

DETERMINATION

Case reference: ADA 2409

Objector: Surrey County Council

Admission Authority: The Governing Body of Christ's College
Guildford

Date of decision: 23 May 2013

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body for Christ's College Guildford.

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. Surrey County Council (the council) has referred an objection to the Adjudicator about the admission arrangements (the arrangements) for Christ's College, Guildford (the school), a Church of England Voluntary Aided secondary school for children aged 11 to 18 for September 2014. The objection is that in addition to two named feeder schools, the school gives equal priority in its admissions to unnamed feeder schools, which the council maintains is contrary to paragraph 1.15 of the School Admissions Code (the Code).

Jurisdiction

2. These arrangements were determined on 27 November 2012 under section 88(C) of the School Standards and Framework Act 1998 (the Act) by the governing body which is the admission authority for the school. The Council submitted its objection to these determined arrangements on 8 April 2013. I am satisfied that this objection has been properly referred to me in accordance with section 88H(2) of the Act, and that it falls within my jurisdiction.

Procedure

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

4. The documents I have considered in reaching my decision include:
 - a. the council's email of objection of 8 April 2013 and supporting documents;
 - b. the school's response to the objection, dated 26 April 2013, and supporting documentation;
 - c. a response from the Diocese of Guildford (the diocese) dated 25 April 2013;
 - d. a further response from the school dated 1 May 2013;
 - e. the council's documents for parents seeking admission to schools in the area in September 2013; and
 - f. a map of the area identifying relevant schools.

The Objection

5. In May 2012, the council wrote to the school regarding its arrangements for 2013-2014, in which its fourth oversubscription criterion reads:

“Children attending Church of England Primary or Junior Schools OR (*sic*) Northmead and Weyfield Primary Schools”,

to advise them “that, whilst the naming of Northmead and Weyfield as feeder schools appeared to be transparent and reasonable, as they were very local schools, reference to all CofE primary and junior schools as feeder schools was not transparent or reasonable.” The reference the council makes is to 1.15 of the Code:

“Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds”

6. The school has now determined its arrangements for 2014-2015 and has not changed this oversubscription criterion. As a result, the council has raised the matter again with the school and with the diocese advising both parties of its intention to object to the Adjudicator.

Consideration of Factors

Named feeder schools.

7. The council maintains that naming Northmead Junior School and Weyfield Primary Academy as feeder schools appears to be transparent and reasonable. Both schools are situated within one mile of Christ's College, and there are a range of existing links with both schools including sport and performing arts. There are also arrangements in place to help children transition to secondary education at Christ's College.

8. The school for its part is seeking to be faithful to the long heritage of Church of England (CofE) schools which, over the centuries, has tried to hold together two major principles. This can be encapsulated as providing the best educational opportunities possible to local children within a distinctively Christian ethos, what the Church defines as being 'inclusive and distinctive'. The school is situated in what it describes as one of the most deprived wards in the county, and so naming the two most local schools as feeder schools underlines its commitment to serving local children.

Network of Church schools

9. In order to fulfil its other commitment, to being a distinctively Christian school, the school believes that it is necessary to have a proportion of children for whom the Christian faith is important. To that end criterion 2 offers up to 50% of the places available for children from practising Christian backgrounds, whose application is supported by a Supplementary Information Form (SIF) completed by the family and endorsed by a local minister.

10. The council accepts this, but objects to the second way that the school seeks to attract Christian children. The diocese and the school argue that there is a significant family of Church schools that has become even more important in the current national climate where networks, chains and partnerships are encouraged as ways of helping maintain and improve standards. In the diocese there are nearly 100 CofE schools for primary aged children, but only two CofE secondary schools, Christ's College in Guildford and The Priory School in Dorking. Historically the school, particularly under its former identity as Bishop Reindorp School, has served Church of England communities from as far away as Farnham (12 miles), Haslemere (14.5 miles) and Farnborough (10 miles). In the past the school has taken children from about 40 of those schools, often one or two from each. By giving children attending Church of England primary and junior schools some priority, the school seeks also to provide continuity of Christian education.

11. The council believes that it is unreasonable for children who may live some distance from the school but who attend a CofE school to be given priority over children living more locally to the school. Further, given that children at the school are given priority because the school strongly affirms its Christian ethos, the council argues that most CofE primary schools do not actually require Christian commitment as part of their own admissions criteria.

12. Since the school was opened in 2003 the average intake of children has been below the published admission number (PAN). The school has currently accepted about 15 children less than the PAN for 2013, having increased the PAN from 120 to 125, and all local children who expressed a preference for the school have been accepted. In 2013 the school did admit 14 children under criterion 5 (the last): "Children whose parent(s) wish them to attend the College". Distance is the tie-breaker in all criteria, and according to the Council in 2013 the last place under criterion 5 was offered to a child 3.896 kilometres from the school.

13. The school maintains that this situation is likely to be repeated for 2014, but the council projects a rise in the number of children applying for secondary school places in the coming years, and is therefore concerned to ensure sufficient places for local children in local schools, which is why its objection is felt to be important.

14. With regard to children from CofE primary schools, the argument can be made both ways. It is true that such schools serving primary age children do not on the whole require any Christian commitment. Yet it is also true to say that such children will have experienced several years within a Church school and, by virtue of their application to a Church secondary school, are expressing a preference for and commitment to continuing education within a distinctively Christian environment. One might expect that such parents would be able to apply under the 'practising Christian' criterion.

15. Be that as it may, the question I have to ask is whether the schools approach to the issue breaches the Code. The Code says at paragraph 1.9b) that admission arrangements "**must not** take into account any previous school attended, unless it is a named feeder school." It goes on to say in paragraph 1.15 that "Admission authorities may wish to name a primary or middle school as a feeder school".

16. The diocese seems to argue that the use of the word "may" gives an admission authority discretion to have feeder schools, but not to name them.

17. The council agrees that an admission authority has discretion whether or not to have feeder schools within its oversubscription criteria but argues that, if it chooses so to do, it should name them.

18. I believe that that is the correct interpretation of 1.15 as 1.9b) specifically forbids an admission authority from taking previous schools into account unless they are 'named feeder schools'.

19. The council is not unsympathetic to the school's dilemma. The solution it has suggested is that the school names those nearby Church schools that historically have sent children to the school alongside the two local schools already named. Certainly that would give clarity and objectivity to the criteria, but the school rejects that option on the grounds that it would have to name about 40 schools. To do so would certainly be both cumbersome and against the spirit of the Code.

20. The school also has decided not to put the two local primary schools in a different category from the Church schools because to do so would create a hierarchy of opportunity that is against the spirit of its desire to give children from local and Church schools equal priority. It would also continue to contravene 1.9b) of the Code.

21. As I consider the various arguments, I do not accept the diocese's interpretation of the Code, as giving an admission authority discretion either to name feeder schools or not. If a school chooses to have feeder schools, it must name them and "The selection of a feeder school or schools as an oversubscription criterion must be transparent and made on reasonable

grounds". Therefore I have to agree with the objector that, as they stand, the arrangements do not comply with the Code.

Conclusion

22. There is an acknowledgment by all the parties involved that it is perfectly appropriate for the school to seek to be faithful to its Christian foundations by seeking to provide a good education to local children within a distinctively Christian environment. To that end it is proper for oversubscription criteria to give preference to children from homes where the Christian faith is practised, and then both by use of the distance tie-breaker and by naming local schools as feeder schools to ensure that local children are given priority.

23. However, I accept that the use of the generic "Church of England Primary or Junior Schools" is simply too vague to be transparent to parents or reasonable, and, more specifically, contravenes paragraph 1.9b) of the Code. I must therefore uphold the objection.

Determination

24. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the governing body for Christ's College Guildford.

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: 23 May 2013

Signed:

Schools Adjudicator: Dr Stephen Venner