

DETERMINATION

Case reference: ADA/2449

Objector: A member of the public

Admission Authority: The Grey Coat Hospital Academy Trust

Date of decision: 29 November 2013

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 the Grey Coat Hospital determined by the Grey Coat Hospital Academy Trust.

I have also considered the arrangements in accordance with section 88I(5). I determine that there are matters as set out in this determination that do not conform with the requirements relating to admission arrangements.

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 as quickly as possible.

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 person who wishes to remain anonymous (the objector), about the admission arrangements (the arrangements) for September 2014 for the Grey Coat Hospital (the school), a Church of England academy school for girls with age range 11 – 19 years. The objection concerns the oversubscription criterion that awards points to score a family's church commitment. The objection also asks whether the banding system used in the arrangements complies with paragraphs 1.26 and 1.8 of the School Admissions Code (the Code).

Jurisdiction

2. The terms of the academy agreement between the Grey Coat Hospital 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 by the governing body for the Academy Trust, which is the admission authority for the academy school, on that basis.

3. The objector submitted the objection to these determined arrangements on 28 June 2013. The objector has asked to remain anonymous but has complied with regulation 24 of the School Admissions Regulations 2012 by providing their name and address to the adjudicator. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I(5) 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 Code.
5. The documents I have considered in reaching my decision include:
 - a. the objector's email of objection dated 28 June 2013 and subsequent submissions from the objector;
 - b. the school's responses including supporting documents about the objection and other matters raised;
 - c. Westminster Council's (the council's), as the local authority, response to the objection and supporting documents;
 - d. the Diocese of London's (the diocese's) response to the objection and supporting documents including its 2007 guidance on admissions for governors and subsequent updates;
 - e. the council's composite prospectuses for parents seeking admission to schools in the area in September 2013 and September 2014;
 - f. confirmation of when consultation on the arrangements took place;
 - g. a copy of the minutes of the school's governing body admissions panel held on 28 November 2012; and
 - h. a copy of the determined arrangements for 2014.
6. I held a meeting involving the school, the diocese and the council on 12 September 2013. I have drawn on the information I gained at this meeting and subsequent correspondence to assist me in making my determination.

The Objection

7. There are two main parts to the objection and I shall deal with them in turn. The first part concerns the oversubscription criterion that awards points to score a family's church commitment. The objector considers that "it is unfair and unreasonable to offer places to children based on how many church activities their family is involved in." The objector comments that "many families, especially single-parent ones who work, find it difficult to find the time to get involved in flower arranging, for example, or church events in the evening that may necessitate a babysitter and some financial outlay. Also, some churches offer more activities for parishioners to help

out with and, therefore, make it easier to 'score' enough points to be in with a very good chance of securing a school place." The objector also believes that as an indication of the points needed to be successful is not included in the arrangements it is unfair as those parents who have found out how many points are needed for a successful application are likely to use this knowledge to assist in their application. The objector considers that the 'points' system is altogether unfair.

8. In the second main part of the objection the objector comments that the ability banding system within the school's admissions arrangements does not make it clear how girls are selected from within each band.

Other Matters

9. Having had these arrangements brought to my attention through the objection, under section 88I of the Act I have looked at the arrangements as a whole and there are other matters that do not appear to comply with the Code which I have drawn to the attention of the school. The school acknowledged these matters in a positive manner and indicated that it will ensure compliance with the Code. These matters are set out below.

Background

10. The Grey Coat Hospital describes itself as a comprehensive academy with a diverse cohort of students who live in the Dioceses of London and Southwark. The school reports that: 26.1 per cent of the pupils are eligible for free school meals: the school is ethnically diverse with 66.1 per cent of pupils from minority ethnic groups and 29.6 per cent with a first language not, or not believed to be, English: and 5.9 per cent of the pupils are supported by school action plus or with a statement of special educational needs. The school provided these figures which are taken from the Ofsted data dashboard and RaiseOnline 2012.
11. The school was founded in 1698 as a charitable foundation with strong Church affiliations and the school says this has remained a core purpose throughout its history. The school is designated as having a Church of England religious character and was established as an academy on 1 July 2012. The published admission number (PAN) is 151 for admission into Year 7. The school is usually oversubscribed and said that it considered 962 applicants for the 151 places in 2012 and had received more applications than this for 2013. The school has a language specialism and selects 10 per cent of its intake (15 places) on the basis of aptitude for language.
12. The governors state that they are committed to a comprehensive intake and in order to achieve this they write to all applicants to ask them to take an ability test on a given Saturday after application and then use the tests to allocate the girls who apply into one of three ability bands.
13. The governors explained that they devised the faith oversubscription criteria in the arrangements to enable the daughters of families who are

