for whom the school is the nearest school. The addresses of the families who apply each year and their distance to the nearest school will be different each year which means that the proportion of children being admitted to the school for whom

the school is the nearest secondary school within criteria a to c changes. Of course, all looked after and previously looked after children who seek a place must be offered one wherever they live and, in this respect, the school's arrangements are the same as all other schools. But siblings and those seeking priority on the basis of attendance at HPS or EBPS may not actually all be drawn from those for whom the school is the nearest. Each year some children for whom the school is not their nearest secondary school are admitted; this figure varies from year to year. The data shows however that for both feeder schools for the last three years, all those families who have the school as their nearest school and have sought a place have been admitted either under a to c or under the quotas in criterion d. In other words, all children from HPS and EBPS who wanted a place at the school and for whom it was the nearest state funded secondary school have secured one. This has not been the case for children who attend other primary schools.

30. It is clear that the trust had two main aims when it created its oversubscription criteria: firstly, to provide a local school for local children (although with such a level of oversubscription is it difficult to secure a common understanding of what 'local' means in geographical terms and impossible to satisfy that demand), and to provide a secondary school which prioritises admission for those families in North Greenford for whom the school is the nearest school and do not have a secondary school near to their homes.

31. By using the 'nearest secondary school' criterion the school has in effect created a catchment area; all those residences for which the school is the nearest secondary could be mapped and this would create an area from which priority is afforded in the arrangements. This would include all those children from both feeder primary schools for whom the school is the nearest school. It is clear from the data that not all applications from within this catchment area will be successful as the school is heavily oversubscribed. The data shows, for example that 68 children who would fall into this 'catchment area' were unsuccessful in their applications. It is for the admission authority to formulate their admission arrangements (paragraph 1.9 of the Code), but they must be fair and reasonable (paragraphs 14 and 1.8 of the Code).

32. The objection is in two parts which I will address separately, concentrating on the HPS allocation first. All parties understand why it is important to prioritise children from this school. The objector believes that it is not reasonable, objective or procedurally fair to offer 'excessive numbers' from HPS and that this does not comply with paragraph 1.8 of the Code. The local authority, the school and the diocese have explained why it is important to prioritise HPS pupils to the degree that the arrangements do.

33. Accepting – as I do – that the arrangements are transparent in naming HPS as a feeder school and that the admission authority has reasonable grounds for doing so, I need to consider whether the degree of priority (what the objector refers to as 'excessive numbers') is compliant with paragraph 1.8 of the Code. I have also considered whether or not the arrangements conform to paragraph 14 of the Code.

34. In the bid for the new school and in the subsequent papers concerning feeder schools, the documents state that 'up to 20 pupils' will be given priority from HPS. It has

never been the case that only 20 pupils from HPS have been offered places because children from HPS can be admitted under criteria a to c of the oversubscription criteria as well under criterion d. In 2019, 2020 and 2021 77, 70 and 69 pupils respectively were admitted to the school from HPS. When the school was opened, the additional number of pupils from HPS who were given priority under criterion d was 20. In 2017 the number was increased to 40. I asked the parties why this change was made. The diocese and the school told me that giving priority to additional pupils attending HPS had been necessary because HPS had increased its number of forms of entry from three to four. I have consulted the local authority records and the increase in PAN from 90 to 120 at HPS (equivalent to increasing by one form entry) was consulted on and agreed for the 2013 intake into reception year (YR). This would mean that the larger cohort would be transferring to secondary school in September 2020, but the change was implemented in 2017, three years before the larger cohort was eligible for transfer. The minutes of the local governing board and trust directors' meetings show that the pressure on places came about because of the degree of oversubscription. At the time this meant that a number of children from HPS for whom the school was the nearest school were still not successful in gaining a place. The proposal to increase from an additional 20 to an additional 40 places was consulted on and agreed by the trust directors for admission in September 2017. The reason for the actual number increase, however, is still unclear. Doubling the 20 additional places seems to have been agreed because this increase would include all those children attending HPS for whom the school is the nearest school. I have not seen any data which shows why this number was chosen nor any projections based on addresses of families in the school to suggest that 40 is an appropriate number. Data shows that there are some children who attend HPS and for whom the school is not the nearest state funded secondary school who are successful in their application. This seems to me not to be in line with the school's stated aims or the rationale for providing priority for children who have attended HPS. I accordingly find it is not reasonable to afford priority to children on the basis of having attended HPS to the extent that such priority includes any child for whom the school is not the nearest state funded secondary school. To put it another way, I consider that giving a significant degree of priority to children who attend HPS is fair and reasonable so long as the school is the nearest state funded secondary school to the children's homes. In my view there is no need to give a number to this priority as long as, in line with the school's aims, all children from HPS for whom the school is the nearest secondary school are prioritised. Placing this priority ahead of other children for whom the school is the nearest means that the aims of the school to give priority to HPS children is secure and that all children in this position from HPS will be admitted.

