

DETERMINATION

Case reference: ADA/0002549

Objector: A member of the public

Admission Authority: Twyford Church of England Academies Trust

Date of decision: 29 November 2013

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the Academy Trust for Twyford Church of England High School, for admissions in September 2014.

I determine that in relation to the matters that have been referred to me they do not conform with the requirements relating to admission arrangements.

I have also considered the arrangements as a whole in accordance with section 88I(5) and I determine that these do not conform with the requirements relating to admission arrangements. The school has already had regard to the referral and made a number of changes in order to meet the mandatory requirements of the Code.

By virtue of section 88K(2) of the Act 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. The admission arrangements (the arrangements) of Twyford Church of England High School, (the school), for September 2014, have been brought to the attention of the Adjudicator. The school in Acton, London is a secondary academy for pupils aged 11 to 18 years. The referral was made in an email dated 25 July 2013 by a member of the public (the referrer).
2. The referral questions whether or not three aspects of the arrangements for September 2014 breach the School Admissions Code (the Code). The first and second aspects relate to the criteria for 'foundation (Christian)' places and 'World Faith/Open' places respectively.
3. The third aspect relates to a view that the arrangements discriminate against parents who have no faith.

Jurisdiction

4. The terms of the academy agreement between the proprietor (The

Twyford Church of England Academies Trust) and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the governing body on behalf of the proprietor, which is the admission authority for the school, on that basis.

5. The referral was made on 25 July 2013, after the deadline for the receipt of objections about the arrangements for 2014, that is, by 30 June 2013. I have considered the arrangements for 2014 in relation to the matters brought to my attention using my power under section 88I of the School Standards and Framework Act 1998 (the Act). I have used the same power to review the arrangements as a whole. I am satisfied that it is within my jurisdiction to consider the school's arrangements.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the Code.

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

- the referrer's email dated 25 July 2013;
- the school's response to the referral and supporting documents dated 6 August 2013, and subsequent correspondence;
- the composite prospectus for parents seeking admission to high schools in the London Borough of Ealing, the local authority (the LA) in September 2013;
- a response from the LA dated 6 August 2013;
- maps of the area identifying relevant schools;
- a response from the Diocese of London (the diocese) dated 5 August 2013, with a copy of the guidance for governors 'Admission and Appeals in Church of England Schools 2007'; an undated notice to schools concerning the consultation with the diocese about arrangements for 2014; and further correspondence;
- a copy of Funding Agreement dated 1 October 2011, the Deed of Variation and Annex 1, "Requirements for the Admission of Pupils to The Twyford Church of England High School" dated 25 October 2013;
- a copy of the minutes of the meeting on 20 March 2013 at which the proprietor of the school determined the arrangements; and
- a copy of the determined arrangements for admissions in September 2014.

8. I considered the arrangements for September 2014 and sought a

meeting with the school, the diocese and the LA to discuss the referral and my additional concerns about aspects of the arrangements which I considered might not be fully compliant with the Code.

9. I have taken account of information received during the meeting I convened at the school on 4 September 2013 and further information that has been submitted since the meeting by the school and the diocese.

The Referral

10. The referrer says that the school is in breach of the Code in relation to three aspects of the arrangements. The first aspect is that the criterion for admissions for foundation (Christian) places has a points system that includes points for “the voluntary service given by a child’s parent or carer to their Church.” Parents are asked to give details of service which includes tea and coffee rotas, church cleaning, flower arranging and bell ringing. The referrer contends that it is not part of the requirement of religious observance to arrange flowers, clean pews, make refreshments or ring bells.

11. The second aspect relates to the criteria for world faith/open places. Here too there is a points system which relates to serving refreshments, cleaning and preparing food at place of worship. The referrer says, “Again, I do not believe it is part of the requirements of religious observance to serve refreshment, clean the mosque/synagogue/temple or prepare food”

12. The third aspect relates to a view that the arrangements discriminate against parents who have no faith. The referrer says that the Code states that the Equality Act 2010 applies.