habitual and regular church goers to have the best possible opportunity of joining the Grey Coat Hospital.

14. The arrangements say that girls with a statement of special needs naming the school are admitted to the school. The arrangements then say that girls who wish to be considered for a place allocated on language aptitude are required to attend the school on a Saturday in the summer term when they are in Year 5 at their primary schools to take the language aptitude tests. The girls tested for their language aptitude are informed of the results of the test before the 31 October and are thus able to apply for a place with knowledge of how well they did in the tests. No other criteria apply for the language places. Girls who are unsuccessful in obtaining one of these places can apply to be considered under the other categories of admission as appropriate and must take the ability tests described below.
15. All applicants who seek places other than language places are required to attend the school on an appointed Saturday after applications have been received to take the school's NFER-Nelson standardised assessment tests. These tests are used by the school to allocate applicants to one of three bands of ability. The most able 25 per cent are allocated to band one; the least able 25 per cent are allocated to band three and the middle ability 50 per cent are allocated to band two. The applicants are not ranked by the tests within each band; the tests are used solely to determine which band an applicant is allocated to.
16. The following table sets out how many places are available in each of the categories for admission. The admission tests determine which row of the table an applicant is in and the applicants are able to select which of the faith based columns they should be in or the open column if they do not wish faith to be taken into account. The arrangements state that applicants for the faith based places must live in the area covered by the Dioceses of London and Southwark. A reference map is available at the school should it be required.

	Church of England	Other Christian	Open Places	Total
Band 1	20	7	7	34
Band 2	40	14	14	68
Band 3	20	7	7	34
Language places				15
Total	80	28	28	151

17. Having allocated applicants to one of the boxes within the grid, the school then prioritises places within each of the six boxes in column one (Church of England applicants) and column two (Other Christian applicants). The following prioritisation process is applied in each of the six boxes. Within a box, any applicants who are looked after or previously looked after children

are given a place. Then, applicants who will have sisters attending the school in years 7 – 11 at the time of admission are given a place. After that, the school lists the applicants who together with her family have attended church weekly for five years and ranks these applicants using the following “family church commitment” measure, allocating places according to ranked score.

18. Applicants can score up to a maximum of ten points (five by a parent and five by the child) with one point scored for any of the following:

- Parent holding elected office in the church
 - Parent being a communicant member
 - Parent on the church’s electoral or other membership roll
 - Regular practical involvement by a parent in the church
 - Parent having a role in public worship/ministry
 - Regular involvement in other aspect of church life
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- Child being a regular communicant
 - Baptism of child
 - Confirmation of child
 - Attendance by child at Sunday school
 - Child having a role in public worship
 - Attendance by child in a church organisation
 - Involvement in other aspect of church life by child

Where there is a tie in these scores, a distance tie breaker is used.

19. Should there be places unallocated in any of the six boxes following this process, the scoring process is repeated but this time for those applicants who have a shorter history of between one and five years of weekly church attendance. Unsuccessful applicants within any of these boxes are transferred to the appropriate pools for consideration under the open category criteria.

20. The three boxes for open places are then prioritised. Within each box, looked after or previously looked after children are first allocated places, and then girls who will have a sister attending the school in years 7-11 at the time of admission are allocated places. Any other places are then allocated with first priority given to those who live within the three named parishes and who attended one of the three named primary schools and second priority is given to those who live within the three parishes but who did not attend the named schools. Where there is a tie for places, distance is used as the tie-breaker.

