



DETERMINATION

Case reference:	ADA3472
Objector:	A parent
Admission Authority:	Lionheart Academy Trust for Beauchamp College
Date of decision:	12 September 2018

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998 (the Act), I partially uphold the objection to the admission arrangements for September 2019 determined by the Lionheart Academy Trust for Beauchamp College, Leicestershire.

I have also considered the arrangements in accordance with section 88I(5) of the Act and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

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 within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 October 2018.

The referral

- 1. Under section 88H(2) of the Act, an objection has been referred to the adjudicator by a parent (the objector), about the admission arrangements (the arrangements) for Beauchamp College (the school), an academy school for boys and girls aged 11 to 18.**

2. The local authority for the area in which the school is located is Leicestershire County Council (the local authority). The local authority is a party to this objection. Other parties to the objection are the objector and the school.

Jurisdiction

3. The terms of the Academy agreement between Lionheart Academy Trust (the academy 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 academy trust, which is the admission authority for the school, on that basis. The objector submitted the objection to the determined admission arrangements on 15 May 2018. The objector has asked to have his/her identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the regulations) by providing details of his/her name and address to me. 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 of the Act to consider the arrangements as a whole.
4. I have been provided with a copy of the determined admission arrangements for the school's sixth form attached to a letter from the school's solicitors dated 7 June 2018. These arrangements were determined by the admission authority on 24 January 2018. My jurisdiction is to consider the determined admission arrangements for 2019 and I am required to consider the arrangements as determined at the time the objection was made. I will, in this determination, be considering the arrangements as provided in the letter dated 7 June 2018 referred to above, which I will refer to as the determined arrangements.
5. The school have also provided two versions of proposed revised admission arrangements (the revised arrangements) for the sixth form for 2019. The first copy was attached to the letter from the school's solicitors dated 7 June 2018 and the second, amended version was attached to a letter from the school's solicitors dated 21 June 2018. The revised arrangements differ significantly from the determined arrangements, primarily in that the oversubscription criterion relating to the score achieved at a meeting have been replaced with random selection. The revised arrangements had not been determined by 28 February 2018, the deadline for determining admission arrangements, but have been determined by the admission authority for 2019 at a meeting held on 6 June 2018. Consideration of these revised arrangements is not within my jurisdiction and consequently in this determination I do not consider whether the oversubscription criteria they contain are compliant with the Code and the law relating to

admissions. I note that the admission authority propose to consult on the revised arrangements before determining admission arrangements for 2020.

Procedure

6. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
7. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 15 May 2018;
 - b. the admission authority's response to the objection and supporting documents;
 - c. the comments of the local authority on the objection and supporting documents;
 - d. maps of the area identifying relevant schools;
 - e. confirmation of when consultation on the arrangements last took place;
 - f. copies of the minutes of the meeting at which the admission authority determined the arrangements; and
 - g. a copy of the determined arrangements.

The Objection

8. The objector submitted a form of objection on 15 May 2018. I have considered all matters set out in the objection and concluded that the following matters are within my jurisdiction.
 - a. Apparent change to the PAN and/or lack of clarity regarding the PAN for entry to Year 12 in 2019; and
 - b. Selection for entry to Year 12 in 2019 on the basis of interviews.
 - c. Interviews for pupils entering Year 10.
9. The allegation regarding "*fear tactics*" does not relate to the determined admission arrangements and consequently is not within my jurisdiction.

Other Matters

Sixth Form

10. The lack of priority for and definition of looked after and previously looked after children for entry to Year 12 in 2019.

Years 7 and 10

11. The definition of children previously looked after refers to residence orders. These have been superseded by child arrangements orders as set out in paragraph 1.7 of the School Admissions Code 2014 (the Code).
12. The requirement that applicants have been enrolled at named feeder schools for two years prior to transfer in order to have priority on the basis of attending a feeder school.

Years 7 and 10 and Sixth Form

13. Whether the provisions for admission out of normal age group comply with the requirements of paragraphs 2.17 to 2.17B of the Code.
14. Whether the provisions relating to waiting lists comply with the requirements of paragraph 2.14 of the Code.
15. Whether the definition of “sibling” meets the requirements of paragraphs 14 and 1.8 of the Code that arrangements and oversubscription criteria are fair and reasonable.

