



Office of
the Schools
Adjudicator

Determination

Case reference: REF3895

Referrer: A parent

Admission authority: Holland Park School Academy Trust for Holland Park School, Kensington

Date of decision: 15 February 2022

Determination

I have considered the admission arrangements for September 2022 for Holland Park School, in the Royal Borough of Kensington and Chelsea in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the referral made on 6 December 2021 about the arrangements for admission to the sixth form in September 2022, the admission arrangements do not conform with the requirements. I have also found that there is one other matter which does 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 or other date as specified by the adjudicator. In this case, I determine that the arrangements must be revised by 28 February 2022.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the Office of Schools Adjudicator (OSA) by a parent, (the referrer), about the admission arrangements (the arrangements) for Holland Park School (the school), for September 2022, the date of the objection was 6 December 2021.
2. The referrer raises objections to the following aspects of the school's sixth form admission arrangements:

- a) Lack of clarity about how “suitability” for admission is determined;
- b) Highest priority for admission not being accorded to Looked After and Previously Looked After children (LAC and PLAC);
- c) The selection criteria are not specified;
- d) It appears that the behaviour, attitude and achievement of the applicant at his/her previous school are taken into account in determining admission (or in determining the order of priority for determining admission);
- e) Applicants are asked to submit a personal statement, which implies that their own/their parents’ past/current activities or hobbies may be taken into account as a factor determining admission (or the order of priority for determining admission);
- f) It appears that performance at an interview may be taken into account in determining admission (or the order of priority for determining admission).

3. When the arrangements were brought to my attention, I considered that the following additional matters did not, or might not, conform with the requirements for admission arrangements.

- I was unable to find the application form or criteria for admission to Year 7 on the basis of art and design aptitude.
- I was concerned that different criteria were being applied for external applicants applying for admission to the sixth form.

4. The parties to the case are the governing board, the local authority and the referrer. The local authority chose to make no comments on the referral or the school’s response, and the referrer made no comments on the school’s response.

Jurisdiction

5. 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 academy school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined under section 88C of the Act by the governing board on behalf of the Holland Park School Academy Trust, which is the admission authority for the school, on 29 April 2021 (ratified on 26 June 2021) on that basis. These dates are both after the deadline for the determination of admission arrangements which was 28 February 2021 for 2022 admissions, but the missing of that deadline does not affect the status of the determined arrangements or my jurisdiction to consider this matter.

6. The referrer submitted an objection to these determined arrangements on 6 December 2021. The School Admissions Code requires objections to admission arrangements for 2022 to be made to the Office of the Schools Adjudicator by 15 May

2021. As this deadline was missed, the case cannot be treated as an objection. However, as the arrangements have been brought to my attention, I have decided to use the power conferred under section 88I(5) of the Act to consider whether the arrangements conform with the requirements relating to admission arrangements. I am treating the objection as a referral.

7. The referrer has asked to have his/her identity kept from the other parties and this request has been agreed by the Chief Adjudicator.

Procedure

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

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

- a) the referrer's form of objection dated 6 December 2021;
- b) copies of the minutes of the meeting of the governing board at which the arrangements were determined;
- c) a copy of the determined arrangements; and
- d) comments on behalf the governing board on the matters raised and supporting documents.

The Referral

10. There are six aspects to the referral, as outlined in paragraph 2 above. As will be seen, the main documentation setting out the arrangements themselves is sparse and details, or clues, about the nature of the entry requirements for external candidates must be gleaned from the application form and the Sixth Form Subject Fliers. The document entitled Holland Park School Admissions 2022/23 does not contain links to these other documents, although they are all accessible under the Admissions tab on the school website. It is unclear as to whether the same requirements apply to internal candidates.