Consideration of Factors

21. The first part of the objection concerns the oversubscription criterion that awards points to score a family’s church commitment. The objector considers that it is unfair and unreasonable to offer places to children based on how many church activities their family is involved in. The objector says that many families, especially single-parent ones who work,

find it difficult to find the time to get involved in flower arranging, for example, or church events in the evening that may necessitate a babysitter and some financial outlay. Also, some churches offer more activities for parishioners to help out with and, therefore, make it easier to 'score' enough points to be in with a very good chance of securing a school place.

22. The school's response to this is that the points system is the third and last part of the place allocation process and is used to discriminate between those who have already met the church attendance criterion of weekly attendance for five years. The system was introduced in 2006/7 in response to a query about the objectivity of the arrangements at the time. Governors modified the arrangements to make them as objective as possible and expressed as clearly as possible.
23. Governors on the admissions committee do the scoring and from the 13 different points that can be scored they have set the maximum possible score for admission purposes as ten in order to allow some flexibility and choice for applicants. The governors pointed out that the criteria include a range of situations and activities to enable applicants to gain points in different ways so that those who are regular church attenders should be able to score more points than those who are not regular church goers.
24. When drawing up the criteria for the points, the school says that representatives from different Christian Churches were consulted to ensure that attendees of different churches could gain sufficient points to have a realistic chance of gaining a place at the school. Data from recent years show that it has not been necessary for applicants to score ten points to gain a place and typical scores have been eight and nine. The lowest successful score in the last four years has been six. The school also observed at the meeting that the time period for the points scoring is not five years but that it refers to current activity at the time of the application. The school also clarified that the information that governors use to score the applications is derived from the clergy reference form and not the supplementary information form (SIF).
25. I now turn to the comments made by the diocese about this part of the objection. The diocese said in its written response that "it did not recommend additional factors should be used for judging church commitment but recognises that some schools that are very oversubscribed do use additional criteria. It would want to ensure that such criteria are clear, transparent, objective and not discriminatory." This view is supported in its published guidance to schools at paragraph 2.1.1. which states "The London Diocesan Board for Schools does not consider that additional factors such as 'active involvement with the church' should be used."
26. The council's response to the objection was that it has, in the past, raised some concerns about the overall complexity of the admission arrangements under the previous 2007 and 2009 Admissions Codes, and it noted that the school had made changes to the format to present the admissions policy in a clearer way from 2010 entry onwards. The council considered that the school's point system was clearly explained.

27. I now consider which paragraphs of the Code are relevant to this objection. Paragraph 1.9e of the Code says “*admission authorities **must not** give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisations, including any religious authority.*” Six of the scored activities apply to parents. Of these, holding elected office; regular practical involvement; having a role in public worship and regular involvement in church life could all, to some extent, be interpreted as providing practical support to the church. The church could be considered as an “associated organisation” to the school given the importance that the school attaches to church attendance and I shall return to this below.
28. Paragraph 1.9i states that admission authorities **must not** “*prioritise children on the basis of their own or their parents’ past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination.*” I shall discuss below whether or not I consider that the diocesan comment that “some schools use additional criteria and that such criteria should be fair” enables the school to take account of religious activities through this paragraph.
29. In reviewing these arguments concerning the use of a scoring system for church activities there are some key considerations. The first is that no defence has been given to the suggestion that some families and especially single parent families may find themselves unfairly disadvantaged when it comes to participation in a range of church activities. The second is that as the arrangements are currently written it is unclear that the school only takes a snapshot of the activities at time of application it is also unclear that the scoring is done on the clergy reference and not from the SIF. The third is that the Code at 1.9i does not permit the hobbies and activities of parents or their children to be taken into account unless they are religious activities as laid out (in this case) by the diocese. The last point is that some of the parental activities that are scored could be interpreted as practical support to the church as an associated organisation to the school and this does not comply with the Code at paragraph 1.9e.
30. I shall discuss these points in turn. I am persuaded by the objector’s argument that some families and especially single parent families could find it harder to get involved in church activities because the absence of a second parent to either take part in the scored activity, or to look after any siblings while another participates, creates child care and other issues. It is also possible that a single parent will find it more difficult than a family with two parents to help a daughter to participate in church activities if it is necessary to deliver her and collect her afterwards on a regular basis. There are other families who may find it difficult, for example, because of work patterns or care for older members of the family or illness. At the meeting the school said that many churches are very supportive of single parent families and will often provide additional help to enable participation. This may be the case, but it does not remove the possibility

