Office of the Schools Adjudicator

DETERMINATION

Case reference:	**ADA 3214**
Objector:	**A representative of two local parishes**
Admission Authority:	**St George's School, Harpenden Academy Trust**
Date of decision:	**18 July 2016**

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2017 determined by St George's School Harpenden Academy Trust for St George's School, Harpenden, Hertfordshire.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 31 August 2016.

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 representative of two local parishes (the objector), about the admission arrangements (the arrangements) for St George's School Harpenden, a multi-denominational Christian academy co-educational day and boarding school, for pupils between the ages of 11 and 18, in the local authority area of Hertfordshire (the LA). The objection is to the removal from the arrangements of a protected allocation of places to named civil parishes and to perceived unfairness in the consultation process that led to this decision. The LA is a party to this objection. Other parties to the objection are the school and the objector.

Jurisdiction

2. 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 governing body, which is the delegated admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 14 May 2016. 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

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 and supporting documentation dated 14 May 2016 and subsequent submissions;

   b. the admission authority's response to the objection, and supporting documents, and further responses to submissions by the objector and enquiries made by the adjudicator;

   c. the comments of the LA on the objection, and supporting documents;

   d. the LA's composite prospectus for parents seeking admission to schools in the area in September 2016;

   e. maps of the area identifying relevant schools;

   f. copies of the minutes of the meeting at which the governing body determined the arrangements;

   g. a copy of the determined arrangements for day admissions in September 2016 (the 2016 arrangements); and

   h. a copy of the determined arrangements for day admissions in September 2017 (the 2017 arrangements).

   I have also consulted the websites of the school, the LA and the Church of England Diocese of St Albans. I convened a meeting at the school on 13 July 2016, which was attended by all parties; I shall consider additional information received, and points raised, at that meeting.

The Objection

5. The objection is to the removal from the 2017 arrangements of a list of civil parishes bordering Harpenden, and of Flamstead and Markyate in particular, to which (under criterion 5 in the 2016 arrangements, following the allocation of places against criteria 1-4) a protected allocation of 20 per cent of remaining places had been made. This, the objector contends, is neither fair nor reasonable when considered against paragraphs 14 and 1.8 in the Code, as applicants living in these parishes are likely to be disadvantaged by their distance from the school should they wish their children to attend a school with a Christian foundation. The objection is also to perceived unfairness in the consultation and decision-making process that led to this change which, it is claimed, failed to satisfy the requirements of paragraph 1.42 in the Code.

Other Matters

6. In considering the arrangements as a whole, I noted that criterion 7, which requires applicants who are currently active members of different denominations both to supply proof of regular worship, may discriminate against an applicant who is a single parent. I also noted that the supplementary information form (SIF) may contravene parts of paragraphs 1.9 and paragraph 2.4e) of the Code by inviting applicants to add extra information in support of how the admissions criteria apply to that application and by implicitly requiring two parents/guardians to sign the form. Requiring the applicant to sign acceptance of the requirement for a pupil admitted to the school to attend at least three designated Sunday sessions a term may also be in breach of paragraphs 1.9a) and 1.9i). I subsequently brought to the admission authority's attention that: there was an unnecessary requirement for some categories of applicants to complete the SIF; and that, at the time of making this determination, the 2016 arrangements were not published on the school's website, which contravenes the requirement in paragraph 1.47 of the Code.

Background

7. The school is a non-selective, multi-denominational co-educational day and boarding school with a Christian foundation for pupils between the ages of 11 and 18; it was founded in 1907, as one of the first such schools in England, and became an academy in July 2012. It is designated by the Secretary of State as having a Christian religious character but has no Christian denomination as its religious body and is not supported financially by any Christian body. There are more than 1300 pupils on roll including almost 400 in the sixth form and about 100 pupils who are boarders. An Ofsted inspection in September 2014 judged the school to be outstanding in every aspect. The school is oversubscribed. For entry to the school in September 2016, when the published admission number (PAN) for day admissions was 160, there were 619 total preferences, of which 194 were first preferences.

8. In its arrangements, the school identifies what it names as its *"priority areas"* which form, in effect, a catchment area. These are listed as the civil parishes of Ayot St Lawrence, Flamstead, Harpenden, Harpenden Rural, Kimpton, Kings Walden, Markyate, Redbourn, St Paul's Walden and Wheathampstead. In the 2016 arrangements, 20 per cent of places available under criterion 5 (see below) were allocated to those living in civil parishes other than Harpenden, with the remaining 80 per cent of these places allocated to children living in the civil parish of Harpenden itself. The removal of this protected 20 per cent allocation to the rural parishes is the only significant change between the arrangements for 2016 and those for 2017, together with an increase.in the PAN to 170. The increase in the PAN is ascribed to the unpredictability of the take-up of boarding places, and is seen to make transparent the practice in recent years of making up any shortfall in boarding allocations with additional places for day pupils.