35. Finally, in relation to HPS, it is interesting to note that the local authority and the school have reported that the numbers in primary schools are declining currently and that the pressure on places will be alleviated by this. I also note that HPS is expected to reduce its PAN in 2022 to 90. Of course, this will not be reflected in the numbers leaving HPS for a number of years to come as the PAN reflects only those joining the school in reception each year. In time, the admission authority may wish to review the level of priority given to HPS as circumstances change.

36. The other part of the objection relates to the naming of EBPS as a feeder primary school and allowing pupils to join the school under criteria a to c of the oversubscription criteria and then allocating priority for a further 20 places to children from EBPS on the basis of distance from their home to the school, even if the school is not their nearest school. The objector believes that this is contrary to paragraph 1.15 of the Code which states that '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'.

37. At the meeting I explicitly asked why EBPS had been chosen as a feeder primary school. The executive headteacher responded that when the school was set up there was significant commitment and lobbying from parents of EBPS. When the new school location was known and as it was so close to EBPS there was an expectation from both schools that parents would secure a place at the school. The problem, according to the executive headteacher, is the enormous level of oversubscription at the school. In addition, the school has good curriculum links with EBPS and the two share a common ethos. The decision to give priority for 20 places for EBPS children had been taken as this seemed to be a balanced position. After the meeting the executive headteacher wrote again to explain further. In this letter she says that EBPS (alongside HPS) provided the necessary lobbying and signatories to enable the school to open and were encouraged to do so in a number of consultations and campaigns orchestrated by the local authority and the trust from 2010 onwards. Over 2000 signatures were received, largely from the parent bodies and others linked to the two primary schools and proportionate to their intakes. She also makes the same points as the local authority about retention of pupils within the borough as addressed in paragraph 25 above.

38. The current position is that applicants attending EBPS may be admitted under oversubscription criteria a to c and then an additional 20 places are available in a later priority. This means that in 2019, 37 pupils were admitted from EBPS, 47 in 2020 and 47 in 2021. Of these most recent successful applicants, 14 of them have at least one different secondary school closer to home than the school. The most recent figures from the local authority indicate that this number is now 11. Of these applicants the distance away from the school ranges from 0.4 miles to 2.6 miles. It is important to note that the cut off distance for criterion c over the last three years is approximately 0.3 miles. The PAN for the EBPS is 60. This means that 78 per cent of the Y6 in the last two years have transferred from EBPS to the school.

39. The diocesan response was that following consultation for entry in 2014 it was agreed that there should be 20 places given priority for EBPS. She said that 'reading the admission policy she considered the criteria to be quite clear and therefore compliant with paragraph 1.8. However, the point about children [from EBPS] gaining entry under criteria a to c was not taken into consideration and therefore not commented on.' She made no further comment either when prompted by a second letter or at the meeting.

40. The main reason cited on a number of occasions for including EBPS as a feeder to the school is that it was representatives of this school who were significant campaigners in

the move to establish a new school. While I understand that this may well have been the case in the lead up to the establishment of the new school, I must consider whether or not the choice of this school as a feeder school is made on 'transparent and reasonable' grounds as required by paragraph 1.15 of the Code. I am of the view that 'transparency' is not in question; EBPS is clearly named in the arrangements. I am also of the view that the grounds for naming EBPS are reasonable. The school has explained its grounds and there is nothing objectionable or irrational in the giving of priority on the basis of the historic and current links and relationships that exist. That, however, is not the end of the story. Giving priority to EBPS children must also be reasonable in its effect in order to comply with paragraph 1.8 of the Code and it must be fair in order to comply with paragraph 14. It is to those questions that I now turn.

41. Over the last four years the average distance within which applications have been successful under criterion c has been 0.33 miles. These are, of course, all children for whom the school is their nearest secondary school. The application of this criterion in 2021 has left 68 pupils who fit into this criterion unsuccessful in their application. The average distance for children from EBPS to access a place at the school over the past four years is 1.83 miles. Over the last three years 131 pupils have been admitted to the school from EBPS. Of these 71 were admitted under criteria a to c. This includes looked after and previously looked after children, siblings and those who have the school as their nearest secondary school and live close enough to it to gain place under that criterion. To put it another way, these children would have secured places whether or not they attended EBPS (although those admitted as siblings may have secured that priority following a sibling who was admitted on the basis of attendance at EBPS). The other 60 children are admitted under the additional places criterion d. These 60 include a number for whom the school is their nearest school and some children for whom it is not the nearest school. By definition for each child for whom the school is not the nearest state funded secondary school there will be another school which is their nearest. There are three other suitable secondary schools in the area, none of them has a religious affiliation. I recognise that other Ealing schools do not use the "nearest school" approach in their oversubscription criteria, using home to school distance instead. But I have seen no evidence that children for whom the school is not the nearest school and who attend EBPS would not be able to access an alternative school.

42. Since the school opened, the admission arrangements have been scrutinised by the local governing board and the trust's directors annually. They understand the pressure on places as the oversubscription numbers have increased and they have suggested changes for example the removal of the sibling criteria which would have reduced the pressure on places from local families seeking places for a first or only child but, understandably they did not act on this suggestion as parents of current pupils were very concerned.

43. A key factor in my decision has been the long held and regularly repeated assertion by the school and the local authority that its vision and purpose is to serve the part of North Greenford where there are no secondary schools together with its own local area. It is quite clear that the school cannot cater for all those who want to go there and who live

in what can – on any reasonable basis – be considered its own local area. Whilst I can understand how the admission criteria have evolved since the school's opening, the popularity of the school, the level of oversubscription and the priority given to EBPS has created a situation where children from as far away as two miles can secure places and may well travel past local other schools to attend this school while families who live near to the school and for whom the school is the nearest school cannot secure a place.

44. I am also clear, as I have set out, that the school cannot admit all those for whom it is the nearest school and who would like a place there. Some way must therefore be found to distinguish between these children. Again, I have explained that I find it fair and reasonable that all children who attend HPS and for whom it is the nearest secondary school may be given priority. Similarly, although for different reasons, I consider that it is fair and reasonable for those children who attend EPBS and for whom it is also the nearest state funded secondary school to be given priority for places at the school over other children for whom it is also the nearest state funded secondary school. I do not, however, consider it fair or reasonable for children who attend EBPS and for whom the school is not the nearest primary school to be given priority over children who do not attend EBPS and for whom it is the nearest school. I reiterate the school's aims; to provide a local school for local children and to provide a school for children for whom the school is the nearest school. I am therefore of the view that EBPS admissions should be prioritised in the same way as HPS. Naming the school and giving priority to those children for whom the school is the nearest secondary school would be in line with the school's aims. This priority can be placed above other children for whom the school is the nearest school and this latter group, if oversubscription occurs in this criterion, would still be prioritised by distance. It would provide the continued links with the school as a feeder primary school and would ensure that all children from EBPS school for whom the school is the nearest school would have a high priority for a place. I therefore do not uphold this part of the objection on the grounds identified by the objector but have decided that the arrangements are unfair and unreasonable to the extent that they prioritise children who attend EBPS but for whom the school is not the nearest state funded secondary school over children who do not attend EBPS and for whom the school is the nearest state funded secondary school.