that some single parents may be disadvantaged because they do not have a second person to take on some of the participation activities in the criteria; and in reality it is not just single parents whose circumstances may impact on how they can gain points. This then becomes a measure of availability rather than faith and such parents may be habitual and regular churchgoers, but less able in practice to support their church in the way the school envisages. For these reasons I agree with the objector on this particular point about unfairness.

31. The second point is that the arrangements are unclear in stating how the scoring is conducted. The Code at paragraph 1.8 says “*Oversubscription criteria must be reasonable, clear, objective and procedurally fair...*” I was informed at my meeting with the school about the use of the clergy reference and the time period used for scoring, but these details are not specified in the arrangements. I have to conclude, therefore, that the arrangements are unclear in this respect and do not comply with paragraph 1.8 of the Code. In addition, it is possible that parents will be unfairly discouraged from applying for a place in the first place if they feel they have to complete a SIF that is quite long and requires discursive answers and if they believe they must describe their activities over a five year period.
32. The third point to consider is whether the arrangements are exempted from the requirement of paragraph 1.9i of the Code by virtue of them being religious activities laid out by the diocese. The diocesan comments quoted above are of a general nature and do not in my view lay out those religious activities that the school may take account of. Paragraph 2.4.1(k) of the diocesan guidance quotes a paragraph from the 2007 Admission Code that says that schools must not “give priority to children according to their, or their parents’ particular interests, specialist knowledge or hobbies. This does not include taking account of membership of, or participation in, religious activities for faith schools providing this is consistent with the Code and guidance issued by the faith provider body/religious authority (London Diocesan Board for Schools(LDBS))”. Paragraph 2.1.1 of the diocesan guidance states “the LDBS does not consider that additional factors such as ‘active involvement with the church’ should be used”. Taking these paragraphs together I conclude that the school does not gain the permission to take account of religious activities as laid out by the diocese and must comply with the Code and not take account of a parent’s or child’s hobbies and activities. The diocese provided me with a copy of the 2007 guidance that it gives to schools together with the periodic updates that it has issued. At our meeting, the diocesan representative agreed that it would be helpful for the diocese to consolidate its advice and updates into a set of guidance that refers to the Code currently in force.
33. The fourth point is that the scoring system involves practical support to the church and this is not compliant with paragraph 1.9e of the Code. The Code refers to practical support to the school or to any associated organisation, including any religious authority. I consider that the church is both an associated organisation and a religious authority given the importance that the school places on church attendance in its arrangements. Four of the six scored activities and in particular, the one

described as “regular practical involvement by a parent in the church”, appear to me to offer some practical support to the church in one way or another. Not only does this appear to be in contravention of this paragraph in the Code but it is also unclear what regular practical involvement means in the arrangements and thus how it can be scored fairly and clearly.

34. For this part of the objection I uphold the objector’s comments about the arrangements being unfair for some families and especially single parent families and I have concluded that the arrangements do not comply with paragraphs 1.8, 1.9e and 1.9i of the Code, having identified above three other grounds on which the scoring system does not comply with the Code.
35. I now turn to the other elements of the objection. In the first part of the objection, the objector makes a further comment that many applicants do not know the number of points needed to have the best chance of being offered a place and that those who, by talking with other parents, have found out that a score of at least eight is usually necessary use this knowledge to work out what they and their daughter need to do at church to get the points score necessary for a successful application.
36. In its response, the school has explained that it wishes to help habitual and regular church going families gain places at the school for their daughters and that this was the reason for the weekly for five years threshold. Governors argue that a regular church goer would have no difficulty meeting this threshold but that the length of time would be a disincentive for a family that was considering changing its practice in order to gain a place at the school. The diocesan advice is that two years is a suitable period. The school has noted the diocesan advice but decided to use the longer period of five years.
37. The school went on to argue that a family whose members are habitual and regular church goers are likely to be able to score sufficient points to gain a place at the school by virtue of the church activities that they participate in as a matter of course. The school says it is not trying to encourage families to do more activities in order to gain the points for admission. The school considers that those families that do change their activities might be “playing the game” to gain a place for their daughter and are not the “habitual and regular” church going families that it seeks and this is why it uses the clerical reference to obtain this information. The school makes the point that the scoring only takes place for those applicants who have met the criterion of five years of weekly attendance at church. The arrangements state that applicants will be ranked according to their church commitment score and do not give any indication of whether an applicant needs 10 points or fewer to be successful. The point here is that if some parents know how many points were required in the different categories for the previous year and others do not, then parents who do find out may have an advantage over others who do not and it also means that over time the pressure will increase on families to achieve a score of 10 out of a possible 10 to gain a place at the school. In order to comply with paragraph 14 of the Code’s requirement for arrangements to

