

DETERMINATION

Case reference: ADA2436

Objector: A parent

Admission Authority: The governing body of Kentish Town Church of England Primary School

Date of decision: 21 August 2013

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 governing body of Kentish Town Church of England Primary School.

I have also considered the arrangements in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements.

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 as quickly as possible.

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, about the admission arrangements (the arrangements) for Kentish Town Church of England Primary School (the school), a voluntary aided primary school for pupils aged 3 to 11 years, for September 2014. The objection is to the consultation about the arrangements. The objector states that the school did not publish the consultation on their website. Nor did they consult with all the local feeder nurseries or with parents who attend St Benet's church.

Jurisdiction

2. The objector submitted her objection to these arrangements on 15 May 2013. It was subsequently discovered that the arrangements had not been determined. These arrangements were determined under section 88C of the Act by the school's governing body which is the admission authority for the school on 3 July 2013. Following the determination of the arrangements by the governing body the objection was confirmed. 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

3. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
4. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 15 May 2013;
 - b. the school's response to the objection and supporting documents;
 - c. the response of the Diocese of London (the diocese) to the objection and supporting documents;
 - d. the London Borough of Camden's , the local authority (the LA) response to the objection and supporting documents;
 - e. the most recent Ofsted inspection report for the school;
 - f. confirmation of when consultation on the arrangements last took place;
 - g. copies of the minutes of the meeting of the governing body at which the arrangements were determined; and
 - g. a copy of the determined arrangements
5. I have also taken account of information received during a meeting I convened on 18 July 2013 at the school. The meeting was attended by two representatives of the LA, a representative of the diocese, the head of school, the executive head teacher, the governor for admissions, the school's senior administrative officer and the objector. Another objection (ADA2540) has been made to the school's admission arrangements and a representative of that objector was present in lieu of the objector herself who was not able to attend.

The Objection

6. The objector states that the admissions authority, which is the governing body of the school, did not publish the proposed admission arrangements for 2014/15 on the school's website during the consultation as it is required to do by paragraph 1.45 of the Code. She also maintains that the authority failed to comply with paragraph 1.44b of the Code, in that it failed to consult with local private nurseries. She states that the proposed admissions criteria together with other details about the proposed arrangements were not made available in St Benet's church for eight weeks during the consultation.
7. She further says that there are aspects of the revised arrangements that she would have liked to comment on, had the consultation been carried out "correctly" (I quote). She notes that, in her view, there are flaws in the proposals that could result in fewer rather than more local children securing

places in the school.

8. In the event, the objector attended the meeting I convened at the school on 18 July 2013 and commented on the revised arrangements.

Background

9. The school's stated purpose is to serve the local community. It opened an autism resource base in October 2011. Every classroom and shared space in the school was redesigned to ensure children with autism could be fully included in all aspects of school life. Within each mainstream class, from reception to year 6, two places are allocated for children in the autism resource base (ARB). Currently, there are seven children within the ARB. As a result of opening the ARB it was necessary to reduce the school's planned admission number from 38 to 30.

10. In 2010, Ofsted inspected the school and judged it to be outstanding. It is regularly oversubscribed. Children with a statement naming the school are always admitted first. The previous oversubscription criteria prioritised looked after children and oversubscription criteria 2 and 3 were as follows;

Children whose parents worship at St Benet's Church, having attended at least once a month for a minimum of one year prior to application.*

Children whose parents live within a quarter of a mile of the main gate of our school (measured in a straight line – "as the crow flies") and who worship at a Christian church that subscribes to the Nicene Creed, having attended at least once a month for a minimum of one year prior to application.*

11. In recent years, there has been an increase in applications under these two criteria. For 2013 the school received an unprecedented number of applications under criteria 2 and 3 along with a larger number of applications from siblings (criterion 4). In effect, under the 2013 arrangements, children living a considerable distance from the school whose parents worshipped at St Benet's church could secure places that were then not accessible to local children. The result was that nine children with siblings in the school (now reduced to six) did not gain places and the governors found this unacceptable. The governors wanted to avoid a repetition of this and to secure places for children from the immediate community. In addition, they felt that the interests of the non-Christian population within the immediate community (for whom attendance at a Christian church is not an option) should be considered. The governors discussed these difficulties and proposed some changes that they hoped would prevent a repetition of the problems. They formulated the following revised criteria;

1. Looked after child or a child who was previously looked after but immediately after being looked after became the subject of an adoption, residence, or a special guardianship order.
2. Children who have a sibling in the school at the time of entry, whose parents live within half a mile of the main gate of our school (measured using the Camden Council website) and who worship at St Benet's Church, having

attended at least twice a month for a minimum of two years prior to application.*

3. Children who have a sibling in the school who have a statement of Special Educational Needs.
4. Children who have a sibling in the school at the time of entry and who live within half a mile of the main gate of our school (measured using the Camden Council website).
5. Children whose parents live within half a mile of the main gate of our school (measured using the Camden Council website) and who worship at St Benet's Church, having attended at least twice a month for a minimum of two years prior to application.*
6. Children whose parents live within a quarter of a mile of the main gate of our school (measured using the Camden Council website) and who worship at a Christian church that subscribes to the Nicene Creed, having attended at least twice a month for a minimum of two years prior to application.*
7. All other children (5 Places).

Children with a statement of Special Educational Needs (SEN) naming our school have automatic entry.

12. The LA is aware of the difficulties arising from the 2013 admissions round and is supportive of the intention behind the changes.