Other Matters

13. Having reviewed the arrangements as a whole I considered a range of issues which may contravene the Code. In discussion with the school I considered the clarity of the wording of minutes of the governing body meeting at which the arrangements were determined; how religious affiliation is assessed; the availability and ease of access for parents to the maps of the deanery and episcopal areas; the measurement of distance to multi-occupancy dwellings; information requested on the supplementary information forms (SIFs) for Year 7 applicants, including applicants for specialist music places and for external applicants to the sixth form.

Background

14. The school was established as an academy on 1 October 2011 on conversion from voluntary aided status and is described in the funding agreement as Twyford Church of England Academies Trust, an Anglican Church of England School in the London Diocesan Board. The school is larger than the average-sized secondary school with approximately 1458 pupils on roll, including 500 pupils in the sixth form. It is significantly oversubscribed with over 600 applications in 2013 for 190 places. It has specialist status in music and modern foreign languages. Of the 190 places, 150 are offered to foundation (Christian) applicants, 30 to applicants who

satisfy the criteria for world faith/open places and ten places are offered to students with an aptitude for music.

15. An Ofsted inspection report from May 2012 describes the school and the sixth form as outstanding and says that pupils of all backgrounds and abilities make excellent progress in their studies and achieve well in almost all their lessons. It notes that the proportion of pupils known to be eligible for free school meals is broadly average and that the school has a well above average proportion of pupils from minority ethnic backgrounds.

16. The head teacher is the executive head teacher of the two schools within the multi-academy federation, the school itself and a new free school, William Perkin Church of England High School (William Perkin School) that was established with the support of the London Diocesan Board for Schools; and which opened in September 2013 with places for 1400 pupils.

17. The school is designated as having a religious character and the Code says in paragraph 1.36, *“As with other maintained schools, these schools are required to offer every child who applies, whether of the faith, another faith or no faith, a place at the school if there are places available. Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.”* In other words, faith schools can decide whether or not to include faith based criteria within their arrangements.

18. Any faith based criteria must comply with the general requirements of the Code which says in paragraph 1.38, *“Admission authorities for schools designated as having a religious character **must** have regard to any guidance from the body or person representing the religion or religious denomination when constructing faith-based oversubscription criteria, to the extent that the guidance complies with the mandatory provisions and guidelines of this Code. They **must** also consult with the body or person representing the religion or religious denomination when deciding how membership or practice of the faith is to be demonstrated. Church of England schools **must**, as required by the Diocesan Boards of Education Measure 1991 consult with their diocese about proposed admission arrangements before any public consultation.”*

19. The school has always incorporated faith based criteria and seeks to admit the majority of its intake from very committed Christian families. The proprietor of the multi-academy trust has decided not to have any faith based criteria for admissions to William Perkin School.

20. The school's admissions policy clarifies that after the admission of pupils with a statement of special educational need that names the school, the first oversubscription criterion gives priority to looked-after and previously looked-after children. After this, the arrangements explain that foundation (Christian) places and world faith/open places are awarded to those scoring the most points, and the total points scored will be the first deciding factor based on information on the supplementary information form sections 1 to 6. The criteria relate to information about the length and frequency of attendance and the involvement of families with regard to children's activities or parents'

voluntary service as follows:

“2a. The length and frequency of voluntary attendance of the child at services of the Church of England (or churches in communion therewith), including Sunday School, or, Christian Church affiliated to Churches Together in Britain & Ireland or the Evangelical Alliance.

*Up to 5 points are awarded for attendance **over at least the last 5 years (one point for each year)**. In addition up to 5 points are awarded on the frequency/regularity of attendance **over the last 5 years (Weekly 5 pts, 3 times a month 4 pts, Fortnightly 3pts, Monthly 2pts, Occasional 1pt)**.*

2c. the length and frequency of voluntary attendance of the parent/carer at services of the Church of England (or churches in communion therewith), or, Christian Church affiliated to Churches Together in Britain & Ireland or the Evangelical Alliance. Up to 5 points are awarded for attendance over at least the last 5 years (one point for each year). In addition up to 5 points are awarded on the frequency/regularity of attendance over the last 5 years (Weekly 5 pts, 3 times a Month 4 pts, Fortnightly 3pts, Monthly 2pts, Occasional 1pt).”

