



Determination

Case reference:	ADA3668
Objector:	An individual
Admission authority:	The Waldegrave Trust for Waldegrave School
Date of decision:	13 July 2020

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2021 determined by The Waldegrave Trust for Waldegrave School, Richmond upon Thames.

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.

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 an individual (the objector), about the admission arrangements (the arrangements) for Waldegrave School (the school), an academy school for girls aged 11 to 18, for September 2021. The objection is to the arrangements for admission to the school's sixth form.
2. The local authority (LA) for the area in which the school is located is the London Borough of Richmond upon Thames. The LA is a party to this objection. Other parties to the objection are the local governing body of the school and the objector.

Jurisdiction

3. The terms of the Academy agreement between the academy 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 local governing body, under delegated authority from The Waldegrave Trust, which is the admission authority for the school, on that basis. The objector submitted his objection to these determined arrangements on 14 April 2020. The objector has asked to have his 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 his 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 the parts of it that I am considering are 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 local governing body at which the arrangements were determined;
- b. a copy of the determined arrangements, which include the application form for external applicants to the school's sixth form;
- c. the objector's form of objection dated 14 April 2020 and supporting documents;
- d. the school's response to the objection and to my enquiries;
- e. documents and information relating to admissions on the school's website;
- f. a determination of an adjudicator relating to the school that was issued in September 2018 (ADA3367); and
- g. the local authority's response to the objection.

The Objection

6. Within my jurisdiction are two arguments that the objector makes that the arrangements are in breach of the Code, namely:

- that the application form required to be used by external applicants to the

school's sixth form is in breach of paragraph 2.4 of the Code as it asks for information that does not have a direct bearing on decisions about the oversubscription criteria; and

- that the admission arrangements breach paragraph 1.9 (a) of the Code by requiring attendance at an interview and the signing of an agreement as conditions for the consideration of an application.

7. The objector also drew my attention to matters related to the progression of students at the school from year 11 (Y11) to the sixth form, such as the closing date for the receipt of applications. Such matters do not relate to admission to the school as these students are already on its roll and therefore are not within my jurisdiction.

Other Matters

8. The Published Admission Number (PAN) for admission to year 12 (Y12) wrongly encompasses all students (thus including those progressing from Y11 at the school to Y12) rather than solely the number of external applicants to be admitted (paragraphs 1.2 and 2.6 of the Code refer).

9. The school's website appeared to indicate that the admission authority takes account of reports from an external applicant's current school. This breaches paragraph 1.9 (g) of the Code, which prohibits admission authorities from taking account of reports from previous schools.

10. As described on the school's website, the practices used to decide the allocation of places for external applicants appeared to me not to be sufficiently clear, in order for parents to be able to "*look at a set of arrangements and understand easily how places for that school will be allocated,*" as required by paragraph 14 of the Code.

Background

11. Information about admission to the school's sixth form is found in documents entitled "*Admission Arrangements*" and "*Oversubscription Criteria*" respectively. There are also several pages on the school's website that provide guidance on admissions and explanations of how places are allocated. Taken together, these sources form the school's admission arrangements, which are defined in the Code as,

"The overall procedure, practices and oversubscription criteria used in deciding the allocation of school places."

12. The "*Admission Arrangements*" document explains the procedure for making applications ("*directly through the school's website*") and indicates that the "*proposed admission number*" for 2021-22 for Y12 is 200.

13. The “*Oversubscription Criteria*” document sets out the minimum academic entry requirements, which are the same for internal and external applicants. It is then explained that,

We will accept a minimum of 20 students from external academic institutions in each cohort. External applicants will be admitted based on their proximity to the school.”

In fact, there are two other oversubscription criteria that give a higher priority than the applicant’s proximity to the school. As listed in this document, the oversubscription criteria can be summarised as:

1. Looked after and previously looked after children.
2. Children of staff.
3. Distance from the school.

14. In her determination ADA3367, the adjudicator concluded that the PAN for admission to Y12 had been “*set incorrectly*” and should relate only to the admission of external students. The oversubscription criteria for admission to the sixth form at that time provided for 40 places to be allocated to boys before any external girl applicants (other than looked after and previously looked after children) were offered a place. The adjudicator found that the arrangements directly discriminated against girls and required them to be revised. The priority for 40 boys appeared in the arrangements for admission in September 2019, but not in those for September 2020 and 2021.

Consideration of Case

The application form

15. The objector argues that the online application form, which external applicants to the sixth form are required to complete, breaches paragraph 2.4 of the Code. This paragraph concerns supplementary information forms (SIFs) that admission authorities use to process applications. Such forms **must** only request information that has a direct bearing on decisions about oversubscription criteria and **must not** ask for:

- (a) any personal details about parents and families;
- (b) the first language of parents or the child;
- (c) details about parents’ or a child’s disabilities, special educational needs or medical conditions;
- (d) parents to agree to support the ethos of the school in a practical way;
- (e) both parents to sign the form.

