



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3682

Objector: Somerset County Council

Admission authority: Bath and Wells Diocesan Academies Trust for St James Church School, Taunton

Date of decision: 06 August 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 Bath and Wells Diocesan Academies Trust for St James Church School in the local authority area of Somerset County Council.

I have also considered the arrangements in accordance with section 88I(5) and find there is one 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 Somerset County Council about the admission arrangements for September 2021 (the arrangements) for St James Church School (the school), an academy primary school for children aged three to eleven with a Church of England religious character. The objection is that the school's admission authority did not consult properly on a change to the arrangements and that the arrangements have not been published on the school's website or provided to the local authority.

2. The parties to the objection are:
 - a. the Bath and Wells Diocesan Academies Trust which is the admission authority for the school (the trust);
 - b. Somerset County Council which is the local authority for the area in which the school is located and the objector (the local authority); and
 - c. the Diocese of Bath and Wells which is the religious authority for the school (the diocese).

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 trust on that basis on 26 February 2020. The local authority submitted its objection to these determined arrangements on 28 April 2020. 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. the minutes of the meeting of the trust at which the arrangements were determined;
 - b. a copy of the determined arrangements;
 - c. the local authority's form of objection and further correspondence
 - d. the trust's response to the objection; and
 - e. information available on the websites of the school and the trust.

The Objection and other matters

6. The objection is that the consultation on the arrangements was not as required by the Code (paragraphs 1.42 to 1.45) and that the arrangements were not provided to the local authority or published on the school's website (1.47). When I considered the arrangements, I noticed that the arrangements required that a supplementary information form (SIF) be completed and that there was a SIF on the school's website which related to admissions for 2017 but not 2021. It appeared to me that this may confuse parents and thus make the arrangements unclear (1.4 and 2.4).

Consideration of Case

7. Paragraph 1.42 of the Code says, “*When changes are proposed to admission arrangements, all admission authorities **must** consult on their admission arrangements (including any supplementary information form) that will apply for admission applications the following school year.*” The Code then describes what is required in such a consultation. Admission authorities also must consult at least once every seven years even if no changes are proposed.

8. The local authority is one of the bodies listed by the Code which **must** be consulted. In its objection the local authority said that it had not received a copy of the arrangements and so contacted the school and looked on the school’s website for the arrangements. The local authority did not find the arrangements on the website but did see reference to a consultation on the arrangements as changes were planned to the oversubscription criteria. The local authority told me that it was told by the school that a consultation had taken place as there had been changes proposed to the oversubscription criteria.

9. My office wrote to the trust, following the objection, and the trust said in response, “*It is clear from speaking to the school that an error has been made in the consultation process and we failed to consult with all parties including Somerset County Council.*” In light of this I asked no more questions about the consultation and I uphold this part of the objection.

10. The objection was also that the arrangements had not been provided to the local authority nor published on the school’s website. Paragraph 1.47 of the Code says, “*Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the school year in which offers for places are made). Admission authorities **must** send a copy of their full, determined arrangements to the local authority.*”

11. The trust had not provided the admission arrangements to the local authority following their determination on 26 February 2020 to the local authority. I uphold this part of the objection. Failing to provide the arrangement is not a mere bureaucratic error of no consequence. If the local authority is not provided with the arrangements then it cannot fulfil its duties to:

- 11.1. publish the admission arrangements of all schools in its area by 15 March as required by paragraph 1.49 of the Code; and
- 11.2. refer an objection to the adjudicator if they are of the view or suspect that admission arrangements determined by other admission authorities in its area are unlawful as required by paragraph 3.2 of the Code.

12. In its objection the local authority also said that the school had failed to publish the arrangements on its website once determined. The Code, as above, requires that an admission authority **must** publish the arrangements on its website once they are

determined. In other words the Code's actual requirement for this school is that the arrangements must be on the trust's website. The trust's website has a directory of the schools which are members of the trust. The directory provides a link to the school's website which is where the admission arrangements are published. In practice, therefore, if the school has not published the arrangements then the trust has not published them. When I first considered the case, I could not see the arrangements on the trust's website or the school's website. I can now see the arrangements on the school's website from the link on the trust's website and this is welcomed. I uphold this part of the objection as, at the time of the objection, the arrangements were not published on the trust's website.

13. Paragraph 3.5 of the Code explains that objections to admission arrangements for entry in September 2021 **must** be referred to the adjudicator by 15 May in the determination year (thus by 15 May 2020 for admissions in September 2021). If an admission authority has not, as in this case, made the arrangements available, then this prevents parents and other interested parties from considering the arrangements and raising any concerns. I told the local authority I was willing to use my powers under section 88I of the Act to consider any matter that the local authority would wish to refer to me as it had not had the opportunity to do so at the proper time. As it happened, the local authority raised no other matters with me.

14. I reviewed the arrangements myself using my power under section 88I of the Act to do so. The arrangements refer to the need to complete the SIF if a family believes that their child would meet criterion 1 which is for looked after and previously looked after children. This concerned me because the SIF on the website said it was for admissions in 2017 and because the information requested is normally asked for on the common application form (CAF) provided for all children in its area by the responsible local authority.

15. Paragraph 2.4 of the Code explains the limitations to the use of a SIF and says that an admission authority, "**must only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria...**" The trust expressed puzzlement that the SIF was still on the website as it was not used. The trust expressed its intention to update the website which is welcomed. The local authority was able to clarify that the necessary questions about looked after and previously looked after children in Somerset were included on the CAF. There is therefore no need and indeed no lawful scope for a SIF as it asks for information which has already been provided and so is not required again in order for the trust to apply the admission arrangements. In addition, the continuing presence of the SIF on the website and the references to needing to complete it in the arrangements make the arrangements unclear and so not compliant with paragraph 14 of the Code which requires arrangements to be clear. The Code requires that the admission arrangements be revised to remove the redundant SIF.

Summary of Findings

16. The trust did not consult as required by the Code when it proposed to change its arrangements; it did not provide the determined arrangements to the local authority; nor did

it publish the determined arrangements on its website. In addition, the arrangements include a SIF which is not necessary and makes the arrangements unclear.

Determination

17. 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 Bath and Wells Diocesan Academies Trust for St James Church School in the local authority area of Somerset County Council.

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

19. 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: 06 August 2020

Signed: Deborah Pritchard

Schools Adjudicator