21. There are further points to be gained for children’s additional activities (up to two points) and parents can indicate that they participate in up to four of over 20 listed activities (to gain up to four points). Finally if the family’s place of worship is at a Church of England church, they can gain one point. Thus it is possible for foundation (Christian) applicants to gain a maximum overall score of 27 points and for world faith/open applicants to gain a maximum of 26 points.

22. When a number of applicants have the same number of points the school then refers to the final criterion which has five subcategories applied in the following order: children with a sibling who will be attending the school at the time of admission; applicants living in the Ealing Deanery; the Brent and Harrow Deanery; the Willesden Episcopal area and finally, children living outside the latter three areas, with the distance criteria applied in each case as necessary as a tie breaker.

Consideration of Factors

23. The first aspect of the referral contends that the school is in breach of the Code, in that the arrangements for admission for foundation (Christian) places refer to voluntary service by a child’s parent or carer. Activities include tea and coffee rotas, church cleaning, flower arranging and bell ringing.

24. The second aspect although similar, relates to the criterion for world faith/ open places. The referrer says this criterion also refers to voluntary activities such as serving refreshments, cleaning and preparing food at the place of worship and she does not believe this forms part of the requirements of religious observance to serve refreshment, clean the mosque, synagogue or temple; nor to prepare food. She cites paragraph 1.9 of the Code which says, *“It is for schools to formulate their admission arrangements but they **must not:***

e) give priority to children on the basis of any practical or financial support parents may give to the school or any associated organisation,

including any religious authority' or;

i) 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)."

25. For ease of reference I will consider these two aspects of the referral together. As the school's arrangements include faith based oversubscription criteria, these must adhere to the requirements of the Code. Paragraph 1.37 says, "Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied." The school does not apply any faith criteria to the admission of looked-after and previously looked-after children and gives first priority to all looked-after children, whether of the faith or not. After the admission of looked-after and previously looked-after children, the next criteria relate to the length and frequency of attendance of the parent and child at the place of worship.

26. For attendance over the past five years, one point is awarded for each year; thus a maximum of ten points can be achieved when the scores of child and parent are combined. A further five points each, are awarded based on the frequency/regularity of attendance over that five year period, with weekly attendance scoring the maximum (five points), then a sliding scale of three times per month (four points), fortnightly (three points), monthly (two points) and occasional attendance (one point). So a parent and child, both attending weekly for five years would be awarded 20 points.

27. Due to the significant and consistent pattern of oversubscription, more applicants achieve the maximum points available for meeting the requirements of criteria 2a and 2c than there are places available. I am advised by the school that with the current high level of oversubscription, that this would not be sufficient to gain admission to the school. As weekly attendance at church for five years is of itself, an insufficient measure to separate applicants, the school uses a further measure of commitment to differentiate between applicants. Parents undertake several additional activities and their children engage in activities, to gain the maximum points. The admission officer confirmed that of the applicants for admission to the school in September 2013 for Christian admissions, 202 applicants gained the maximum 27 points and 102 applicants had 26 points. Of the applicants for world faith/open places in 2013, 53 applicants scored the maximum 26 points.

28. The school has compiled two lists of activities that are in its view objective in demonstrating commitment to the faith of children and parents.

'2b. The child attends organisations working for the Church, or for the community, or supports the Church in other ways, as outlined below.

Children's Activities (2 activities maximum) at main place of worship usually on Sundays

1. Sunday school or in Church with parents where no Sunday School exists
2. Choir/Music Group
3. Server
4. Church/Youth club/group
5. Attending Confirmation/First Communion Classes
6. Reads lesson/contributes to worship
7. Church based outreach/charitable projects'

'2d. The voluntary service given by the child's parent or carer to their Church. Please give details of service, (1 point per activity.) as outlined below.

