

## **DETERMINATION**

**Case reference:** ADA/002483, 2484 and 2494

**Objector:** Heskin Parish Council; Lancashire County Council; and a member of the public

**Admission Authority:** The Board of Directors of Bishop Rawstorne Academy, Croston, Lancashire

**Decision date:** 25 July 2013

### **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 Bishop Rawstorne Academy determined by the Board of Directors for Bishop Rawstorne Academy Trust.**

**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), three objections have been referred to the Adjudicator about the admission arrangements (the arrangements) for Bishop Rawstorne Academy (the school), an academy school with age range 11-16 for September 2014. The first objection has been made by Heskin Parish Council. A second objection has been made by Lancashire County Council, the local authority, (the LA) and a third by a member of the public who is also a parish councillor. The objections concern a) the ease with which parents might understand the arrangements b) the fact that some children could be considered within more than one oversubscription criterion and c) the perceived reduction in priority given to those living in the foundation parishes listed in the oversubscription criteria.

### **Jurisdiction**

2. The terms of the academy agreement between the Board of Directors (the governing body) and the Secretary of State for Education which came into force on 1 August 2011 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 admission authority for the school, on that basis. The objectors submitted their objections to these determined arrangements on 21 June 2013, 26 June 2013 and 21 June 2013. I am satisfied the objections have 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). I have decided to consider the objections together since there are common elements in the three objections.
4. The documents I have considered in reaching my decision include:
  - a. the email of objection dated 21 June 2013 from Heskin Parish Council;
  - b. the email of objection dated 26 June 2013 from Lancashire County Council;
  - c. the email of objection dated 21 June 2013 from a member of the public;
  - d. the school's responses to the objections;
  - e. the LA's response to the objections;
  - f. confirmation of when consultation on the arrangements took place;
  - g. copies of the minutes of the meeting at which the Directors of the Academy Trust determined the arrangements; and
  - h. a copy of the determined arrangements for 2014.
5. On Monday 15 July 2013 I attended a meeting at the school to meet with school's representatives, the objectors, the Diocesan Director of Education and his deputy from the Diocese of Blackburn (the diocese) and the LA in order to listen to the objections and hear the comments made by the different parties.

### **The Objection**

6. The objections are about three issues. The first is that it is not clear whether or not the school is changing the priority that it gives to children who live in five parishes referred to as the foundation parishes as result of the introduction of a faith criterion. The second issue is that the introduction of the new criterion has made the arrangements more complicated and as a result of the way that they are written they are difficult for parents to understand easily. The third issue is that children

could be considered within more than one criterion of the new arrangements.

### **Other matters**

7. I have used my power under section 88I of the Act to review the overall arrangements. There are issues set out below that do not conform to the Code and I have drawn these to the attention of the school. The school has agreed to address these immediately.

### **Background**

8. The school became an academy on 1 August 2011. It is a popular school and is usually oversubscribed. The school is a Church of England faith school established to serve its local community. Surrounding the school are five parishes that are referred to by the school as the “foundation parishes”. The school has traditionally given children who live in these parishes priority for admission. There are then a further eight parishes that are referred to by the school as the “named parishes” that are given a second priority for admission if there are places available after the children from foundation parishes have been allocated places.
9. A programme of house building in the area is creating pressure on places at local schools. The school has noted that the number of children in the school who say that they are Christian appears to have reduced in recent years. The evidence for this is taken from informal surveys undertaken in religious education lessons. The governing body has considered this observation and has formed the view that it wishes to ensure that the faith character of the school is not diminished over time and that the best way to do this is to introduce a faith criterion into the admission arrangements. Over a period of 12 months beginning in 2012 and going through to 2013 it undertook consultation on this matter. In March 2013, it determined that it will offer one third of the published admission number (PAN) each year to those who meet its faith criterion. The diocese has supported this move and the school has taken the advice of the diocese in setting how the faith criterion will be defined.
10. The objections made are not about the faith criterion itself, the main concern has been about how it will operate and whether the school is seeking to change its established system of giving priority to those who live in the five foundation parishes.

### **Consideration of Factors**

11. At my meeting at the school to discuss the objections, the school explained that there had been no change in its view about the priority that it wished to give to those children who live within the five foundation parishes compared to those who live in the named parishes or those who live elsewhere. However it agreed the decision to offer one third of the places available (60 in 2014) on a faith based criterion meant that this could affect the balance a little.