- a) Priority for admission is said to be determined based upon 'suitability'. The arrangements do not explain how 'suitability' for admission is determined, rendering the procedures for allocating places unclear, and potentially unfair and not objective (paragraph 14 of the Code applies).
- b) The arrangements fail to accord highest priority to LAC and PLAC (paragraph 1.7 and 2.6 of the Code apply).
- c) The selection criteria are not specified in the arrangements, rendering the oversubscription criteria unclear, procedurally unfair, unreasonable and not objective (paragraph 1.8 of the Code applies).

- d) The application form refers to the provision of a reference from the applicant's current school (paragraph 1.9g) applies). It is unclear what bearing the reference will have upon the application;
- e) The application form refers to the provision of a personal statement. The purpose of providing the statement and its bearing upon the application is unclear. The referrer raises the possibility that applicants may be selected on the basis of their past or current hobbies or activities (paragraphs 1.9i) and 14 apply);
- f) The referrer claims that applicants may be interviewed. This did not seem apparent to me from reading the arrangements (paragraph 14 of the Code applies) and my jurisdiction is for the arrangements themselves and not for whether or not they are properly applied. However, as the referrer says, the interviewing of applicants is contrary to paragraph 1.9m) of the Code and indeed to section 88A of the Act.

11. In the Jurisdiction and Further Information paper which was sent to the parties on 10 January 2022 I asked a number of additional questions which were linked to the matters raised by the referrer.

Other Matters

12. There was one other matter referring to the admission arrangements for Year 7 which concerned me. I was unable to find the Supplementary Information Form for applications to Year 7 based upon aptitude in art and design which is referred to. I was concerned, therefore, that the process for determining eligibility for such places might not be clear. I was also concerned to establish, in addition to the points raised by the objector, whether the academic entry criteria for entry to the sixth form are the same for internal and external places as required by paragraph 2.6 of the Code.

Background

13. The school is a non-selective coeducational secondary academy for pupils aged 11 - 18. It opened in 1958 and became a flagship for comprehensive education. It is larger than average and over-subscribed. The proportion of students known to be eligible for free school meals is above the national average. Pupils are from a wide range of ethnic backgrounds. The school became an academy in 2012. Both before and since becoming an academy it has consistently been rated as Outstanding by Ofsted.

14. There is a section on the school's website relating to arrangements for admission to the sixth form. This consists of an application form which asks for a personal statement of no more than 600 words outlining the applicant's reasons for studying to A level; reasons for applying to Holland Park; what the applicant intends to contribute to the school sixth form; future ambitions and other interests. Applicants are also asked to provide details of their current school and to provide the name of a member of staff at that school who can be approached to provide a reference. They are asked to choose three subjects from various Option Blocks. It is not possible to choose more than one subject in each block.

15. There is one set of arrangements for admissions to Year 7, in-year admissions and admissions to the sixth form. I have extracted the relevant sections. The arrangements for admission to the sixth form are succinct.

“SIXTH FORM ADMISSIONS

6.1. Holland Park School has places for a maximum of 230 students in its sixth form. In 2022, the school expects to admit to Year 12 a maximum of 70 pupils from other schools, though this number may be exceeded if sufficient places remain once the demand for places from young people already at Holland Park School has, in the view of the school, been met. The availability of places in Year 12 for particular subjects will depend on the number of young people coming forward from Holland Park School; priority will be given to these. The school will only consider applicants for courses which it has published as being available, and will not make other courses available at the request of applicants. All places will be offered conditional on applicants meeting the school’s entry requirements for the courses. In the event of there being more applicants from outside Holland Park School than there are places available, places will be offered according to the following criteria in the order shown:

- the applicant’s suitability for the course for which application is being made;
- those applicants considered suitable who live nearest to the school. Nearness to the school will be measured in the same way as for Year 7 entry”.

16. There is nothing in the arrangements which tells applicants how “suitability” is determined or who determines it. Neither do the arrangements themselves explain what the entry requirements are. On the same web page (the Admissions section of the school’s website) there is a document entitled “Sixth Form Subject Fliers”. This document sets out a number of sub-headings under the subject headings of the various A Level courses offered. These are:

- The examination board;
- Topics/texts studied;
- Coursework;
- Practical elements;
- Recommended pre-reading;
- Where will this course take me?;
- Why should you study this course?;

- Entry requirements (generally a GCSE qualification in the relevant subject at level 7 or above). These are said to be in addition to the “general entry requirements”.

17. I found the general entry requirements on a separate web page entitled “Sixth Form”. This page contained the following statement:

“Holland Park Sixth Form is hugely over-subscribed. Each year, we receive in excess of 600 applications for 120 places. We work very hard to ensure there is fairness in allocating students to courses.

In the end, the decision has to be about suitability and, in the end, that question is most importantly answered by students rather than by the school. Whatever institution students choose for Sixth Form study, it is imperative they choose one that is right for them; few (if any) establishments are right for everybody.

Access to our Sixth Form will be available to students who have a minimum of 8 grades 9-6 at GCSE including English and Mathematics. We also ask that students achieve a grade 7 or above at GCSE in the subjects they wish to study at A Level, although students are considered on an individual basis. Holland Park students unlikely to make these requirements should seek advice from Mr Joe Holloway, Deputy Head or Mr Benjamin Arnold, Assistant Headteacher, about possible options available to them.

One of the reasons for setting a bar for GCSE performance is that we recognise that the jump to A Level study is a challenging one. School reserves the right to use its professional judgment to ensure students are enrolled on suitable courses. There is a duty on us to ensure that students are not only enjoying their study but are finding success and we take this duty very seriously.

Students choosing A Level courses should be guided by the requirements of potential University courses, in order to ensure that they meet the Entry Profiles of courses for which they intend to apply. Advice can be found on the UCAS website as well as in the Sixth Form section of this website”.

18. In relation to the arrangements for admission to Year 7, the school has a Published Admission Number of 240 and admits an equal number of applicants from four ability bands. The Year 7 admissions arrangements also say:

“Holland Park has a particular expertise in the teaching of the visual arts. Up to a maximum of 10%, places are allocated to students who are able to demonstrate an aptitude in Art and Design. Applicants for these places must complete a supplementary form; available on the school website. There will be an assessment by the school of each applicant’s potential. Priority will then be applied in descending order by aptitude test score to applicants with more than 20 points (from a possible 40). Applicants who are not offered a place on the grounds of aptitude will

automatically be considered for a place within their ability band under the general admission criteria.”

19. Following receipt of the Jurisdiction and Further Information paper, the school has proposed some revisions to its admission arrangements. I am grateful to the school for its cooperation in this matter. Where an adjudicator determines that a set of admission arrangements fails to comply with the Code it is entirely a matter for the admission authority as to how it proceeds to remedy the non-compliance. Because the school’s admission arrangements have been brought to my attention and I have considered them, I am obliged by law to make a determination. It is not open to me to simply agree a form of wording with the school and dismiss this referral. I do have comments to make with respect to the proposed revisions, and will do so once my conclusions have been explained because they will make more sense at that point. I have highlighted the school’s proposed revisions in bold.

6. SIXTH FORM ADMISSIONS

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Looked after children and previously looked after children (as per para 2.1 and Note A)

Internal applicants who live nearest to the school. Nearness to the school will be measured in the same way as for Year 7 entry (as per para 2.5).

External applicants who live nearest to the school. Nearness to the school will be measured in the same way as for Year 7 entry (as per para 2.5).

Consideration of Case

20. I have considered each of the aspects objected to under separate headings. Prior to addressing each aspect, however, I would like to remind the school of certain obligations. The admission arrangements for September 2022 should have been determined by 28 February 2021 and published by 15 March 2021. I note that the school’s arrangements were not determined until 29 April 2021 and not ratified until 26 June 2021. Obviously, it is

far too late in the day for the school to rectify its breach of the statutory requirements in relation to 2022 admissions; however, this is a timely reminder that the 2023 arrangements do need to be determined by 28 February 2022 and published by 15 March 2022. I am aware that I am making this determination at a time when schools are under enormous additional pressures due to the effects of the Covid pandemic, nevertheless there are good reasons why the statutory requirements relating to the admissions timetable and compliance with the Code need to be met, and this is important for the young people and parents who apply for places at the school. There needs to be transparency about what the oversubscription criteria are for all entry points and what the entry requirements for the sixth form are and how they are met.