Parent(s) (4 activities maximum)

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| • Bell ringing | • Mother's Union/equivalent womens' group |
| • Reader of scripture in church | • Mens' Group |
| • Elected PCC member or equivalent | • Tea & coffee Rota |
| • Music Group/Choir | • Church cleaning |
| • Flower arranging at church | • Church maintenance |
| • Sunday School Teacher/Helper | • Parish Magazine Editor |
| • Welcomer/Steward | • Bible Study Group |
| • Leader of intercessions/Prayer rota | • Crèche Helper |
| • Server | • Licensed to administer communion |
| • House/cell Group member | • Worship Group |
| • Assisting with collection/counting money | • Technical support |
| • Evangelism team/outreach | • Church based outreach/charitable projects' |
| • Youth Club/Uniform Leader/Helper | |

29. It is the two criteria 2b and 2d that the referrer contends breach the Code.

30. In the school's initial response the head teacher explained that the admission policy makes it clear that all examples of active involvement in the life of a church or other world faith community are voluntary and do not involve financial support of any particular organisation. In the school's view the policy does not give priority on the basis of any practical or financial support parents may give to the school or any associated organisation including any religious authority as prohibited by paragraph 1.9 e of the Code. Voluntary service points are available to all and are not restricted to Anglicans. The school says it has gone to great lengths to ensure that different styles of worship of different Christian denominations and world faiths are properly accounted for in the list of voluntary service and these have been amended over time as a result of feedback from religious leaders.

31. The head teacher contends that although paragraph 1.9 i of the Code states, "*Admission authorities **must not** prioritise children on the basis of their own or their parents' past or current hobbies or activities*" it also says, "... (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). The head teacher wrote, "We believe that it is therefore implicit that practical assistance in the running

of a church or other place of worship is acceptable, provided these activities are clearly related to the spiritual life of the community. Activities such as flower arranging and church/mosque/temple cleaning are an essential aspect of the setting up for, or clearing up after, worship. Many modern churches are now multi-use spaces and for an act of worship to be carried out with appropriate reverence and decorum it is essential that the place of worship is appropriately prepared. In the case of junior church, there may be a requirement to tidy up after worship. Bell ringing has been a part of Christian worship for centuries; calling the faithful to worship and announcing the completion of the sacrament of marriage” and “With regard to hospitality, it is a common feature of both Christian and other world faith communities (most notably Sikh, Hindu and Muslim) that communities offer a welcome to strangers and are inviting to newcomers. Tea and coffee or other refreshments are very commonly used as part of the extended fellowship of churches / mosques/temples and gurdwaras. The school believes that its service criteria acknowledge the legitimate outreach activities of many faith communities and that the school has applied this understanding to all the major world faiths and all denominations rather than favouring any one religious organisation served.”

32. At the meeting at the school the head teacher explained that the criteria had been designed to differentiate between applicants so that the families who were most involved in the church would be awarded with the most points in the ranking exercise. She said she felt some of the activities such as prayer were practical, but expressed concern about being able to create a finite list. The school has retained this system of ranking applications rather than relying too heavily on what they term as “*the sometimes subjective nature of the forms completed by the clergy*”, with the overall aim of offering places fairly to those involved. The school has been considering what might constitute genuine engagement, with the aim of providing an objective list that is clear and transparent.

33. The school does not wish to use the criterion of distance since this would change the composition of its intake and the inclusion of a distance criterion would be ‘less objective’. I asked why it was so important for the school to admit pupils who lived some distance from the school. The head teacher and chair of governors agreed that the school wishes to make places available to pupils from a wider background than would be possible if it limited admissions only to families in the relatively prosperous area near the school. I understand the desire to exercise what the school terms, ‘social responsibility’, but there are varying methods of drawing up a catchment area or of applying the criterion of distance that might enable the school to serve its local area and to admit children living some distance from the school, in the wider church community.

34. The LA commented on the referral advising me that the school had 356 first preferences for the 180 places for September 2013 and expressing the view that, “The school’s admission criteria are complex but similar to other authorities church schools admission criteria.”

35. I then turned to the written guidance published by the diocese and provided to me by the diocese in response to my request for a copy of the

guidance given to the school. I referred to two documents, *“Admission and Appeals in Church of England Schools 2007”* and an undated notice to schools concerning the consultation with the diocese about arrangements for 2014. The executive summary of the former says in point 8, *“Where regular church attendance is used as the criterion for assessing religious affiliation, the London Diocesan Board for Schools guidance is that attendance once or twice a month for two years is an appropriate threshold. The LDBS does not believe that ‘additional factors such as ‘active involvement with the church’ should be used.”*

36. When I raised this guidance during discussions with the school, the diocesan board admissions adviser said that after full discussions with the school she was happy with the arrangements as she felt they demonstrated Christian commitment. When I specifically asked for evidence of any further, updated or different guidance that had been provided by the diocese, I was advised that the information I had been sent (referred to above) did indeed constitute the guidance available to the school.