Background

16. The school was until 2017 a school for pupils aged 14 to 18 (and it is still recorded as such on the gov.uk website “get information about schools”). However, it changed its age range for entry in September 2017 to become a school for pupils aged 11 to 18. The school now admits pupils in a normal admissions round in Year 7 (PAN 240), Year 10 (PAN 300) and Year 12.

Consideration of Case

Matters raised in the objection

Published Admission Number

17. The determined arrangements for Year 12 state that the school has “500 places available in Year 12” and that the sixth form “will admit its agreed admission of 500 students in 2019-20 if sufficient applications are received”. The admission arrangements for Year 12 in 2018 stated that the sixth form “has 570 places available in Year 12” and “will admit its agreed admission of 570 students in 2018-19 if sufficient applications are received”.
18. These figures are for those entering the sixth form who are already attending the school in Year 11 combined with those who are entering the sixth form having attended other schools in Year 11. Paragraph 1.2 of the Code states:

“Published Admission Number (PAN)

*1.2 As part of determining their admission arrangements all admission authorities **must** set an admission number for each 'relevant age group'¹¹.*

¹¹ *This is the age group at which pupils are or will normally be admitted to the school e.g. reception, year 7 and year 12 where the school admits external applicants to the sixth form (Section 142 of the SSFA 1998).”*

19. I should point out here that most if not all sixth forms of schools with lower age groups will take some pupils already attending the school, who are already on the school's roll. Many will, in addition, admit some external pupils. This is normal practice and not a change recently introduced by the school. No PAN is required for pupils already on the school's roll, although they may be required to meet set academic standards in order to progress to the sixth form. This is specifically provided for in paragraph 8 (k) of the Education (Pupil Registration) (England) Regulations 2006 (SI 2006/1751) as amended. Paragraph 2.6 of the Code states that “Admission authorities can...set academic entry criteria for their sixth forms, which **must** be the same for both external and internal places.
20. The admission authority was required to set a PAN stating the number of external applicants to be admitted to the sixth form, but did not do so. The school states that the “*sixth form PAN is 200 and this has not changed since the policy was created*”. Although the numbers entering the sixth form have changed the school inform me that the number of external pupils potentially admitted has not altered. It follows that the PAN has not increased or decreased. In some years the numbers entering the sixth form is lower because, the school inform me, fewer pupils achieved the required grades. Whether or not the school applied its admission arrangements based on a PAN of 200 (external) students in previous years, the admission arrangements for 2019 do not set a PAN for Year 12, in breach of paragraph 1.2 of the Code and consequently I uphold the objection in this respect.

Meetings to assess suitability

21. The oversubscription criterion for the sixth form for 2019 is the provision for a “*meeting to assess suitability*”. A number of “*behaviours*” are to be assessed and marked out of 5 with a maximum score of 25 marks. The admission arrangements state that “*if the college is oversubscribed we will prioritise those scoring 25 over those scoring 24 and so on*”.
22. The school accepts “*that there are a number of significant flaws to the determined 2019 sixth form policy*”. I agree. The admission arrangements are clearly in breach of Paragraph 1.9 of the Code, which states:

*“1.9 It is for admission authorities to formulate their admission arrangements, but they **must not**: ...*

m) interview children or parents. In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place...”

Consequently I uphold the objection in this respect.

Interviews for pupils entering Year 10

23. I am satisfied that the interviews do not form part of the admission arrangements for Year 10. The school inform me, and I accept, that the meetings held in the spring term are to discuss subject choices with prospective students and parents and to look at what needs an individual student may have. The admissions process is administered by the local authority on behalf of the school and information gathered at the spring term meetings is not provided to the local authority and so does not affect the admissions process. Consequently I do not uphold the objection in this respect.

Other matters considered

Children looked after and previously looked after

24. The admissions authority accepts that the admissions arrangements for the sixth form for 2019 did not give priority to looked after and previously looked after children and is consequently in breach of paragraph 1.7 of the Code which states (in part):

*“1.7 All schools **must** have oversubscription criteria for each 'relevant age group' and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and all previously looked after children.”*

Consequently I find that the admission arrangements for the school's sixth form do not comply with the provisions of the Code in this respect.

Definition of children previously looked after

25. The admissions authority accepts that the definition of children previously looked after in the determined admission arrangements for Year 7 and Year 10 is out of date in referring to “residence orders” and consequently I find that the admission arrangements for the school's sixth form do not comply with the provisions of the Code in this respect.