21. The school has supplied the following information about the number of external admissions to the sixth form for the last three years.

Year	External Applicants	Offers made
2021	426	52
2020	462	83
2019	367	66

22. I should say from the outset that my main difficulty with the school's arrangements is that information which is key to ensuring the arrangements are clear is not in the body of the arrangements and is set out in a number of different places on the school's website. It is not unreasonable or unlawful for a school's arrangements to be set out in more than one place or in more than one document. Indeed, it would probably create more problems than it would solve by attempting to incorporate the necessary GCSE qualifications into the body of the school's admissions policy document. However in order to comply with the requirement in the Code that the arrangements must be clear, there needs to be an identifiable pathway in the arrangements to the relevant information. Paragraph 14 of the Code provides 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". I have underlined the word "easily". The general lack of clarity can be remedied simply by ensuring that the arrangements explain where the relevant information can be found or preferably by inserting links in the arrangements to the relevant web pages. My second general difficulty with the arrangements is the lack of information. Succinctness is to be welcomed, but the omission of essential explanations and definitions renders a set of admission arrangements open to the sorts of criticisms levelled by the referrer, the most obvious example being that if suitability for admission is undefined, this renders an admission authority vulnerable to allegations of selecting pupils by means which are not permissible under the Code, such as

those alleged by the referrer. Again, this can be remedied by setting out definitions of terminology in the arrangements.

The arrangements do not explain how ‘suitability’ for admission is determined rendering the procedures for allocating places unclear, unfair and not objective

23. The referrer states correctly that the arrangements do not explain how suitability for admission is determined. Paragraph 14 of the Code is relevant. I have set out the school’s responses to the objection and to my questions below. I have underlined some words and phrases for emphasis:

24. The school has explained repeatedly that “suitability” is based on a candidate’s academic profile – principally, their grades at GCSE...

- The primary selection criteria is suitability for the applicant’s chosen courses. These are specified on the website as a minimum of eight Grade 6-9s at GCSE and a Grade 7 at GCSE in the subjects they wish to pursue at A Level....
- The achievement of the applicant’s GCSE grades at their previous school is the primary driver for suitability. Behaviour and attitude – as mentioned in a reference - is helpful information and background should a student join the school but is not part of our admissions criteria...
- A personal statement gives a student’s application gravitas. Furthermore, it allows the school to know more about its applicants. Parents’ past /current activities or hobbies are never taken into account when allocating places. The request for applicants to write a statement to accompany their application is not unique and practised by many schools...
- Performance at interview is not taken into account in determining admission. We have not interviewed students for some years now, though we have held ‘Taster Days’ online and in-person to help students gain a better understanding of the school and our sixth form provision. These meetings are not used in any way to allocate places...
- The admission of external applicants is determined by their ability to meet the specified grade criteria. This is determined by the Assistant Headteacher with responsibility for the sixth form. External applicants are not interviewed to determine suitability; as referred above, ‘Taster Days’ online and in person have been held to help candidates gain a better appreciation of the school...
- Personal statements give gravitas to an application and help the school understand candidates better. They are not used in the admissions process. Likewise, references give the school a richer appreciation of students’ backgrounds, clarify academic potential and indicate any other factors the school might need to be aware of should the student join the school...

- Where applicants have identical grades for oversubscribed courses, priority is given to internal students. Where this does not apply, a measure of distance is used. Accords with our arrangements at secondary transfer...
- Internal candidates do submit personal statements. These give gravitas to their application. Behaviour from years 7-11 does not have a bearing upon the likelihood of a place in the sixth form...
- The academic entry requirements are identical for both external and internal applicants...
- Applications are submitted directly to the school. RBKC support the school with admission appeals”.

