



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3737

Objector: A parent

Admission authority: The Langley Park Learning Trust for Langley Park School for Boys, Bromley

Date of decision: 7 July 2020

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2021 determined by the Langley Park Learning Trust for Langley Park School for Boys, Bromley.

I have also considered the arrangements in accordance with section 88I(5) and find there is one further matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

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.

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 parent (the objector), about the 2021 admission arrangements (the arrangements) for Langley Park School for Boys (the school), an academy school for boys aged 11 to 18 in Beckenham. The objection is to the priority given to children of members of staff in the oversubscription criteria.
2. The local authority for the area in which the school is located is the London Borough of Bromley. The local authority is a party to this objection. Other parties to the objection

are, the objector, the Langley Park Learning Trust (the Trust) and the governing board of the school.

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 academy 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 her objection to these determined arrangements on 11 May 2020. The objector has asked to have 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 by providing details of 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.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).

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

- a. a copy of the minutes of the meeting of the Trust at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 11 May 2020; and
- d. the Trust's response to the objection and its responses to my enquiries.

The Objection

6. The objector considered that the oversubscription criterion used at the school for children of members of staff was unfair because it gives priority to children of members of staff at both the school and the neighbouring Langley Park School for Girls, while the male sibling of a child attending the girls school was not given any priority as a sibling.

Background

7. The school is situated in Beckenham adjacent to Langley Park School for Girls and Langley Park Primary School, both of which are in the same trust. There are two other local primary schools in the Trust. Prior to determining the arrangements, the Trust consulted on a number of possible changes to the oversubscription criteria for all five schools. Following

this consultation, the Trust determined the oversubscription criteria for the school as follows:

1. Looked after and previously looked after children.
 2. Children with a sibling at the school.
 3. Children of Staff Members at Langley Park School for Boys or Langley Park School for Girls.
 4. All other children.
8. The Trust determined the same oversubscription criteria for Langley Park School for Girls.

Consideration of the objection

9. Paragraph 1.9f of the Code says that admission authorities “**must not** ... give priority to children according to the occupational, marital, financial or educational status of parents applying. The exceptions to this are children of staff at the school and those eligible for the early years pupil premium, the pupil premium and the service premium who may be prioritised in the arrangements in accordance with paragraphs 1.39 – 1.39B”.

10. In paragraph 1.39 the Code says “Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances: a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.”

11. In its comments on the objection, the Trust said “The Trust Board is aware of the requirements of Paragraph 1.39 of the School Admissions Code 2014 (Code) in respect of giving priority to the children of staff, in particular the use of the phrase “at the school”. It takes the view, however, that the unusual circumstances that LPSB and LPSG are in (i.e. single opposite sex secondary schools on the same site) renders it unfair should only children of one gender receive priority for admission, depending only on which of the two adjacent and closely linked single opposite sex secondary schools their parents work in. The Trust views this as a gender inequality issue.” It also referred me to the documents in which it consulted on the criterion and in which the reasons for adopting it were set out.

12. The objector considers it unfair for the Trust to give priority for children of members of staff who work at the girls’ school and the Trust considers it unfair not to do so. I do not have to balance questions of fairness in this case. The schools are indeed in the same trust and are on adjacent sites, but they are not the same school. The Code, as the Trust is aware, only allows priority for children of members of staff “at the school”. I can reach only one conclusion which is that the third oversubscription criterion does not conform with the Code and must be revised; I have no discretion in this matter.

13. As the oversubscription criteria for Langley Park Girls School are the same, they too do not conform with the Code in this way.

Other Matters

14. When I considered the arrangements as a whole, I found them to be mainly clear and contain all of the elements required by the Code. However, there was one part where I considered unfairness could arise to boys where they live with parents at different addresses. The arrangements say *“Under this policy, the child's home address will be the residential (not business) address of their parent (as defined above) at which they live and sleep for more than 50% of their time from Sunday night to Thursday night during term time, and the address at which they are registered with their GP, hospital, dentist and optician, and at which Child Benefit and Child Tax Credit (if eligible) is claimed, at the time of application.”*

15. The use of the word *“and”* in this definition requires all of the conditions to be met. A child who lived at one address all through the school week but at another at weekends, would not be considered as living at either address if Child Benefit was paid to the parent who the child lived with at weekends (there is no requirement for a child to live with a parent for the majority of the time for Child Benefit to be paid to that parent). At one address they would not satisfy the Child Benefit condition and at the other they would not satisfy the 50 per cent rule. The above conditions would also fail if the child lived with each parent on alternate weeks.

16. When I raised this matter with the Trust it recognised that the use of the word *“and”* resulted in all of the conditions needing to be met. It proposed a revised version of the wording; however, the revised wording provided would still require both the child to live at an address for more than 50 per cent of the week and for Child Benefit to be paid to that address for it to be considered as their home. As pointed out above, some children could not meet this requirement from either of their homes.

17. I find that the definition of a child's home address does not meet the requirements of the Code.

Summary of Findings

18. I find that the third oversubscription criterion does not conform with paragraphs 1.9f and 1.39 of the Code because it gives priority for admission to children of staff who work at another school.

19. This determination requires the Trust to revise the arrangements for the boys' school so that they do conform with the Code. The Trust should also revise the arrangements for the girls' school as permitted by paragraph 3.6 of the Code *“to give effect to a mandatory requirement of this Code”*.

20. I find that the definition of home address used in the arrangements does not meet the requirements of the Code.

Determination

21. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2021 determined by the Langley Park Learning Trust for Langley Park School for Boys, Bromley.

22. I have also considered the arrangements in accordance with section 88I(5) and find there is one further matter which does not conform with the requirements relating to admission arrangements in the ways set out in this determination.

23. 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.

Dated: 7 July 2020

Signed:

Schools Adjudicator: Phil Whiffing