be “fair”, and paragraph 12 of the Code’s requirement to be “open”, the school needs to consider how to remove this area of unfairness. In consequence, I uphold this part of the objection on the grounds that the arrangements do not comply with the Code at paragraphs 12 and 14.

38. The second part of the objection is that the arrangements are unclear about how the banding system operates and the objector sought further detail about how the applicants are ranked within the bands by the tests. The objector has assumed that the tests are used to rank the applicants within the bands but the school has clarified that this is not the case and that the results are only used to allocate candidates to the bands. This arrangement complies with paragraph 1.26 of the Code and, in consequence, I do not uphold this part of the objection.
39. Having considered the points made in the objection, I then reviewed the overall arrangements under section 88(5) of the Act. I began by considering the detail of the consultation on the arrangements and the process used to determine the arrangements. Paragraphs 1.43-1.47 of the Code set out the requirements for consultation about admission arrangements and the determination of the arrangements. The school consulted on two changes for 2014, these were the adoption of the Borough of Westminster’s amended system for measuring home to school distance and a change to the timing of the language aptitude test.
40. The diocese observed in its written comments about the objection that it was not directly consulted by the school about the arrangements for 2014. The Code states at paragraph 1.38 that “..... *Church of England schools must,consult with their diocese about proposed admission arrangements before any public consultation.*” The school responded that the consultation on the two elements of the change within the arrangements for 2014 was handled on its behalf by the council and that the draft arrangements were placed upon the council website for consultation along with those of other schools in the area and all the appropriate bodies laid out in paragraph 1.44 of the Code, including the diocese, were notified about this by email on 17 January 2013. A copy of this email was provided. These facts show that although the diocese was consulted this did not happen before the public consultation and in this respect the school did not comply with paragraph 1.38 of the Code or the Diocesan Boards of Education Measure 1991. I also observe that although the school considers that it discharged its duty to consult through the council, it remains responsible for ensuring that the requirements for consultation are fully met.
41. The school has provided the minutes of its admissions committee dated 12 November 2012 where it was agreed to make no other changes to the arrangements for 2014. The consultation on the arrangements was then carried out on the school’s behalf by the local authority. The headteacher has informed me that the chair of the admissions panel then reported on the admissions arrangements to the governing body on 20 March 2013 and that this was when the arrangements were determined. However, this decision was not recorded as a determination of the 2014 arrangements within the minutes as it should have been.