16. The objector provided me with printouts of the online form. The form asks for personal details about applicants’ families, including what jobs they do and whether they

attended university, the first language of the child and information about the child's disabilities, special educational needs and medical conditions. It also requires "*agreement to support school policies.*" The form, he says, requires details of both the applicant's parents, as it "*gives an error if you try to save it with details of fewer than 2 parents.*"

17. Before proceeding to consider this aspect of the objection, I should clarify that the online form gathers all of the information required for the admission authority to consider applications for places in the sixth form. There is not, as is the case for admission to school at year 7, a Common Application Form (CAF) that obtains basic information, such as the applicant's address, and a SIF that requests additional details. The online form serves both purposes and there is therefore not simply a SIF as such. Nevertheless, I am in no doubt that the requirements of paragraph 2.4 of the Code apply in exactly the same way as when there are two distinct forms. The online form is requesting additional details beyond that which would be captured on a CAF.

18. In response, the school explained that the online form was designed by Applicaa, a commercial organisation that provides a service to schools to help manage the admissions process. The questions relating to parents' work and education and the first language of the child are used to "*promote wider opportunities.*" The question about language also "*enable[s] support at information advice and guidance meetings.*" A question is asked about the child's disabilities, special educational needs and medical conditions "*to assist with the support of students with additional needs.*" With respect to the form's requirement to give details of two parents, the school told me,

"We were not aware of the technical problem with regard to a requirement to complete sections for two parents/carers/guardians. On further investigation we have identified the technical error."

19. Laudable though the reasons for asking some of these questions may be thought to be, they have no place in a SIF. They do not relate to the oversubscription criteria for admission to the sixth form. It is a clear breach of the prohibitions in paragraph 2.4 of the Code for them to be asked. I uphold this aspect of the objection.

20. The school has indicated that all of the prohibited questions have been removed from the form and the technical error requiring details of two parents has been resolved. It is right that this has been done.

21. The objector also points out that the application form invites applicants to make a personal statement, including an example of when they have shown "*good leadership*" and information about their "*hobbies and interests.*" Seeking such information also does not comply with paragraph 2.4 as it does not have any bearing on the oversubscription criteria. Paragraph 2.4 also states that schools **must not** ask for "*any of the information prohibited by paragraph 1.9.*" This includes, at paragraph 1.9 (i), "*current hobbies and activities*". The school explained the purpose of the personal statement as follows:

“The personal statement is used to enable the advisor to engage more effectively and efficiently with the applicant when they come for their information, advice and guidance meeting...It is not used to determine whether they will get a place.”

The school says that it has revised the application form to indicate that the personal statement is optional and that its purpose is “to get to know you” and “will not affect your application.” It continues, “If so advised we would be happy to remove the question entirely.”

22. Paragraph 2.4 of the Code makes no reference to the possibility that it may be optional for applicants to provide information asked for in a SIF. It simply prohibits admission authorities asking for any information that is not related to the oversubscription criteria. I therefore consider that the inclusion of space for a personal statement in the school's application form is in breach of the Code's requirements.

The meeting and the agreement form

23. The second ground of the objection relates to the meetings the school holds with applicants. The objector provided a copy both of the invitation to this meeting and the “agreement” form sent to applicants. This document begins,

“Parents and students must read the Oversubscription Criteria and sign the agreement below before an interview can take place. Please bring this form to your interview.”

The form describes the purpose of the meeting in this way:

“The focus will be on advising whether the courses you have chosen are right for your career path and whether you have suitable predicted grades.”

24. The objector believes that the requirement to attend an “interview” and sign an agreement represents a breach of paragraph 1.9 (a) of the Code, which prohibits admission authorities from placing,

“any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.”

25. Before proceeding to consider this aspect of the objection, I would add that paragraph 1.9 (m) of the Code states that admission authorities **must not** “interview children or parents.” The sub-paragraph continues,

“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.”

26. The school points out that the form makes clear that,

“The interview will take the form of an Information and Guidance Meeting.”

I consider the use of the word “*interview*” to describe an advice and information meeting to have been highly unfortunate. Interviews are expressly prohibited by the Code. Nevertheless, I am satisfied that the meetings with applicants that take place are of the type permitted by paragraph 1.9 (m). The school has agreed to remove references to “*interview*” from its literature.

27. In its response to the objection that attendance at a meeting is a condition for consideration of an application, the LA refers to a note in the document containing the oversubscription criteria, which reads,

“Some applicants may be invited to attend an informal meeting at the school, but an offer of a place will not be dependent upon the outcome of the meeting.”

However, the objector argues that,

“in practice, all applicants are invited to an “interview” and must bring a signed agreement with them. The offer of a place is not made until after the interview takes place... Predicted grades should not be used to reject applicants as they may not be accurate.”

