

DETERMINATION

Case reference: ADA2443

Objector: A member of the public

Admission Authority: The governing body of the Academy Trust of Canary Wharf College

Date of decision: 10 July 2013

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 determined by the governing body of the Academy Trust of Canary Wharf College.

The referral

1. Under section 88H(2) of the Schools Standards and Framework Act 1998, (the Act) an objection has been referred to the adjudicator by a member of the public (the objector), about the admission arrangements (the arrangements) for Canary Wharf College (the school), a primary academy for pupils aged 4 to 11 years of age, for September 2014. The objection is to the allocation of faith places. The objector believes that the School Admissions Code (the Code) is ambiguous with regard to faith places, and that the sibling rule should precede the faith places in the school's oversubscription criteria. As the criteria stand, she says that "the sibling rule only operates for the remaining community places so prioritising a community child place for a child with a sibling who already has a faith place." She states that otherwise "the younger sibling of a community place child may lose the right to a place due to new families awarded on faith."

Jurisdiction

2. The terms of the academy agreement between the proprietor, Canary Wharf College Limited, 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 of the academy trust, which is the admission authority for the academy school, on that basis.

3. The objector submitted her objection to these determined arrangements on 25 May 2013. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and they are within my jurisdiction.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the Code.
5. The documents I have considered in reaching my decision include:
 - a. the objector's form of objection dated 25 May 2013;
 - b. the school's response to the objection and supporting documents;
 - c. a map of the area identifying relevant schools;
 - d. copies of the minutes of the meeting at which the proprietor of the school determined the arrangements; and
 - e. a copy of the determined arrangements.
6. I have also taken account of information received during a meeting I convened on 24 June 2013 at the school.

The Objection

7. The objection is to aspects of the Code concerning faith places. Paragraph 1.36 of the Code sets out the position on these, as follows; "Schools designated by the Secretary of State as having a religious character.....may use faith-based oversubscription criteria". A footnote to this paragraph adds, "Funding Agreements for.....Free Schools with a religious character provide that where the school is oversubscribed at least 50% of places are to be allocated without reference to faith". The objector believes that this is ambiguous and goes on to cite what she maintains are potential consequences of its application in the school's oversubscription criteria.
8. The school's criteria rank faith places directly after places for children with statements of special educational need and looked after and previously looked after children. The next criterion covers community places and these are offered in the following priority order; children with exceptional need, siblings and children who live closest to the reference point. The objector thinks that this may result in the prioritisation of a community place for a child with a sibling who already has a faith place. A further objection is to the possibility that the younger sibling of a community place child might lose the right to a place due to new families awarded faith places.

Consideration of Factors

9. Paragraph 1.36 of the Code is unambiguous in its statement that faith schools may use faith based oversubscription criteria. It is equally clear in saying that in oversubscribed free schools with a religious character at least 50% of places are to be allocated without reference to faith.
10. The school offers 50% of its places on faith criteria and 50% to other criteria. These arrangements are compliant with the Code. The objector believes that the sibling rule should come before faith places in the oversubscription criteria, but the Code is silent on the question of the order of priority. It only specifies that no more than 50% of places should be allocated on faith.
11. The school has a planned admission number of 40. For 2013 admissions, it has allocated 20 faith places, 18 community places of which nine are siblings, one place for a child with a statement of special educational needs and one place for a looked after child. This is in line with its policy.
12. As the objector has said, the sibling rule does only operate for the community places that remain after places have been allocated to children whose statement names the school, looked after children and children who meet the faith criterion. This is because it is a sibling rule and not a faith rule. In practice, since faith places are allocated first, siblings who apply for a faith place are allocated faith places providing that they live close enough to be in the top 20 of the faith applicants. In 2013, five of the faith places were in fact allocated to siblings. The effect of this was to reduce the pressure on community places.
13. The objector maintains that the younger sibling of a community place child may lose the right to a place due to new families awarded faith places. The arrangements prioritise siblings at the top of the community places. So for a community sibling to be unsuccessful there would have to be 20 sibling applicants, less any applicants who must be allocated a place, in addition to those siblings allocated faith places. Even if this were to be the case, the places would be given not to faith applicants, but to other siblings who live nearer.
14. The school has demonstrated to me that in this admissions round the criteria have resulted in the faith places making no actual difference to the offers made. Had the criteria after special educational needs been looked after and previously looked after children, siblings and then distance, exactly the same list of offers would have resulted.
15. The school's oversubscription criteria do not contravene the Code and the school has applied its criteria as they are set out.

Conclusion

16. The Code is unambiguous on the question of the allocation of faith places and the school's policy and practice are compliant with the Code. The school has made clear that its oversubscription criteria do not lead to the results anticipated by the objector. I do not uphold the objection.

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 determined by the governing body of the Academy Trust of Canary Wharf College.

Dated: 10 July 2013

Signed:

Schools Adjudicator: Mrs Janet Mokades