9. In summary, the 2017arrangements state that the governing body will admit a child with a statement of special educational needs (SEN) or an Education, Health and Care (EHC) Plan that names the school. Oversubscription criteria are then:

    1. Looked after or previously looked after children

    2. Children of a member of staff

    3. Children who have a sibling at the school as a day pupil at the time of application

    4. Children who have previously at any time had a sibling at the school as a day pupil

    5. Children living with a parent or parents with a Christian commitment shown by membership of a Christian church

    6. Children whose normal residence is within the school's priority areas and whose parent or parents can also prove a medical or social need that makes the school *"uniquely well suited for the child"*

    7. Children whose normal residence is within the school's priority areas and whose parents can also prove that they are of different Christian denominations and are currently active members of their separate churches

    8. Children whose normal residence is nearest the school, using the LA's system of measurement.

    There are clear explanatory notes to each of the above criteria and, for children to be considered under criteria 5 or 7, applicants must complete a supplementary information form (SIF). Random allocation, undertaken independently of the admission authority, is used as a final tie-break, and the governing body will admit above PAN to avoid one or more children from multiple births not being allocated a place. Children

of UK service personnel will be allocated a place if the application is accompanied by the appropriate official posting documentation.

Consideration of Case

10. In determining this objection, I shall consider only those aspects detailed above. The objector made additional allegations concerning the admission authority's consultation on the 2017 arrangements; these included: the conduct of individual governors, specifically the non-declaration of interests; and reference, both in the objection and in the meeting I convened at the school, to legislation concerning obligations on public bodies when conducting a consultation, for example regarding bias. Such issues are not within my jurisdiction; they have not influenced my consideration of the objection, and I shall not refer further to them.

11. I shall consider first issues arising from the objection to the consultation carried out by the admission authority on the proposed 2017 arrangements. The objector cited only paragraph 1.42 of the Code, which sets out the requirement for admission authorities to consult when changes are proposed to admission arrangements. The detailed requirements of such consultations are in regulations 12 to 17 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, while paragraphs 1.43 and 1.44 of the Code set out the required timescale and scope in respect of consultations, with paragraph 1.45 adding further requirements concerning the publication and circulation of proposals. I was provided with evidence by the admission authority, supported by copies of correspondence between the school and the LA, that appropriate documentation was made available to all parties listed in paragraph 1.44 of the Code, including a public announcement in the local press, and that written comments on the proposal were invited throughout a period of time which extended to more than the minimum six weeks required by the Code. These consultation processes have not been challenged by the objector.

12. Numerous meetings were held with interested parties, for example with clergy in the rural parishes affected by the proposal to remove the protected allocation of places to children living there, and with the headteachers of local primary schools; a comprehensive pack of information concerning the proposed change was sent to local secondary schools. The objector argued that it is contrary to normal justice that the admission authority refused to offer one-to-one discussions with individuals who asked for such a meeting and that some views were therefore excluded, or not accorded appropriate weight, when only written submissions were accepted rather than oral, face-to-face statements which, in the objector's view, might be more forceful. However, the objector accepts that she herself was afforded an hour-long personal briefing at an early stage of the consultation, during December 2015, as was a local councillor, and the objector was provided moreover with anonymised information about historic allocations of places to the rural parishes. The chair of governors then

ruled against further meetings of this kind on the basis that while not everyone with a view to express might be able to attend a meeting, anyone could submit a written response in their own time. During the meeting at the school on 13 July 2016 there was some dispute about the nature and quantity of data provided for the objector, but I am satisfied that the admission authority made every effort to supply relevant information as requested, and immediately. One week before the official end of the consultation period, local primary and secondary schools and clergy in the parishes within the school's "priority area" were asked to remind interested parties that the consultation was about to end.

13. Given the activities detailed above, I can find no evidence that the admission authority failed in any way to comply with the requirements detailed in paragraphs 1.42-1.45 of the Code, or of school admission regulations, concerning the process for consulting on proposed changes to admission arrangements or that anyone was prevented from expressing a view on the proposal during the time that the consultation was "live". Consultations may be organised in different ways, and I do not identify any non-compliance with the Code in how this admission authority set up its initial processes.