37. I also referred to guidance issued by the Board of Education of the Church of England Archbishops’ Council Education Division together with the National Society, ‘Admissions to Church of England Schools, Advice to Diocesan Boards of Education in June 2011’. This too, recommends that the only criterion to be taken into account is attendance at worship. It says that if points systems are used to differentiate between families with equal commitment these should be as simple as possible and only used if absolutely necessary, and ideally phased out. It notes that such systems can discriminate against families unable for a variety of reasons to participate in church activities. The guidance in both cases is clearly written and it is the written guidance that needs to be followed.

38. The school has made genuine attempts to provide clear guidance to parents and has a deep belief that the activities listed demonstrate Christian commitment and said that if points were removed the governing body would have to consider using the distance criterion and this, it was felt, would be less objective in terms of admitting children of committed Christian families.

39. In discussion, the school acknowledged that some of the items could be considered to constitute financial support in that if there were no volunteers then the practical activity such as maintenance and cleaning would have to be paid for. At the meeting, the chair of governors explained that there were plans to remove those items from the list, where the place of worship might have to pay someone to undertake the role, in order to draw a clear line between voluntary acts which show commitment to the place of worship and jobs which must be done. The head teacher agreed that some of the practical activities might need to be removed but maintained that the aim was to compile a list which illustrated the “stuff of faith” which showed how committed an individual is to the faith.

40. The criteria enable this significantly oversubscribed school to achieve its aim of admitting children from very committed Christian and other world faith families. The admissions authority has gone to great lengths to compile a long and varied list of activities which they feel demonstrates commitment to

the faith. Children are able to gain two points by undertaking activities in church such as attending the Sunday school or singing in the choir and there are several other ways to gain two points. Parents have a wide range of options and only a small proportion of the total points are awarded for service. It is evident that many families can and do achieve the maximum points available.

41. I have considered carefully the school's reasons for using points for activities undertaken by the child and a parent. I have also carefully reviewed the diocesan guidance which I take as the written guidance that applies for all relevant schools in the diocese. I am aware that it does not explicitly prohibit the inclusion of an over subscription criterion related to 'service' and I understand from the school and from the diocesan adviser that the diocese has been fully consulted about the arrangements annually and more to the point, has approved the arrangements for September 2014. This does not however mean that the arrangements comply with the Code.

42. I have concluded, that some activities are practical and could also be considered to constitute financial support to a faith body, a view that the school agrees with. Such support to the church or other faith body is prohibited under paragraph 1.9 e of the Code, and as the arrangements say the other activities are voluntary activities. Paragraph 1.9 i permits activities only as "laid out by the person or body representing the religion or religious denomination." While the majority of the activities for children and parents arguably do demonstrate commitment to the Christian and other world faiths, the school has not provided any written evidence that they have been "laid out" by the relevant religious bodies as permissible for the purposes of oversubscription criteria for admissions arrangements for schools. For these reasons I have concluded that the arrangements do not currently conform to the requirements relating to admission arrangements in respect of these two aspects of the referral.

43. The final aspect of the referral relates to a view that the arrangements discriminate against parents who have 'no faith'. The referrer cites the Equality Act 2010, "*An admission authority **must not** discriminate on the grounds of disability; gender reassignment; pregnancy and maternity; race;*

44. In response, the school says, "*With regard to the Equality Act 2010, paragraph 5 of schedule 11 of this Act allows schools which have a religious character or ethos to discriminate because of religion or belief in relation to admissions and in access to any benefit, facility or service. It means that faith schools may have admissions criteria which give preference to members of their own religion and allows them to conduct themselves in a way which is compatible with their religious character or ethos. It is therefore our belief that this legislation does not prevent faith schools offering places to families on the basis of their own faith practice.*"

45. While I agree with the conclusions of the school in this regard, the referral relates specifically to children of 'no faith'. At the meeting we examined the arrangements from the perspective of a parent from this group that is, wishing to apply for admission as an applicant for a world faith/open place. Under the heading 'World Faith/Open' the arrangements state,

“The Governors have designated 30 places as World Faith/Open places to be offered to students of World Faiths/No faith who do not meet the criteria for a Foundation place but whose parent(s)/carers(s) have chosen this Church school for the type of education it provides.”