42. Following determination of the arrangements, the admission authority must publish its arrangements on its website. The supplementary information form and the clergy reference are part of these arrangements and must all be available for viewing on the school website. At the time of the objection I checked the school website and these additional documents were not available. This has now been remedied.
43. I now turn to aspects of the arrangements that lack clarity and in order to comply with paragraph 14 of the Code need to be reviewed to ensure that the meaning is clear. Paragraph 14 says *“In drawing up their arrangements, admission authorities **must** ensure that 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 clearly how places for that school will be allocated.”*
44. The Code in paragraph 1.36 says *“schools designated by the Secretary of State as having a religious character (known as faith schools) may use faith based oversubscription criteria...”* However this same paragraph begins by saying that faith schools *“...are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if places are available”*. The way that the arrangements are drawn up means that if there are insufficient faith based applicants in one of the boxes in the admission grid (set out above), there is no means within the arrangements to re-allocate the available places to any other applicants. This does not comply with this paragraph of the Code.
45. The school has explained that it wishes to prioritise the allocation of the faith based places to those who have a history of attending church weekly for five years. In setting out this element of the arrangements the school has not been clear whether weekly means every week for 52 weeks of the year or whether it means usually weekly with allowance for holidays, illness and other reasons. Such clarifications would help to mitigate any concerns about disadvantaging those who cannot attend weekly for good reasons.
46. I now consider the testing arrangements and have identified some aspects that do not comply with the Code. In particular, paragraph 1.32 of the Code states that admission authorities **must** *“take all reasonable steps to inform parents of the outcome of selection tests before..... 31 October.”* The school complies with this requirement in respect of the language tests taken in June, but does not comply in respect of the banding tests that are taken in December following the submission of applications.
47. There is no clarification within the arrangements about the consequence of a child failing to attend for an ability test. It is possible that some families may not be sufficiently well organised to be able to attend the given assessment day or a child may fail to attend for the tests for other reasons such as illness or important prior engagements. In order to be clear and fair the arrangements need to clarify this point and state if the application would be disregarded or if other arrangements for testing can be made.

48. There is a related point concerning the testing of looked after or previously looked after children. Paragraph 1.28 of the Code refers to banding tests and states that “*Where the school is oversubscribed: looked after children and previously looked after children must be given top priority in each band...*”. The school will be able to comply with this if a child takes the ability test and is allocated to a band. However, in the event of a looked after child not taking the ability test it is unclear how the school would meet paragraph 1.7 of the Code that requires the highest priority to be given to looked after and previously looked after children within the oversubscription criteria.
49. I now turn to the arrangements for sixth form applications. The arrangements for admissions to the sixth form state that the maximum number of external applicants admitted will be 50 but that this will depend upon the number of places allocated to those transferring within the school after Year 11. This is inconsistent with paragraph 1.2 of the Code, read in conjunction with 2.6, which requires an admission authority to “*set an admission number for each “relevant age group”*”.
50. The sixth form application process indicates that references from a current school will be used to judge suitability and a reference form is included as part of the application form. This practice does not comply with paragraph 1.9g of the Code which states that an admission authority **must not** “*take account of reports from previous schools about children’s past behaviour, attendance, attitude and achievement...*”.
51. I now consider issues to do with the supplementary information form (SIF). Completion of the SIF is a requirement for faith applicants to this school. Paragraph 2.4 of the Code states that “*admission authorities**must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria.....***”. It was clarified in the meeting that the information used to score applicants and their families was not subject to the five year time period and was derived from the clerical reference form. As a result of this clarification it appears that the additional information provided by parents on the SIF is unnecessary and was apparently not used by the school, which leaves the question of why parents are asked to spend time completing this part of the SIF if the information is not used. The school needs to consider this and clarify the matter so that the SIF complies fully with this part of the Code.
52. The SIF requests other pieces of information that are not permitted by paragraph 2.4 of the Code. The form requests the work and home telephone numbers of both parents and this is not information that is required in order to apply the oversubscription criteria. A single contact number and address would suffice.
53. Paragraph 1.9b of the Code prohibits a school taking into account previous schools attended unless they are feeder schools. The details sought on the SIF concerning previous schools are therefore not required except to indicate that a girl attends one of the three named feeder schools which give priority for the 28 open places available.