14. One of the objector's main concerns was that one proposal alone was published for consultation and that alternatives were not suggested or offered for comment. In her view, therefore, this was not a genuine consultation about the relative merits of different changes that might be made to the arrangements. However, at a meeting on 1 October 2015, governors did consider an initial paper that set out two alternative proposals for change, the potential impacts of which were presented and discussed in considerable detail; a possible third option was to leave the arrangements unchanged. The decision to consult on just one proposed change to the 2017 arrangements was based on a fully minuted, lengthy discussion at this meeting. A wide range of views was recorded, including those that dissented from the majority opinion; but there was an acceptance that a changing local demographic had to be addressed, and that there was no easy solution that could both safeguard the allocation of places to the rural parishes yet preserve the faith link for families living in Harpenden itself. The fact that the vote for change was not unanimous, together with dissenting views recorded in the minute, suggest to me that individual governors felt perfectly able to express their own feelings but were content to accept a majority vote in favour of a consultation on the proposal that was eventually accepted. The minutes of this meeting record that *"an extremely difficult decision was made after much deliberation and detailed discussion"* and I am persuaded that this is an accurate record of an appropriate, thoughtful debate.

15. Moreover, I find it hard to believe that a consultation involving more than one proposal would have been easy to explain in a straightforward manner to all parties. Linked to this, to analyse responses to a range of possibilities, to reflect a variety of views on the relative merits of different proposals and to suggest a way forward would be difficult and

potentially very time consuming. There is no suggestion in the Code, or in relevant legislation, that a consultation on proposed changes to admission arrangements should encompass a range of possibilities. I note in passing that in the meeting at the school, the representative of the LA confirmed that of the very many proposals to change admission arrangements that the LA had seen in recent years, none had ever put forward more than one clear proposal for change on which to consult. The LA had been kept fully informed by the admission authority of its proposed change to the 2017 arrangements and the associated consultation process and had not identified any possible non-compliance with the Code.

16. The objector further contends that a briefing paper provided for the consideration of members of the governing body following the consultation was unfair in that it argued against, and dismissed, each of the objections raised by respondents to the proposed change and therefore predisposed governors to approve the change. I do not agree. The preamble to this briefing paper went to considerable lengths to explain to governors the processes that had been involved in the consultation and referred them to those parts of the Code that had to be considered were a change to the arrangements to be compliant with its requirements. Sixteen substantive points raised by the consultation were then set out and evaluated in turn. The objector has implied that all these points were rejected summarily, but in fact there are a number of occasions where the author of the paper uses phrases such as *"governors might wish to consider … "* or *"On the other hand … "*. The paper ends with appendices that contain detailed modelling and analyses of the likely impact of the proposed change, both numerically regarding the allocation of places and in socio-economic terms regarding the potential impact on village communities, together with a history of how the school's arrangements had been adapted over time to reflect changing local circumstances and a further detailed account of relevant parts of the Code and of the most recent Office of the School Adjudicator (OSA) Annual Report that might be relevant to the governors' decision.

17. Putting to one side for the moment the issue of whether this document was fair and balanced, I find it difficult to conceive of ways in which governors might have been presented with a broader, more focused or analytical set of papers. Although the objector contends that this briefing was tantamount to presenting governors with a *fait accompli* regarding their decision-making, effectively making up their minds for them in advance of a meeting, my view is that the paper is comprehensive and detailed and that it presented individual governors with information which they could choose to challenge, or about which they could raise concerns should they so wish, as indeed was shown in the meeting of 24 February 2016 at which the proposed new arrangements were accepted and determined by a majority vote but only following a *"full and robust discussion"*.

18. I move now to consider whether this briefing paper was "fair". The objector contends that, because it dismissed most of the points raised

during the consultation that argued against the change, it was not balanced. However, since governors had voted to consult on this change, it was reasonable in my view for the paper to examine how each point raised against the change might be answered, and how any concerns about the change might be accommodated or alleviated. Minutes of meetings previously quoted suggest that individual governors, and the governing body as a whole, were unlikely to accept any recommendation or argument simply at face value but that they took their responsibility to challenge very seriously. More importantly, perhaps, the briefing paper was at pains to support statements with data wherever possible, to raise further questions for governors to consider and indeed to table a wealth of background information that, while intended to support the case for change, inevitably provided at the same time an evidence base that could be referenced – or challenged – by any governors not in favour of the proposed change. It is, perhaps, merely to restate the obvious, but the governing body had agreed to consult on this proposal; and so to evaluate points raised against it from the viewpoint of, as it were, "how would this impact on the proposed change if accepted?" appears to me both logical and reasonable. The objector pointed out that, of the more than 300 written responses to the proposal, only 39 per cent were in favour of the proposed change; however, deciding the outcome of a proposal does not depend on numbers alone, but on the weight given to issues raised both *pro* and *contra* and on other factors that may or may not have been formally raised during the consultation.