46. It then goes on to explain the criteria to be applied in the event of oversubscription and correctly gives first priority to looked-after and previously looked after children. Criteria 2 and 3 relate to religious references as follows:-

2. Applications from applicants who are able to provide a religious reference will have priority over those unable to provide a religious reference.
3. The Total points scored will be the first deciding factor based on the answers given to the questions below and detailed in sections 1 to 6 of the supplementary information form (religious reference) which relate to attendance and involvement of families (see points a - d below).

47. These criteria are contradictory when contained under the heading which includes ‘students of no faith’ and it is not clear how parents could demonstrate ‘no faith’ if there are no points available for such an applicant. The school readily acknowledged this and in order to provide greater clarity for parents as required by the Code, the school has since inserted a new criterion 2 which states, *“Applications for an Open place do not require Part A (the religious reference) of the application form to be completed. Open applications will also be accepted from Christian applicants whose church is not affiliated to Churches Together in Britain & Ireland or the Evangelical Alliance”*. The school agreed that the second SIF would need to be edited in order to better explain the process for parents of no faith.

48. Schools which are designated by the Secretary of State as having a religious character (faith schools) are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief which means that admission authorities are permitted to use faith-based oversubscription criteria in order to give higher priority to admit a child on the basis of religion or belief.

49. Although the arrangements suffer from a lack of clarity it does not remove the right of the school to give priority in its overall arrangements on the grounds of faith. The school, which is designated as having a religious character, is permitted to discriminate on the grounds of religion or belief in relation to the admission of pupils. However, having chosen to include children of ‘no faith’ in the arrangements, to be considered in the same order of priority as children of world faiths, it is unfair if the criteria then penalise such applicants for not providing religious references and include in the same criterion applicants that cannot score any points.

50. For this reason I have concluded that the arrangements do not conform with the requirements of the Code in respect to this aspect of the referral.

51. The school willingly agreed to make the necessary amendments to the text of the arrangements for 2014, to provide greater clarity for this group of parents.

Other matters

52. Having reviewed the arrangements as a whole I considered a range of issues which may contravene the Code.

53. I drew attention to the clarity of the wording of minutes of the governing body meeting at which the arrangements were determined and the school readily agreed that more care is required and will be taken to ensure that the minutes record with absolute precision that arrangements have been finally agreed in all aspects and determined by the governing body.

54. I then looked at the issue of assessing religious affiliation; in particular, church attendance. The school's stated aim is to admit the children of very committed families and the arrangements prioritise applications that can provide evidence that both child and a parent have attended church weekly for five years. The requirement to provide proof of regular worship is not an issue of itself but I did explore some of the different situations of families. The school said it was not possible for the SIF from the church representative to be completed with absolute accuracy unless attendance was consistent every year for 5 years but stressed that 'peer scrutiny' from other parents about attendance at church (and participation in the listed activities) was 'thorough'.

55. Diocesan guidance advises governors to be precise when defining regular attendance and to state whether or not they are looking, for example, for weekly or monthly attendance. As mentioned above it says in point 8 'Where regular church attendance is used as a criterion for assessing religious affiliation the LDBS guidance is that attendance once or twice a month for 2 years is an appropriate threshold.' Later in paragraph 2.1.1 it goes on, "*This may also require governors to think about the changing patterns of attendance at church on the part of families....*" The school said that staff made very significant efforts on behalf of applicants to contact previous places of worship and take into account the explanations on the SIFs completed by ministers.

56. As required by paragraph 1.38 of the Code cited above, the school has had regard to the written diocesan guidance in relation to assessing church attendance; but after further discussions about the use of a different timescale the current oversubscription criteria were agreed. The diocesan admissions advisor confirmed at the meeting that while she acknowledged what was written in the guidance, she did not consider it inappropriate for the school to require a higher level of attendance.