25. This explanation was helpful. The difficulty I have is that it is not what is said in the arrangements or the various other relevant documents and statements. What is actually said is that each year the school receives in excess of 600 applications for 120 places (which is not quite true in terms of either the number of applications or the number of places available according to the data provided). It is further said that, where it is the case that there are more applicants who meet the entry criteria than there are places available, places will be offered first on the basis of “suitability” and second on the basis of proximity of the school to the applicant’s home address. My reading of the arrangements, therefore, is that only the applicants who have met the academic entry requirements in terms of GCSE results fall to be considered; it is first decided which are “suitable” and if there are more qualifying candidates who are “suitable”, places are offered on the basis of proximity of the home address to the school. If this is not the procedure which is actually followed, the arrangements need to be revised so that they describe clearly the procedure in place. The arrangements give the appearance that “suitability” is determined partly on the basis of GCSE grades and partly on the basis of the personal statement, the candidate’s previous school and references from the school which, of course, would be contrary to paragraph 1.9 of the Code. Also, I was surprised that external applicants are required to provide personal statements and details of their previous school and a referee on the application form if these are not taken into account until after a place has been offered and accepted. On the figures I have seen, 426 personal statements must have been submitted last year but only 52 of those statements would have been read by staff at the school, and these would have had no bearing on the allocation of places. In my view it is misleading and unnecessary to ask candidates to submit information on an application from which is not used for the purpose of allocating places. If the school considers that it is necessary to have information at the application stage which forms no part of the applications process, it needs to be stated clearly that this is not information which is taken into account in allocating places.

26. Further, the phrases used by the school are unclear to me, for example I have no idea what the following words and phrases mean... “principally” their grades at GCSE... GCSE grades are the “primary driver”. Both imply that GCSE results and proximity are not the only factors taken into account. If admission to the school is based exclusively upon GCSE examination grades and proximity to the school, the arrangements must state this

clearly. I find that the arrangements do not comply with paragraph 14 of the Code. If anything else is taken into account, then that must also be stated, and it must also be something that is in accordance with the Code.

The arrangements fail to accord highest priority to LAC and PLAC

27. The referrer states correctly that the arrangements fail to accord highest priority to LAC and PLAC in the event that there are more applications than places. Paragraphs 1.7 and 2.6 of the Code are relevant. Paragraph 1.7 states: “All schools must have oversubscription criteria for each ‘relevant age group’ and the highest priority must be given, unless otherwise provided in this Code, to looked after children and all previously looked after children, including those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order). All references to previously looked after children in this Code mean such children who were adopted (or subject to child arrangements orders or special guardianship orders) immediately following having been looked after and those children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. Oversubscription criteria must then be applied to all other applicants in the order set out in the arrangements”¹.

28. Paragraph 2.6 states: “Children and their parents applying for sixth form places may use the CAF, although if they are already on the roll, they are not required to do so in order to transfer into year 12. Admission authorities can, however, set academic entry criteria for their sixth forms, which must be the same for both external and internal places. School sixth form admission arrangements for external applicants must be consulted upon, determined, and published in accordance with the same timetable as for admission arrangements for other entry points. As with other points of entry to schools, highest priority in oversubscription criteria for sixth form places must be given to looked after children and previously looked after children who meet the academic entry criteria. As stated in paragraph 1.9m) above, any meetings held to discuss options and courses must not form part of the decision process on whether to offer a place”.

29. The school has said that, whilst it does in practice accord highest priority to LAC and PLAC, it accepts that the arrangements do not set this out with sufficient clarity. The arrangements, as written, fail to comply with paragraphs 1.7, 2.6 and 14 of the Code. The school has agreed to revise its arrangements accordingly. I am grateful to the school for its cooperation in this matter.

¹ Paragraph 1.7 was amended with effect from September 2021, which was after the arrangements were determined. The arrangements have been revised to reflect the relevant amendment.