Other matters

13. The objection under consideration concerns the consultation process. Though the objector makes it clear that she has reservations about the changes themselves and their impact, she does not expand on those reservations in her objection. I have nonetheless considered whether the arrangements are compliant with the Code and in the meeting of 18 July with the interested parties, I raised a number of issues concerning the determined over-subscription criteria.

14. Firstly, the governors have added criterion 7 with the intention of ensuring that more places are allocated to local non or other faith children. If this criterion is in seventh place it is unlikely to have the intended effect, since the high number of applications is likely to mean that all places are filled under higher ranked criteria.

15. Secondly, there is no indication as to how the five other children are to be selected under criterion 7. This means that the criterion is not compliant with the Code because parents cannot look at the arrangements and understand easily how places for the school will be allocated as required by paragraph 14 of the introduction to the Code.

16. In the meeting, the question of using distance as the means of allocation, using the LA's website measurement, was discussed. It was also established that the LA's website in fact measures distance from the middle of the school with the result that references in the current arrangements to the main gate of the school are superfluous, confusing and not compliant with the Code's requirements for clarity.

17. Criterion 3 as currently worded is unclear. The intention of the governors was to prioritise the siblings of children with statements of educational need. It was agreed that the criterion should read, "Children who have a sibling in the school who has a statement of Special Educational Needs". This would be compliant with the Code's requirements for clarity.

18. The current arrangements make no reference to a tie breaker and it was also agreed that one was required under the Code. This would be distance, again measured by the council's website tool and with random allocation by an independent person in the event of equidistance.

19. In principle, the diocese supports the idea of a 50/50 split between faith and non-faith places, or as it terms them, open and foundation places. The school has set up an admissions working party on which the diocese is represented and this group intends to rework the 2015/16 criteria along these lines.

Consideration of Factors

20. In this case, the admissions authority (that is, the school) discussed the difficulties that had arisen during the 2013 admissions round and proposed some changes that it hoped would prevent a repetition of the problems. It then delegated the consultation process to the local authority. The LA reports that the school's admission policy for 2014 was circulated along with Camden's arrangements for 8 weeks from the beginning of January until the end of February 2013. The arrangements were circulated as follows:

- Camden's elected members;
- Camden's website;
- All Camden schools;
- The admission teams of: Brent, Islington, Haringey, Brent, Hackney, Westminster and City of London;
- The Catholic and Church of England Dioceses;
- Chairs of Governors of Camden schools.

21. It is clear that the school did consult via Camden LA for 8 weeks prior to 1 March 2013. A notice was also placed on the register at St Benet's church informing parents of the planned changes to the criteria for admissions from September 2014.

22. The diocese viewed the proposed admissions criteria. Both the legal department at the LA and the diocesan commented on whether it would be appropriate to ask how long a family had been resident at an address prior to application. (It was decided that this would not be appropriate as it would be prejudice against some families e.g. travellers). There were no other responses to the consultation on the school's proposed changes.

23. This process fulfilled the requirement in the Code for consultation to be for a minimum of 8 weeks and to take place between 1 November and 1 March. It also covered the requirements for consultation set out in paragraph 1.44 of the Code.

24. The objector states that the school did not consult either with local feeder nurseries or with parents who attend St Benet's church. The Code sets out a general requirement for consultation with parents of children between the ages of two and 18 and with the body representing the religion in the case of faith schools, but it does not specifically require consultation with local nurseries nor say how the consultation should be conducted. In paragraph 1.45, it says that admission authorities **must** send a copy of the proposed arrangements to any of those who must be consulted "upon request".

25. However, in delegating the process of consultation to the LA, schools do not absolve themselves of all responsibility for ensuring that local parents in particular are consulted about changes to admission arrangements. Many parents of small children lead very busy lives juggling work and parenting. They have limited time to search websites and the timescales for consultation set out in the Code require attention long before many parents start thinking about school admissions. In my view there is an onus on admission authorities to make an effort to inform local parents about consultation. That did not happen in this case.

26. Moreover in paragraph 1.45 the Code states clearly that; "For the duration of the consultation period, the admission authority **must** publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website....." This requirement is important because the website of the local school is the place to which parents are most likely to turn when seeking information about admissions to local schools. The school did not do this, having assumed in good faith that in delegating the consultation to the local authority they had done what was necessary. The school now understands that it is required to publish the consultation on its own website. It has acknowledged that it made a mistake and apologised for this failure.

27. Furthermore, following the consultation the school did not proceed to determine its arrangements. Prompted by the OSA as a result of the objection it finally proceeded to determine on 3 July 2013.

28. The LA recognises that the arrangements that were finally determined on 3 July are not fully compliant with the Code and was party to the agreements reached at the meeting on 18 July as to changes that would need to be made to the 2014 arrangements following my determination.

29. It is clear to me that this school is committed to inclusivity and that it acted in good faith in an attempt to ensure that the problems arising in the 2013 admissions round were not repeated in 2014. Nonetheless, admissions authorities are obliged to ensure that they know what their statutory responsibilities are and that they are carried out and this school did not meet the requirements.

Conclusion

30. The admission authority has acknowledged that its consultation on its arrangements did not fully meet the requirements of the Code as it did not publish the consultation on its website as it is required to do. This is in breach of paragraph 1.45 of the Code. I therefore uphold the objection.

Determination

31. 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 governing body of Kentish Town Church of England Primary School.

32. I have also considered the arrangements in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements.

33. 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 as quickly as possible.

Dated: 21 August 2013

Signed:

Schools Adjudicator: Mrs Janet Mokades