12. The school reassured the objectors that the first priority in the new faith-based criterion would be to those who live in the foundation parishes and that if all the available places in this criterion were allocated to foundation parish children then there would be no faith-based places available to be offered to the named parishes or beyond. The school thought it likely that most, and in some years all, of these places would go to children resident in the foundation parishes, but it would not know how this would work until after the first year of using the criterion. The school said that it would be able to report to future prospective parents how the places had been filled in 2014 and subsequent years so that parents could consider their applications accordingly.
13. The objection noted that there had been a change in the wording of the criteria between 2013 and 2014 and in particular a change from “children who reside in a foundation parish..” in 2013 to “Children from a foundation parish...” in 2014. The objection was in part prompted by this change of wording because the objectors felt that it implied a lesser reliance on whether children live in the foundation parishes or not. The school confirmed that there was no intention to change this priority and that there was no significance in the change of wording and agreed to look to see how this could be clarified.
14. There was a lack of clarity within the arrangements about how places would be allocated within a criterion if there were more applicants than places available. The school clarified that this would be done on the basis of distance, with priority given to those who live closest to the school. In the case of a tie then a random draw would be used. To comply with paragraph 15 (a) of the Code this must be clearly explained in the arrangements.
15. The school has taken diocesan advice and will collect the faith information on the supplementary information form (SIF) for those who want to show they meet the faith criterion. The school will ask the referee named on the form to verify the information given on the form. This is explained within the SIF.
16. The concern that some children would be considered for admission within more than one criterion was raised as an objection. This will be inevitable given the school’s decision to allocate a third of the places to a faith based criterion. Children living within the foundation parishes who meet the faith-based criterion would be considered within the faith based allocation. If there are insufficient places in the faith allocation, they could be considered again on the basis of their address when the non faith-based places were allocated. This appears to be a proper interpretation of the governing body’s policy intention to prioritise places to children who live in the foundation parishes while safeguarding one third of the places on the basis of faith. I do not therefore uphold this element of the objection.
17. I have looked at the objection concerning the increased complication of the arrangements. As currently drafted the admission arrangements are not clear as required by paragraph 1.8 of the Code. I uphold this part of the objection made.

18. The Code at paragraph 14 states “Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.” The school needs to review the layout of the policy and the wording of the criteria to make them more accessible for parents. A clear introduction that sets out the overall policy intentions, gives the PAN, and that explains how the places would be allocated would help. The oversubscription criteria would be clearer if there were less need to cross refer to other parts of the policy. At the meeting, the school agreed that it would be willing to review the way the arrangements are expressed.
19. I raised the following other matters with the school and the school has agreed to review these:
20. The definition of the tie breaker needs to be amended so that it complies with paragraph 1.8 of the Code.
21. The distance measurement system is described in the arrangements. The school needs to refer to paragraph 1.13 of the Code to ensure that it is compliant and clearly expressed. The school does not clearly state which system of measurement is used.
22. There is some inconsistency between the wording in the criteria, some are about “children” and some are about “parents of children”
23. The arrangements state that there is a map of the parishes available to view at school. In order to meet the requirement in the paragraph 1.14 of the Code that “Catchment areas.....are...clearly defined”, the school should consider making a map of the parishes available on its website for the benefit of prospective parents.
24. “All children whose statement of special educational needs (SEN) names the school **must** be admitted”, paragraph 1.6 of the Code. The admissions arrangements do not refer to this and a statement to this effect should be included in the arrangements before the oversubscription criteria.

### **Conclusion**

25. The objectors raised concerns about the perceived loss of priority being given to the children who live in the foundation parishes. The school has stated that it has not changed its view that it is seeking to give priority of admission to those who live in these parishes. The governing body has decided to introduce a faith criterion but the priority within this will be to those who fulfilled this criterion and who lived in the foundation parishes. This statement together with the additional reassurance that the school had decided to limit the application of the faith criterion to one third of its published admission number have dealt with the concerns raised by two of the objectors and in consequence I do not uphold these particular objections.
26. An element of one of the objections was that the oversubscription criteria are such that some children can be considered for places within more than one criterion. This is inevitable in this circumstance where the admission

authority has decided to allocate a proportion of the places on the basis of faith. I do not uphold this part of the objection.

27. The third element of the objections concerns the increased complication of the arrangements and the ease with which parents can understand them. The admission arrangements as written do not clearly express the agreed policy in a way that can be easily understood by parents and as a result do not comply with paragraph 14 of the Code. The school has expressed its willingness to review the layout of the policy and the wording of the criteria to address this matter. I uphold this part of the objection.

### **Determination**

28. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for Bishop Rawstone Academy determined by the Board of Directors for Bishop Rawstone Academy Trust.
29. 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: 25 July 2013

Signed:

Schools Adjudicator: David Lennard Jones