57. My view is that while on the one hand expecting parents and priests to provide evidence of weekly attendance over five years is a more onerous burden than that envisaged by the written diocesan advice that "*attendance once or twice a month for 2 years is an appropriate threshold*"; a very large number of families, over 600 applicants annually, provide the necessary proof, although I remain concerned about such a requirement. I have concluded that for admissions in 2014 within the particular context of this multi-academy trust of two Church of England High schools, under the same, excellent leadership of the head teacher, and where an equal number of families can apply to a 'faith' school without any reference to faith oversubscription criteria

at the partner school William Perkin School, that parents have a fair opportunity to be considered for admission at a faith school and that therefore this aspect of the arrangements that is, church attendance does not contravene the Code. I accept that the school is making great efforts to develop admission criteria that are objective and fair to all applicants and that the school follows through with assistance to families. A full review of arrangements is about to be undertaken to find the fairest ways of dealing with such very high levels of oversubscription.

58. I noted that the school has a map of the deanery and episcopal area but this is currently only available to parents who come into the school building. All such information should be readily available with the arrangements. Since the meeting the school has now placed a map showing the Deanery areas on display in the school reception area and on the school's website.

59. Information for parents seeking information about the operation of the waiting list was only partially contained under the heading of 'Waiting List' and important details were then contained in a section headed, 'Notes'. The school has now gathered all information into a single set of paragraphs to complete the information under the heading Waiting List.

60. The measurement of distance in the case of children who live in blocks of flats seemed unfair in that priority was given to applicants whose door number was the lowest numerically and or alphabetically, so that children living on lower floors had priority over children living on higher floors. The example provided in the arrangements says that 'for example, 12A takes priority over 11B'. When this was pointed out the school immediately agreed that this system was unfair and has since changed the wording to read, 'For multi occupancy buildings such as flats, the measurement is taken to the front door of the property and applicants from that building are ordered by random allocation.'

61. On all the supplementary forms (SIFs) details about both parents was requested and this is not permitted. Paragraph 1.9 f of the Code says that although it is for admission authorities to formulate their arrangements, "they **must not** give priority to children according to occupational, marital, financial or education status of parents applying..." Forms must therefore only ask for one signature, one name and for the reference to refer to one parent. All SIFs were immediately changed by the school to reflect the requirement for one parent only to sign the application form.

62. As SIFs must only request information related to oversubscription criteria and therefore the section on the specialist music application form that asks for details as to why applicants are interested in a music place must be removed.

63. The priority given to looked-after and previously looked after children was contained in a 'nota bene' after the three oversubscription criteria for admission to the sixth form entry information. This has now been rectified and changed to the first priority within the group of students who meet the academic entry requirements.

64. The final area under discussion was the sixth form admission arrangements. The application form contained requests for information that was not objective in that it could not be measured. This related to information and opinions about which university applicants might be interested in and why; in what areas of current study applicants thought they would like to do an extended project and what additional work including work experience applicants had completed in subjects to be studied in the sixth form. All this information can be collected after places have been allocated. The school agreed and removed these sections of the sixth form SIF immediately.

Conclusion

65. For the reasons given above I have concluded that with regard to all three aspects of the referral, the arrangements of the school do not comply fully with legislation and the Code.

66. In addition I have considered the 2014 arrangements with the school and have concluded that several aspects of the arrangements do not comply with the Code.

67. In this case, the school has readily accepted that some aspects of its arrangements do not meet the requirements of the Code and it has immediately agreed to amendments for inclusion in the revised arrangements in order give effect to mandatory requirements. Using the permission provided in paragraph 3.6 of the Code to make revisions that are necessary to give effect to mandatory requirements of the Code, the school willingly and speedily made appropriate amendments to the arrangements that would apply for admissions in September 2014, within a week of our meeting at the school. This will be very helpful in providing greater clarity for parents. Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements.

68. With regard to other issues of non-compliance the Code requires the admission authority to revise its admission arrangements as quickly as possible.

Determination

69. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body of the Academy Trust for Twyford Church of England High School, for admissions in September 2014.

70. I determine that in relation to the matters that have been referred to me they do not conform with the requirements relating to admission arrangements.

71. I have also considered the arrangements as a whole in accordance with section 88I(5) and I determine that these do not conform with the

requirements relating to admission arrangements. The school has already had regard to the referral and made a number of changes in order to meet the mandatory requirements of the Code.

72. By virtue of section 88K(2) of the Act 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: Mrs Carol Parsons