28. I asked the school to describe how it dealt with applications from external students to its sixth form for admission in September 2019, the last year for which the process is complete. A total of 485 applications were received. Of these, 113 did not reply to a series of emails inviting them to attend the information and advice meeting. The school told me that it sent a final email,

“inviting them again and informing them that if they do not respond we will assume they wish to withdraw their application.”

29. Of the remaining 372 applicants, 369 attended an information and advice meeting and were made what the school terms “*conditional offers*”. The three applicants who did not attend a meeting were also made conditional offers. Following notification of GCSE results in August, 119 applicants who attended a “*Enrolment Day*” were offered places at the school. The school reports that on this occasion,

“no student was declined a place on enrolment day if they had met the subject entrance criteria.”

28 of the 119 students who were offered places withdrew within a week of the start of the autumn term.

30. The school’s response makes absolutely clear that applicants can receive a conditional offer if they do not attend the information and advice meeting. Therefore, it is clear to me that attendance at such a meeting is not a condition on the consideration of any application, as prohibited by paragraph 1.9 (a). It is also not the case that predicted grades are used to reject applicants, as all were made a conditional offer.

31. According to the school, the purpose of signing the agreement form is to confirm that the applicant has read the oversubscription criteria and understands the key features of the application process, including the making of conditional offers and the date and format of the enrolment day. The form was produced, the school says, *“in response to misunderstanding between parents/carers and applicants about the application process.”* Applicants are told they and a parent must sign the form, *“before an interview can take place”*. I regard this as inappropriate; it may potentially be off-putting for some applicants. However, it is not technically a condition on the consideration of an application, as applications are considered from applicants who do not attend the information meeting. Therefore, I do not consider this to be a breach of paragraph 1.9 (a).

32. For the avoidance of doubt, I should make clear that the use of the term *“conditional offers”* does not breach paragraph 1.9 (a) of the Code. It is perhaps a confusing expression. A conditional offer, in the way the term is used by this school and many others, is not, in fact, the offer of a place at the school; rather, it clarifies the conditions, that is, the academic threshold, that must be met if a place is to be offered. Paragraph 2.6 of the Code specifically allows admission authorities to set academic entry criteria for their sixth forms. In fact, even the achieving of the condition by the applicant will not necessarily result in the offer of place, if there are more applicants who have achieved the threshold than there are places available, with the result that the oversubscription criteria have to be applied.

33. I do not uphold the second aspect of the objection.

Other matters

34. The school has now amended its website to read,

“The School aims for a year group of approximately between 180 and 200 in Year 12 which includes internal and external applicants. A minimum of 20 places will be offered to external applicants.”

This information is helpful. In order to comply with the Code, it should be clearly stated that the PAN for Y12 is 20.

35. Without further comment, the school has removed the sentence that suggested it took into account reports from applicants' current schools. This is appropriate as I considered the wording was in breach of the Code.

36. In the course of describing how places in the sixth form are allocated, the school's website included the following statement,

“a student who lives close to the school may not gain a place as the courses they choose are full, and yet a student who lives some distance away does gain a place as the subjects they choose have availability when they arrive for the enrolment interview in August.”

I considered this wording to be potentially misleading as it conflates the allocation of places at the school with the availability of places on particular courses. It therefore did not meet the Code's requirement in paragraph 14 for clarity for parents so that how places are allocated can be easily understood. In my view, the situation is summarised well in a note in the oversubscription criteria document for admission in September 2021, which reads,

"Places will be offered at Waldegrave Sixth Form but the school cannot offer places for specific courses. It is possible that some courses may not run in any given academic year...Final capping will not be able to take place until enrolment day. Where the school is not able to confirm a place on a specific course an alternative course may be suggested."

37. The school responded to my concern thus:

"On reflection we agree that this may have been confusing for applicants and has been removed from the website."

Again, I consider this to be the appropriate response.

Summary of Findings

38. The application form required to be used by external applicants to the school's sixth form asks for several pieces of information that have no bearing on the application of oversubscription criteria. It is therefore in breach of paragraph 2.4 of the Code. I uphold this aspect of the objection. I note that the school has removed many of these questions from the form.

39. Attendance at an advice and guidance meeting (incorrectly described on occasion as an "interview") and the signing of an agreement form are not conditions on the consideration of applications. Applicants who do not attend a meeting also receive conditional offers of places. There is therefore no breach of paragraph 1.9 (a) of the Code. I do not uphold this aspect of the objection.

40. Other statements relating to admission arrangements found on the school's website at the time the objection was received were inaccurate or misleading. These have been corrected.

Determination

41. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2021 determined by The Waldegrave Trust for Waldegrave School, Richmond upon Thames.

42. 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.

43. 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: 13 July 2020

Signed:

Schools Adjudicator: