



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA3480

Objector: A member of the public

Admission Authority: The academy trust for Brompton Academy, Medway

Date of decision: 25 July 2018

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 academy trust for Brompton Academy in Medway for admissions in September 2019.

The school is permitted to vary its arrangements by paragraph 3.6 of the School Admissions Code and has already made the changes required so need take no further action.

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 member of the public (the objector), about the admission arrangements (the arrangements) for September 2019 for Brompton Academy (the school), an academy school established within the University of Kent Academy Trust (the trust) which is a multi-academy trust (MAT). The school provides for pupils aged 11 to 18. The objection is that the school arrangements do not comply with the Code in respect of the oversubscription criteria that give priority to siblings or to children of staff in any school in the multi academy trust.
2. The school is located in Medway and the local authority for the area in which the school is located is Medway Council. The parties in this objection are the local authority, the objector and the trust.

Jurisdiction

3. The terms of the academy agreement between the 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 trust, which is the admission authority for the school, on that basis. The objector submitted the objection to these determined arrangements on 10 May 2018.
4. 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.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 10 May 2018, supporting documents and subsequent submissions;
 - b. the school's response to the objection;
 - c. The local authority's response to the objection;
 - d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2018;
 - e. confirmation of when consultation on the arrangements last took place; and
 - f. a copy of the determined arrangements.

The Objection

7. The objection is that the following paragraphs from the arrangements do not comply with paragraphs 1.12 and 1.39 of the Code:
 - a) *Current family association (i.e. elder brother or sister) attending any of the UKAT academies at the time of application who will still be attending when the applicant child is admitted.*
 - b) *Children of staff at any University of Kent Academy Trust (UKAT) academy (where the member of staff has been employed for one year or more at the time at which the application for admission to the Academy is made and/or where the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage).*

Background

8. Brompton Academy is a mixed non-selective 11-18 academy school. The published admission number (PAN) for September 2019 is 220 (which includes 20 places per year group in a designated centre for young people who have an Education, Health and Care Plan (EHCP)). The school is oversubscribed each year. It uses banding to ensure that it takes students from across the ability range. All applicants are asked to take the banding tests and are divided into five groups to ensure an intake with a spread of ability. The groups are based on the national ability range (determined by GL Assessments) and the bandings are in the ratio 10:20:40:20:10. Places are then allocated within each band using the following summarised oversubscription criteria:
- a) Looked after and previously looked after children.
 - b) Current family association (i.e. elder brother or sister) attending any of the UKAT academies at the time of application who will still be attending when the applicant child is admitted.
 - c) Children of staff at any UKAT academy (where the member of staff has been employed for one year or more at the time at which the application for admission to the Academy is made and/or where the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage).
 - d) Nearness of children's home based on the shortest available safe walking route between home and school as measured by the local authority's geographical information system.
9. For September 2018 applications significantly exceeded the number of places available. Places have been allocated as follows:
- The special needs centre – 20 places allocated.
 - Looked after or previously looked after young people – 4 places allocated
 - children with EHCP not in the special needs centre - 2 places allocated
 - Current family association – 76 places allocated
 - Children of staff – 0 places allocated.
 - Nearness of child's home – 148 places allocated.

Consideration of Case

10. There are two parts to this objection. In the first part, the objection is that priority is given in the arrangements to children who have a sibling in any other school within the multi-academy trust. The Code says in paragraph 1.12 that *“some schools give priority to siblings of pupils attending another state funded*

*school with which they have close links (for example, schools on the same site, or close links between two single sex schools). Where this is the case, this priority **must** be clearly set out in the arrangements.”* I have not had to consider this issue in detail in this determination because the trust has decided to remove this provision from its admission arrangements following receipt of the objection. It has decided to revert back to their previous current family association for those with a sibling attending Brompton Academy only.

11. The second part of the objection is that the arrangements give priority to children of staff at any of the schools within the multi-academy trust. The Code says in paragraph 1.39 that priority may be given to children of staff where *“the member of staff has been employed at the school for two or more years....[my emphasis added by underlining]”*. The trust has considered this aspect of the objection and has decided to revert back to the previous oversubscription criterion that refers to children of staff at Brompton Academy rather than any University of Kent Academy Trust academy. For the avoidance of doubt, I note that the previous formulation did not conform with paragraph 1.39 of the Code as a member of staff employed at any of the other schools in the trust is not employed at the school. The trust will need to ensure that it complies with the period of employment specified in the Code. I uphold the objection as the arrangements when the objection was made did not conform with the Code. Paragraph 3.6 of the Code permits admission authorities to vary arrangements once they have been determined in order to conform with mandatory provisions of the Code and the trust has acted with commendable speed to vary its arrangements.

Summary of Case

12. The school has agreed to vary its arrangements in response to the objection. The part of the objection concerning siblings in other schools needed further investigation. As the trust decided to change the arrangements to remove this provision on receipt of the objection, I have not needed to review the matter any further and have accepted the change made without comment. In the case of the priority given to children of staff, no further investigation was required, the Code is quite clear that this provision only applies to staff employed at the school who have been employed for two years. I therefore uphold this part of the objection and am informed that the trust has already made the necessary amendments to its arrangements under paragraph 3.6 of the Code. I acknowledge that the school has responded positively to the matters that were drawn to its attention.

Determination

13. 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 academy trust for Brompton Academy in Medway for admissions in September 2019.
14. The school is permitted to vary its arrangements by paragraph 3.6 of the School Admissions Code and has already made the changes required so need take no further action.

Dated: 25 July 2018

Signed:

Schools Adjudicator: David Lennard Jones