45. In summary, I have partially upheld this objection. I have found that there are reasonable grounds for the inclusion of both HPS and EBPS in the arrangements. But I have also found that the giving of priority to children at either primary school is not entirely fair and reasonable where it included priority for those for whom the school is not the nearest state funded secondary school to their homes. The effect of this conclusion is that a child for whom the school is the nearest state funded secondary school and attends EBPS or HPS can have a higher priority than a child for whom the school is the nearest secondary school but does not attend either of the schools. It is now for the admission authority to vary its arrangements in order to give effect to my determination.

46. It is not for me to advise, still less prescribe how the arrangements are amended in line with this determination, but it may be helpful to the governing board to give an

indication of what the oversubscription criteria could look like. They could be ordered as follows:

- Looked after and previously looked after children
- 20 designated language scholarship children
- Children with a sibling on roll at the school
- Children attending HPS or EBPS and for whom the school is the nearest secondary school
- Other children for whom the school is the nearest secondary school
- Other children.

47. The Code states at paragraph 3.1 that “The admission authority **must**, where necessary, revise their admission arrangements to give effect to the Schools Adjudicator’s decision within two months of the decision (or by 28 February following the decision, whichever is sooner), unless an alternative timescale is specified by the Schools Adjudicator”. I have considered carefully how long I should allow in this case for changes to be made. I have taken account of the fact that it is of admission authority to decide how to change its arrangements in order to conform with my determination and that it will wish to consider its options carefully and may wish to consult the local authority, its diocese and others. I am also conscious that the objectors are parents and will be hoping for changes in time for applications to be made for places. In addition, the school summer holidays are about to begin, and this has been an extremely difficult year for schools and families alike. I have decided that the arrangements must be revised by 30 September 2021.

Other Matters

48. The following matters may not conform with the requirements of the Code or the law;

- Language scholarship places do not appear in the oversubscription criteria. I drew this to the attention of the meeting on 28 June 2021. In subsequent correspondence from the school the executive headteacher indicated that priority for these pupils would be put as criterion b in the oversubscription criteria and I am grateful to the school for this.
- The clarity of the oversubscription criteria in terms of the number of places made available to the two feeder schools. In reading all the papers from the school which go back to before the school was opened the additional criterion d is always referred to as up to 20, or subsequently up to 40 children from HPS. In fact, up to 70 children are admitted from HPS. I am of the view that this is misleading and therefore contrary to paragraph 14 of the Code. In her letter to me after the meeting the executive headteacher suggested that the word ‘additional’ was inserted into the

oversubscription criterion in relation to criterion d (currently) which will be criterion e after the inclusion of the language places. Again, I am grateful to the school for this although in line with this determination these amendments will now not be necessary.

Summary of Findings

49. I am of the view that HPS and EBPS have been chosen as feeder primary schools on transparent and reasonable grounds, that they may be retained in the arrangements and a degree of priority afforded to some of the applicants from these schools. The quota system in each of these schools, which has the effect of giving priority in some instances to children for whom the school is not the nearest state funded secondary school, has created unfairness for some applicants and I have therefore partially upheld the objections. I have determined that it is fair to give priority to children for whom the school is the nearest state funded secondary school and who attend the feeder schools over other children for whom it is the nearest state funded secondary school. But it is not fair to give children who attend the feeder schools and for whom the school is not the nearest state funded secondary school priority over children for whom it is the nearest state funded secondary school and who do not attend the feeder schools. This will mean that the links with the feeder schools can be maintained and all children who attend the feeder schools who have the school as the nearest school will be admitted as priority over other children for whom it is the nearest state funded secondary school

50. Paragraph 3.6 of the Code states that once the admission arrangements have been determined they can only be changed to give effect to a mandatory requirement of the Code, admission law, a determination of the adjudicator or a misprint. This means that the arrangements can be amended for the September 2022 admissions as outlined in paragraph 47 above. This does not require consultation as it gives effect to a determination from the adjudicator.

Determination

51. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2022 determined by The Twyford Church of England Academies Trust on behalf of William Perkin Church of England High School, Ealing.

52. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

53. 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 unless an

alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 30 September 2021.

Dated: 27 July 2021

Signed:

Schools Adjudicator: Ann Talboys