



## DETERMINATION

**Case reference:** ADA/002622

**Objector:** Lincolnshire County Council

**Admission Authority:** The governing body of Carre's Grammar School, Sleaford

**Date of decision:** 16 July 2014

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of Carre's Grammar School, the admission authority for the school, for admissions in September 2015.**

**I have also considered the arrangements as a whole in accordance with section 88I(5) of the Act and I determine that these do not conform with the requirements relating to admission arrangements.**

**By virtue of section 88K(2) of the Act 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 Office of the Schools Adjudicator by Lincolnshire County Council, the local authority (the LA), the objector, about the admission arrangements (the arrangements) for September 2015 for Carre's Grammar School (the school), in Sleaford, Lincolnshire, a selective academy secondary school for boys aged 11 to 18 years. The objection has two aspects, the first is that oversubscription criterion (e) which refers to the admission of siblings, is insufficiently clear about the priority afforded to siblings of former students. The second aspect relates to the fact that as the sum of the published admission numbers (PAN) of the named partner schools is more than the school's PAN of 116, attendance at a partner school may become a condition for a successful application and if so, this would be unfair.

## Jurisdiction

2. The terms of the academy agreement between the proprietor 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 Carre's Grammar School, which is the admission authority for the school, on 18 November 2013, on that basis.

3. In this case, the objector submitted the objection to these determined arrangements for 2015 on 8 May 2014 and 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

4. In considering this matter I have had regard to all relevant legislation and the School Admission Code (the Code).

5. The documents I have considered in reaching my decision include:
- the referral letter from the LA dated 8 May 2014 and subsequent correspondence;
  - the school's response dated 20 May 2014 and subsequent correspondence;
  - the minutes of the Teaching and Learning Committee meeting on 18 November 2013 at which the arrangements for admissions in 2015 were determined;
  - a copy of the determined arrangements agreed by the governing body for 2015; and
  - a copy of the funding agreement dated 29 November 2011.

## The objection

6. The objection has two aspects, the first that oversubscription criterion (e) which refers to the admission of siblings, is insufficiently clear about the priority afforded to siblings of former students. The objector contends that if it is the intention of the governing body that applicants with a sibling who attended the school at any time in the past can gain priority for admission, this would be unfair, as arguably it widens the group of 'eligible siblings' excessively. As the intention is not clear and could be unfair, the arrangements may contravene paragraph 14 of the Code which says, "*In drawing up their admission arrangements, admission authorities **must** ensure that the practices and 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.*"

7. The second aspect relates to the fact that the combined PANs of the partner primary schools total more than the PAN for the school, which is 116. The objector's

view is that the inclusion of criterion (c) “*Attending at the start of Year 6 one of the eighteen named partner primary schools associated with Carre’s Grammar School through Sports College and Science outreach work*” could potentially preclude children who do not attend one of these schools, since in effect it creates a "condition" for a successful application, that is, an applicant would have to attend one of the feeder schools in order to gain the necessary priority for admission. This would be unfair and would contravene section 1.9 (a) of the Code which says, “*It is for admission authorities to formulate their admission arrangements but they **must not:***

a) *Place conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.”*

## **Other Matters**

8. Having reviewed the arrangements as a whole for admissions in September 2015, I considered other issues which may contravene the Code. These include the accessibility of the arrangements for admission to year 7 on the school’s website; the publication of the arrangements for admissions in 2015; and the requirement for a PAN for each relevant year group, in this case for the sixth form.

## **Background**

9. The school, founded in 1604, is a boy’s grammar school with a co-educational sixth form. It became a selective academy school on 1 August 2011 and prior to this it was a foundation school. The school has a PAN of 116 and there are approximately 820 students on roll including 232 in the sixth form. The school is located in Sleaford, Lincolnshire.

10. Students are generally admitted from Sleaford and the wide designated area surrounding the town, within which the LA has traditionally provided free home-to-school transport. After children living within the designated area, pupils, who attend one of eighteen named partner primary schools, receive priority within the arrangements. Siblings of students and former students also have priority within the arrangements.

11. The sixth form is part of the open-access Sleaford Joint Sixth Form, run collaboratively with St George’s Academy. The two schools operate a common timetable and offer students a wide choice of AS/A Levels and vocational courses, as well as cultural, social and sporting activities.

## **Consideration of the factors**

12. The first aspect of the objection relates to the view of the LA, the objector, that the definition of siblings is open-ended and insufficiently clear for applicants. The LA has suggested the school should limit the period during which the attendance of former siblings is taken into account, when awarding priority for admission within the arrangements and expresses concern that the number of applicants in this group is potentially unlimited. It is not clear from the arrangements whether or not criterion (e) refers to a sibling who has been on roll at any time in the past and this lack of clarity does not meet the requirement of the Code in paragraph 14 for parents to be

able to look at a set of arrangements and understand easily how places will be allocated.