19. I therefore do not uphold that part of the objection concerning the consultation, both process and outcome, conducted by the admission authority on its proposed change to the 2017 arrangements.

20. I shall now consider the second part of the objection, that is, to the removal from the 2017 arrangements of a list of civil parishes bordering Harpenden, and of Flamstead and Markyate in particular, to which a protected allocation of 20 per cent of remaining places had previously been made after higher ranked criteria had been applied to applications. This, the objector contends, is neither fair nor reasonable when considered against paragraphs 14 and 1.8 in the Code, as applicants living in these parishes are likely to be disadvantaged by their distance from the school should they wish their children to attend a school with a Christian foundation.

21. The LA did not identify any issues of non-compliance with the Code when apprised of the admission authority's proposal to change this aspect of its 2017 arrangements, but in writing to the school it did comment that *"you may well receive objections from village residents."* It is not surprising, in the context of applicants losing a prioritised category for their applications to a popular, successful and – in terms of its faith foundation within the locality – unique school that concerns were raised, or that these concerns centred on the fairness and reasonableness of committed Christian families in the outlying villages to Harpenden no longer having privileged, albeit limited, priority for access to the school.

22. The admission authority identified a need to reconsider its arrangements against a background of the requirement for significant numbers of additional secondary school places in and around Harpenden for the foreseeable future. Although a new free school is planned within the area, the opening of this school has been delayed to September 2018 and so it cannot, in the short term, accommodate any of the "bulge" in the number of expected applications for secondary school places. An element of this objection was that "misinformation" concerning what was known, when and by whom, concerning the opening of the new free school, was used improperly during the consultation on the proposed change to the school's 2017 arrangements; to arbitrate between those conflicting views and accusations is not within my jurisdiction, nor do I feel the matter impinges significantly on my consideration of fairness and reasonableness in the 2017 arrangements and I do not intend to comment further on this issue.

23. The admission authority points out that it had changed its arrangements previously when it identified difficulties in allocating places in what it considered to be a fair way. Before September 2012, ten per cent of available places were reserved for applicants outside Harpenden and the surrounding villages, but this priority was removed at that time in order to benefit applicants living to the south of the town and to give parity to church members in that area. This change was seen to have a positive effect at the time, with the last place allocated by a distance measurement at some 2.5 kilometres from the school. A sudden rise in the number of sibling applications for September 2015, 104 compared with 80 in the previous year, together with a rise in allocations to looked after children and the children of staff, resulted in there being only 40 places to offer to "new" families, around half the number previously available, with the effect that some church member families living less than one kilometre from the school were unable to gain a place for their children. In a paper to the admissions committee detailing the change that would remove entirely the 20 per cent allocation of "remaining places" to the surrounding villages (that is, after the application of higher-ranked oversubscription criteria), the conclusion was that – if applied in previous years – the arrangements if changed as suggested would have resulted in all Harpenden applications being successful in September 2014 and an additional eight families gaining a place in 2015 (when, as noted, the sibling count was high).

24. This paper, provided by the school for the governors' admissions committee, articulated the issue as a *"conundrum"*, that is, *"whether it is appropriate to continue to prioritise allocating places to the villages, at a time when there will be more and more Church attending applicants from Harpenden itself not allocated."* The rationale for the change was then presented thus: having retained priorities for groups including looked after and previously looked after children, children with SEN statements or EHC plans, siblings, children of staff (to a school in an area where the high cost of housing can make recruitment difficult) and children with acute social or medical needs, the next allocation of

places would be to church attenders, starting with those living closest to the school. While making it less likely for a village child to be allocated a place, it would not be impossible, given the higher priorities listed above against which village children might still gain a place. What the new arrangements would ensure, however, is that a village child allocated a place on the basis of church attendance and proximity to the school would not pass the house of a church attender living much closer to the school but who had been refused a place because of the "protected" allocation of places to the villages.