The selection criteria are not specified in the arrangements, rendering the oversubscription criteria unclear, procedurally unfair, unreasonable and not objective

30. The referrer states that the selection criteria are not specified in the arrangements. If this is the case, it would certainly mean that the arrangements are unclear. Paragraph 1.8 of the Code is relevant. This states that: “Oversubscription criteria must be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities must ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child. Admission arrangements must include an effective, clear, and fair tie-breaker to decide between two applications that cannot otherwise be separated”.

31. The Code defines admission arrangements as “the overall procedure, practices, criteria, and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered”. As I have said above the procedures for the allocation of places are unclear. Since the oversubscription criteria determine the allocation of places, there is a degree of overlap between paragraph 14 and paragraph 1.8. The oversubscription criteria are:

- the applicant’s suitability for the course for which application is being made;
- those applicants considered suitable who live nearest to the school. Nearness to the school will be measured in the same way as for Year 7 entry.

32. As I have said above, my view is that the arrangements are unclear as to how suitability is determined. Without knowing this it is not possible to determine on the basis of the arrangements themselves whether the criteria for determining suitability are unreasonable or whether they operate unfairly to an identifiable social group or applicants with a disability or special educational needs. If GCSE examination grades and proximity to the school are the sole determining factors, my view is that this would not be unreasonable or procedurally unfair. But this is not what the arrangements say. The first oversubscription criterion is unclear and therefore does not comply with paragraph 1.8 of the Code.

The application form refers to the provision of a reference from the applicant’s current school

33. The application form asks for details of a person at the applicant’s current school who will provide a reference. Paragraph 1.9b) of the Code provides that admission authorities must not take into account any previous schools attended, unless it is a named feeder school and paragraph 1.9g) provides that admission authorities must not take account of reports from previous schools about children’s past behaviour, attendance, attitude, or achievement, or that of any other children in the family. Paragraph 14 is also relevant as it is unclear from the arrangements what bearing the reference will have upon

the application, rendering the process of allocating places unclear. The lack of transparency also renders the arrangements potentially unfair and not objective. The school has told me that an applicant's previous school and reports (or indeed references) are not taken into account in determining the allocation of places. If this is the case, there is no need for applicants to submit information about their previous school or details of a referee on the application form. Whilst this is not a matter for me directly, there are also issues here relating to privacy and data protection. Although it could be said that the fact that applicants provide personal information about themselves signifies their consent to their personal data being processed by the school, it is clear that the information on the application form and in any personal statement is submitted in the belief that it is necessary to submit this information in order to have the opportunity of being offered a place at the school, whereas the school has told me this is not the case. If the information in question is necessary and informative once a child has accepted a place at the school, this is the appropriate time to request it. This aspect of the arrangements fails to comply with paragraphs 1.9b) and 1.9g) of the Code.

The application form refers to the provision of a personal statement, the purpose of which and its bearing upon the application is unclear

34. The referrer raises the possibility that applicants may be selected on the basis of their past or current hobbies or activities. This would be in breach of paragraph 1.9i) which precludes admission authorities from doing this. I can see why the referrer has formed this view. It is difficult to conceive of a personal statement which would make no reference whatsoever to past or current hobbies or activities; moreover, applicants are specifically asked to provide details of "other interests". The rationale for paragraph 1.9i) is linked to the requirement in paragraph 14 that the procedures for allocation of places must be objective and fair. Because the bearing of the personal statement upon the potential success of an application is unclear from the wording of the admission arrangements, again paragraph 14 of the Code is relevant. The lack of transparency on this point renders the arrangements potentially unfair and not objective because the submission of a personal statement allows for subjective decisions to be made based upon personal information about the applicant as opposed to objective criteria which would apply equally to all applicants. I am pleased to learn that the school does not take into account personal statements in determining the allocation of places, but the arrangements allow them to do so and, indeed, imply that the personal statement is relevant to the allocation process. Therefore this aspect of the arrangements is in breach of paragraphs 1.9i) and 14 of the Code. It would be open to the school either to say in the arrangements that it takes into account a personal statement when determining suitability but that the statement must not describe the applicant's past or current hobbies or activities (although it is questionable whether this would meet the requirement of objectivity); to make clear that the personal statement is not taken into account until such time as the applicant has accepted the offer of a place at the school; or to request a personal statement when an applicant has accepted to offer of a place, (which would be in line with the procedures which the school has told me it operates). If the latter approach were taken, it would be unnecessary to request a personal statement as part of the admission arrangements.

Interviews

35. The referrer claims that applicants may be interviewed. This is specifically precluded by paragraph 1.9m) of the Code which provides that admission authorities must not interview children or parents and that, in the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place. The school has assured me that it does not interview applicants, and the arrangements make no reference to this. Again, the fact that arrangements state that the allocation of places is based in part upon “suitability” and there is a lack of transparency about how suitability is determined does render the school at risk of complaints about subjectivity and “cherry-picking”.

Other matters

36. I explained to the school that I had had difficulty locating the supplementary form which applicants to Year 7 for specialist places are required to complete and details of the aptitude tests used to demonstrate an aptitude in art and design. The school has kindly sent me the form and a link to a location on the school’s website about art aptitude, however there did not appear to be a means of accessing the application form on this page. In my view the link should be inserted into the arrangements themselves which would allow applicants to access the form as well as providing the necessary information about how art aptitude is judged. Also, I noted that the application form for specialist places requests that details of the applicant’s current primary school be provided which the school is unable to take into account in determining the allocation of places. It should not be necessary therefore to request this information on the application form or on the drawings.

37. I was also concerned to ensure that the arrangements complied with the requirement in paragraph 2.6 of the Code, namely that academic entry criteria for the sixth form are the same for both external and internal places. The school has assured me that this is the case.

Summary of Findings

38. I find the arrangements to be in breach of paragraphs 14, 1.7, 2.6, 1.8 and 1.9b), g) and i). The school has acknowledged that its arrangements need to be revised in order to comply with the Code and, as stated previously, I am grateful for the school’s cooperation in this matter, the assurances given and the willingness to revise the arrangements. The school has assured me that the arrangements are not operated in a way that is in breach of the requirements and prohibitions in the Code, however the arrangements undoubtedly allow such prohibitions. This is, in part, due to a lack of clarity and therefore transparency, but there is undoubtedly some information which is requested on the application form which the school is not permitted to take into account in determining the allocation of places and which the school has no need of at the applications stage.

39. The school has sent me its proposed revisions to the arrangements and again I am grateful. With regard to the proposed revisions, I have difficulty with the term “academic

suitability”. If this means that an applicant must achieve the required grades at GCSE, then the arrangements need to simply state this. Further, if the application form remains as it is, the arrangements remain misleading. As I have said, I cannot dictate the terms of the school’s admission arrangements, but once this determination is published this may increase awareness of the points which it raises and which, if not addressed, may lead to further objections or difficulties on appeal. I suggest that the school would be well advised to state explicitly in the arrangements that places are allocated based upon achieving the required GCSE results for entry (with a link to where these are set out) and that, if there are more applicants who have achieved the required grades than there are places available, places are allocated on the basis of proximity of the home address to the school. I would also suggest that the school should not be requesting a personal statement, details of the applicant’s current/previous secondary school or details of potential referees in its application form.

Determination

40. I have considered the admission arrangements for September 2022 for Holland Park School, Kensington in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the referral made on 6 December 2021 about the arrangements for admission to the sixth form in September 2022, the admission arrangements do not conform with the requirements. I have also found that there is one other matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

41. 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 or other date as specified by the adjudicator. In this case, I determine that the arrangements must be revised by 28 February 2022.

Dated: 15 February 2022

Signed:

Schools Adjudicator: Dr Marisa Vallely