The two year requirement for feeder school priority

26. The oversubscription criteria determined for Year 7 and Year 10 give priority, after looked after and previously looked after children, to *“Children who have attended a named Learning Partner (feeder) Primary School for entry to Year 7...or named feeder High School for entry to Year 10”*. The next criterion is *“Children who have attended a named feeder Primary School for entry to Year 7”*. In each case the notes explain that:
- “The child must have been continuously enrolled [at the relevant school].....on or before the start date of the Autumn Term two years before transfer.”*
27. I start by noting that this is a very significant degree of priority. In order to benefit from this priority, a child seeking admission in September 2019 must have been on the roll of a feeder primary school no later than the start of the autumn term in 2017 in order to be afforded feeder school priority. I understand that this condition is widely applied in the admission arrangements of schools in the area where priority is given on the basis of attendance at a feeder school. I am concerned here only with the arrangements for this school.
28. The school have stated that this requirement is included to avoid pupils joining a named feeder school in its final year would disrupt their learning. The school argue that this requirement *“helps to prevent unintended movement of pupils to the feeder primary schools...”*. The rationale document provided by the school states that before the requirement was introduced class sizes had *“been unmanageable in some cases”*.
29. I accept that this provision has the effect of decreasing “unintended movement”. However, “unintended” presumably means unintended by the admission authority. The movement would not be unintended by the parents of the child, who would have to weigh up the question of disruption to schooling for themselves before making the decision to apply for a place at the feeder school. Families may move for many reasons, sometimes by choice and sometimes by necessity. Families also choose to move a child from one school to another for other reasons which do not involve the family moving residence, for example due to a perceived breakdown in relations with the school, or to give a child who has had behavioural difficulties a fresh start. It is also perfectly lawful for a parent who chooses to do so to move their child from one school to another in order to gain a better chance of progression to a preferred school. Parents are entitled to seek to move their children from one school to another and the admission authority’s perception that this would be disruptive to the child’s schooling would not be a relevant consideration in deciding whether a place was to be offered. If, at the relevant time, the classes at the feeder school were full the admission authority for that feeder school could argue prejudice

under the provisions of education law relating to parental preference, as a reason for refusing a place.

30. Under the determined arrangements for 2019 the priority given to pupils living within the school's catchment area is below the second criterion relating to feeder schools described above. If a family moves into the area within two years of the relevant transfer, and their child attends one of the named feeder schools, that child will only be considered for a place once all other children who have attended feeder schools and meet the two year requirement, and who seek a place, have been admitted. Any such child would be much less likely to secure a place at the school, no matter how close to their home and despite living in the catchment area. The application of this condition creates an undesirable situation whereby the classes in the final two years of a feeder school would be divided into those who meet the two year requirement and so are likely to gain entry to their preferred subsequent school and those who do not meet that condition and so are rather less likely to do so.
31. Paragraph 14 of the Code states that "*admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective...*" and paragraph 1.8 states that "*Oversubscription criteria **must** be reasonable...*". I find, for the reasons stated above, that the detriment to many families who join a feeder school within the final two years outweighs the rationale presented to me for adopting the requirement. Consequently I find that the requirement is unreasonable and unfair and so does not comply with the provisions of paragraphs 14 and 1.8 of the Code.
32. It is also a matter of concern that the apparent continued widespread use of this condition by admission authorities in the area, including the local authority, is likely to have the effect I have described for many children.

Admissions out of normal age group

33. The admission authority accepts that the provisions in the admission arrangements with regard to admission out of normal age group do not comply with the provisions of paragraphs 2.17, 2.17A and 2.17B of the Code. I note that this is accepted and that the admission authority propose to vary the admission arrangements to ensure compliance.

Waiting Lists

34. The admission authority accepts that the admission arrangements do not comply with the provisions of the Code and propose to vary the admission arrangements to ensure compliance.

Siblings

35. The requirement that siblings have at least one parent in common would exclude many children living in the same household, for example as a result of a partnership in which each partner has children from a prior relationship. However, I accept that the definition of sibling does not contravene the provisions of the Code.

Determination

36. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Lionheart Academy Trust for Beauchamp College, Lancashire.
37. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
38. By virtue of section 88K(2), the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements within two months of the date of the determination unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 October 2018, that being the closing date for secondary school applications.

Dated: 12 September 2018

Signed:

Schools Adjudicator: Tom Brooke