25. Other arguments in recommending the change to the 2017 arrangements were to establish a greener footprint, that is, to avoid the situation just mentioned where children travelling out of Harpenden to schools elsewhere would pass other children from farther afield travelling into Harpenden, and also to simplify the policy so that it was clearer, and more predictable, to applicants how places would be allocated. This need to strive for clarity is highlighted by changing numbers in each category of application year-on-year, which makes the impact of a "protected percentage" allocation all but impossible for applicants to predict. For example, data relating to places allocated for September 2016 show that five allocations against criterion 1 (looked after and previously looked after children) was substantially lower than in 2015; seven allocations as children of staff was typical, although a number of these would have been allocated places as siblings or as children of church families within the distance tie break; and 78 sibling allocations was *"unprecedentedly low"*. Hence places in 2016 were offered to all applicants, from Harpenden itself and the villages, who met the church criterion together with the five closest non-church applicants. The school's comment on these data is *"If every application year had so few 'high priority' applicants, the issue the school has wrestled with on ring-fencing places for village applicants, or not doing so, would be immaterial. 2016 is both historically unprecedented, and on demographic projection, unlikely to re-occur."*

26. There are frequent references in the papers provided for governors and in the minutes of meetings to the need for transparency in processes and predictability of outcomes in the application of admission arrangements. In the previous two admission rounds (2014 and 2015), the ring fencing of village places resulted in allocations of places for 8 and 17 children respectively, while the last place allocated on distance within Harpenden increased from 935 metres to 3.1 kilometres. While parents are unlikely ever to be able to predict the outcome of an application with complete certainty, especially where a school is oversubscribed, there is nonetheless a strong argument, in my view, that the change to the 2017 arrangements removes a layer of complexity and uncertainty for applicants.

27. One aspect of the objection is that it is unfair towards, or discriminates against, those living in the village communities, which the objector classifies as a social group (and sees farmers as a sub social group within those communities). If so, this would contravene paragraph 1.8 of the Code, which states that admission authorities *"**must** ensure that*

their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social … group … ". However, I am not aware of any accepted definition of "social groups" that would encompass all those who live in villages who, I suggest, would comprise a cross-section of any number of generally accepted social groupings based on economic and educational factors, for example; nor can I see farmers as other than an occupational rather than a social grouping, to give priority to which would be non-compliant with paragraph 1.9f) of the Code.

28. Data supplied by the LA relating to the allocation of places at the school from the two villages which the objector specifically mentions, Markyate and Flamstead, show that in 2014 there were no allocations on the basis of church membership from either village and only one allocation on this basis in each of 2015 and 2016 (both to children from Markyate). I note that in contrast to these figures, in 2014 there were six allocations to Flamstead children against the siblings criterion and three to Markyate; in 2015, there were seven "sibling allocations" to Flamstead and one to Markyate; and in 2016, two sibling allocations to Flamstead and three to Markyate. It is clear that the majority of allocations to children from these two villages have not been against the "ring fence" church criterion, the removal of which is the main element of this objection. From the data supplied by the LA, it is clear that the protected allocation has been of greater significance, numerically, in some of the other villages such as Redbourn and Wheathampstead.

29. In my meeting at the school, the rural dean of Wheathampstead commented that there will always be winners and losers when a set of arrangements is changed. That is so, and it is an unfortunate fact that, where a school is popular and oversubscribed, and perhaps even more so when it has a special character as is the case with the school in point, there will be applicants who feel most keenly the line that divides winners from losers. I understand their frustration. Nevertheless, in a situation where there is pressure on school places, an admission authority must do what it thinks best in its local context to enable the best balance of competing claims on the limited number of places it has to allocate, while ensuring that the requirements of admissions legislation and the Code are observed. Having considered the extensive documentation provided by both the objector and the admission authority, together with data from the LA, and having heard an exchange of views in a meeting with all the parties, I am firmly of the view that the admission authority approached a necessary but difficult task in good faith and that it examined all available evidence in a thorough – one might say, forensic – manner in order to reach a decision that it considered fair and reasonable, and one that was arrived at through a transparent process.

30. Paragraph 14 of the Code says that *"admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for*

that school will be allocated." Paragraph 1.8 says that *"Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation."* I find that the arrangements for 2017 determined by the admission authority meet these requirements and so I do not uphold that part of the objection that considered them to be unfair and unreasonable when measured against these sections of the Code.