54. The SIF asks for completion of a clergy reference. A photograph is required for this, but paragraph 1.9o of the Code does not permit photographs to be used in this way.
55. I have commented earlier that the scores that are awarded within the scoring system criteria are for activities undertaken currently. This is not clear within the SIF or elsewhere within the published arrangements and in my view could leave potential applicants worrying unnecessarily about providing an account of five years of scored activity when this is not required.
56. For entry at Year 7, applicants are asked to complete a SIF. This is obligatory for those who wish to apply for a “church place” and advised for those who wish to apply for an “open place”. The statement on the form “All Grey Coat students and their families are expected to support the Christian ethos, including attendance at assemblies and Church services...” *does not comply with paragraph 2.4d of the Code that says “admission authorities **must not** ask parents to agree to support the ethos of the school in a practical way”* which in this case is attending assemblies and church services.
57. The clergy reference form is a detailed document that will require the person completing it to know the family well in order to answer all the questions. The person completing the form must also understand the significance of the answers given if they are not to disadvantage a family unintentionally. They are asked, for example, to say if the parents attend church weekly; fortnightly or occasionally. From the meeting I was able to clarify that “weekly” did allow for occasional absences, and the intention was to gain a broad perspective about attendance, but the writer of the reference may not understand this and might not tick the weekly box if there had been an absence at some point. If this box is not ticked then the application is not considered further and in consequence there seemed to be no reason why there was a “fortnightly” or “occasional” option to tick. Similarly, the next question asked is “how long the family has attended at this frequency?” If the answer is not a minimum of five years then again the application is not considered further. Unless the reference writer has carefully read the very closely typed summary on the reverse of the form they may be unaware of the significance of these two questions and could unwittingly assist or prevent an application through a loose or literal response to the questions.
58. Having looked at the clergy reference form and discussed it at the meeting I am concerned about its complexity and the extent to which a child’s chances of a place depend on it being completed accurately and completely by the referee. It is not clear whether parents are able to see the completed clergy reference form that provides the information that determines whether or not their daughter is considered for a place. The school, perhaps with the assistance of the diocese, needs to review the questions asked on the clerical reference form and clarify within the arrangements how it is used and administered in order to comply with the

requirement of paragraph 14 of the Code to be “*fair, clear and objective*” and paragraph 12 to be “*open*”.

Conclusion

59. The first part of the objection concerns the use of the scored list of activities that supplement the church attendance criterion and suggests that it is unfair and thus in breach of the Code at paragraphs 14 and 1.8. I have looked carefully at the arrangements and am persuaded that single parent families may find it harder, as might some two parent families compared with others, to get involved in church activities and for this reason I think that the use of the scored list of church activities is unfair and I uphold this element of the objection. I have also identified other elements of the scoring system that do not comply with the Code. In particular, four of the six scoring points for parents include elements that do not comply with the Code. Those which include “practical support” to the church do not comply with paragraph 1.9e of the Code. Those that involve taking account of a parent or child’s hobbies or activities do not comply with paragraph 1.9i; and lastly, the lack of clarity in setting out various aspects of the scoring system set out above do not comply with paragraphs 14 and 1.8 of the Code.
60. In this part of the objection, the objector also comments that many applicants do not know the number of points needed to have the best chance of being offered a place and that those who have found out that a score of at least eight is necessary use this knowledge to work out what they and their daughter need to do at church to get the points score necessary for a successful application. I discussed this issue in detail above and In order to comply with paragraph 14 of the Code’s requirement for arrangements to be “fair”, and paragraph 12 of the Code’s requirement to be “open”, the school needs to consider how to remove this area of unfairness. In consequence, I uphold this part of the objection.
61. The second part of the objection is that the arrangements for the banding system are unfair and the objector sought further detail about how the applicants are ranked within the bands by the tests. The objector had assumed that the tests were used to rank the applicants within the bands but the school has clarified that this is not the case and that the results are only used to allocate candidates to the bands. This arrangement complies with paragraph 1.25 of the Code and I do not uphold this part of the objection.
62. I have looked above at the overall admission arrangements and set out some specific issues that do not comply with the Code. When we met, the school governors and headteacher recognised that they need to review the school’s arrangements and that some of the changes required are substantial and will require considerable work, discussion and consultation. The governing body has a responsibility to consider how best to do this in compliance with paragraph 3.1 of the Code.

Determination

63. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for the Grey Coat Hospital determined by the Grey Coat Hospital Academy Trust.
64. I have also considered the arrangements in accordance with section 88I(5). I determine that there are matters as set out in this determination that do not conform with the requirements relating to admission arrangements.
65. 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 as quickly as possible.

Dated: 29 November 2013

Signed:

Schools Adjudicator: David Lennard Jones