Other matters

31. In considering the arrangements as a whole, I noted that criterion 7 gives priority to children whose parents are active members of different denominations and who can both supply proof of regular worship; this would take account of the marital status of a parent contrary to paragraph 1.9f of the Code While telling me that this criterion is seldom invoked, the admission authority readily agreed to alter the form of words in this criterion so that it mirrors criteria 5 and 6, which refer to *"parent or parents"*. Although the school has no official affiliation with one specific religious body, it was reported in the meeting that it receives, and considers, advice from the Diocesan Board of Education of the Church of England Diocese of St Albans. I note that in the admissions advice issued by this body it is stated clearly in paragraph 2.6, *"it is important that single-parent families are not disadvantaged."*

32. I noted also that the supplementary information form (SIF) appears to contravene parts of paragraphs 1.9 and paragraph 2.4e) of the Code by inviting applicants to add extra information in support of how the admissions criteria apply to their application. The admission authority agreed that this is unhelpful and potentially unfair in that applicants have no guidance as to what might be included here, or what effect it might have on their application, which would not meet the requirement of paragraph 14 of the Code that parents *"should be able to look at a set of arrangements and understand easily how places for that school will be allocated."* The admission authority agreed to remove this section of the form, but to indicate to parents submitting medical or social evidence against criterion 6 that they may continue on an additional sheet if necessary.

33. By providing two places for signatures at the end of the SIF, the admission authority implicitly suggests that two parents should sign the form; it agreed to remove one of the signature spaces to ensure compliance with paragraph 2.4e) of the Code, which specifically prohibits asking both parents to sign a SIF. The reference on the SIF, immediately above the signature space, to a requirement for pupils to attend at least three designated Sunday sessions a term was agreed by the admission authority not to be part of the admission arrangements *per se* but rather a matter of the school's attendance policy, and that such attendance could be subject to discussion with parents who might wish to withdraw their child from corporate worship and/or activities that might be classed as religious education. In response to my question as to what effect it would have on an

application, therefore, if this statement were struck out, the answer was that it would have no effect at all; the admission authority agreed therefore to remove it from the SIF.

34. The admission authority also agreed that the requirement for parents making applications on behalf of looked after or previously looked after children to complete the SIF was unnecessary, since such children would be admitted to the school anyway, and the LA holds all relevant personal details. The same would apply to applications on behalf of children with a statement of SEN, or an EHC plan, that names the school. The arrangements already make it clear, as required, that all such children will be admitted to the school before other places are allocated; the admission authority undertook to amend the arrangements to indicate that parents making applications on behalf of children in any of these categories do not need to complete a SIF.

35. Finally, at the time of making this determination, the only admission arrangements published on the school's website were those proposed for 2017-18; the determined arrangements for 2015-16 should be displayed for the whole offer year, as should those for 2016-17. The admission authority undertook to rectify this omission in order to comply with paragraph 1.47 of the Code.

36. The required changes noted here in order to remedy breaches of the Code, to all of which the admission authority has readily agreed, do not require consultation and, being minor changes to wording and some straightforward deletions in documents, as well as posting previously determined sets of arrangements on its website, should be effected by 31 August 2016.

Summary of Findings

37. For the reasons set out above, I do not uphold the objection to the school's arrangements for 2017. Having read and listened to detailed submissions from the parties involved, I am content that the consultation concerning the proposed change to the arrangements was thorough and transparent and that it fulfilled the requirements of paragraphs 1.42-1.45 of the Code. The change that was agreed by governors following the consultation took full account of available data and of the likely impact of the new arrangements on the school's wider community. While it is possible that in the future some applicants from the two villages whose interests were championed by the objector may not be allocated places for their children, others living closer to the school who might have been denied places by the previous arrangements will have a better chance of being able to attend their local school.

38. In scrutinising the arrangements as a whole, I noticed that the wording of criterion 7 refers to *"parents"*, unlike criteria 5 and 6 which refer more appropriately to *"parent or parents"*. There are places in which the SIF requires information unnecessarily, for example from children who would be automatically allocated places, and where it invites additional

but unspecified information, the purpose of which would not be clear to applicants. A statement regarding the attendance of pupils at three Sunday sessions per term is not part of the admission arrangements, and only one applicant should be required to sign the form. In my meeting with the parties, the school undertook to address these issues immediately and to ensure that arrangements for all relevant admission rounds, as required by paragraph 1.47 of the Code, are published henceforth on its website.

Determination

39. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2017 determined by St George's School Harpenden Academy Trust for St George's School, Harpenden, Hertfordshire.

40. 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.

41. 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 August 2016.

Dated: 18 July 2016

Signed:

Schools Adjudicator: Mr Andrew Bennett