13. The view of the governing body is that the Code is not explicit in this matter and they prefer not to set a time limit. The school believes it has defined 'siblings' in very precise terms. Criterion (e) states, "*Students who have, or have had, **siblings** at Carre's Grammar School. The definition of sibling is 'a full brother or sister, whether or not living in the same household. Another child normally living for the majority of the term time in the same household, for whom an adult in the household has parental responsibility as defined in the Children Act 1989 or Section 576 of the Education Act 1996'. In the case of twins or siblings in the same cohort and where there is only one place available in the school, both will be considered together provided they are qualified.*" Four boys were admitted under this criterion in 2012 and three in 2013, but no places have been allocated to siblings for admission in September 2014.

14. I have considered the arrangements against the requirements in paragraph 1.11 of the Code, which says, "*Admission authorities **must** state clearly in the admission arrangements what they mean by 'sibling' (e.g. whether this includes step siblings, foster siblings, adopted siblings and any other children living permanently at the same address or siblings who are former pupils". In my view, although criterion (e) provides a clear definition of 'sibling' and I accept that the arrangements meet the first part of the above requirements, the same paragraph also sets out specific mandatory requirements for admission authorities who wish to give priority to siblings of former pupils, as well as to those of students currently attending the school. It goes on to say, ".....*If an admission authority wishes to give some priority to siblings of former pupils, it **must** set out a clear and simple definition of such former pupils and how their siblings will be treated in the oversubscription criteria (bearing in mind the restrictions set out in paragraph 1.9 above.)*"*

15. The arrangements do not currently include this information. It is possible, for example, that some families may separate and partners may form new families and there is the potential for the school to receive applications based on the attendance of former siblings, for a future period of twenty to thirty years, so although the number of students admitted under this criterion is low at present the governing body may wish to keep the numbers under review. The arrangements do not advise applicants whether or not the school expects siblings of former students to live within the designated area for example, or within a reasonable and defined distance of the school. This leads to the possibility that such applicants might live some distance from the school, if the 'household' is located outside the designated area of the school at the time of application. In my opinion the absence from the arrangements of a specific definition of 'former siblings' in criterion (e) causes a lack of the requisite transparency and objectivity to comply with paragraph 1.11 of the Code. For this reason I have concluded that the arrangements do not conform to the requirement of the Code and I uphold this aspect of the objection.

16. The second aspect relates to the LA's view that as the sum of the combined PANs of the feeder primary schools is 524 and the PAN of the school is 116, in any year that the school is oversubscribed, it is possible that applicants who had not attended one of the 18 partner schools might be precluded from gaining a place.

The LA is concerned that attendance at a partner school may then become a condition for a successful application. If this were to be the case it would be unfair and the arrangements would contravene section 1.9(a) of the Code.

17. I have therefore considered this aspect of the objection in the light of paragraph 1.9a) of the Code, which states that admission authorities “...**must not place any conditions on the consideration of any application other than those in the oversubscription criteria published in their admission arrangements.**”

18. In its response to the objection the school confirmed that the combined PANs of the partner primary schools do indeed exceed the PAN of the school by a considerable margin but pointed out that as a selective school and a member of the Lincolnshire Consortium of Grammar Schools, it uses the ‘11 plus’ selection procedure to identify the top 25 per cent of boys attending local primary schools. Pupils must first qualify through the selection process in order to make an application to the school and so not all boys will qualify. I agree with the school’s view that in practice the sum of the PANs of the partner primary schools is taking into account all pupils and reflects the co-educational nature of the year 6 cohort in those primary schools. If one were to work on the basis that approximately half of each cohort would be boys and the selection procedure identifies only the top 25 per cent, then the total is reduced to 65 or 66 boys. This figure is well below the school’s PAN of 116.

19. The LA also focuses on the fact that the arrangements could preclude applicants who do not attend one of the feeder schools from gaining a place at the school. The school has not named the 18 partner schools specifically as ‘feeder schools’ within its arrangements, but in naming the schools and including an oversubscription criterion that gives priority to pupils who attend those schools, it is clear to me that they are feeder schools. I shall therefore also consider the objection in the light of the requirements of the Code in paragraph 1.15 to determine whether or not the schools are named on transparent and reasonable grounds.

20. The Code says in paragraph 1.15, “*Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds.*” The school advised me that teaching and support staff work with all 18 partner schools through an extensive sports and science outreach programme and that there are plans to include a focus of modern foreign languages from September 2015. The governing body says that it is, “*committed to providing the best possible opportunities and life chances for all young people and our view is that we would like to reach out to as many young people as possible and introduce them to secondary education, but to grammar schools in particular.*” The educational rationale for an on-going working relationship with a number of primary schools is transparent and there is no reason in my view why such a relationship should not continue to benefit students in those schools.

21. However, the fact that attendance at one of those schools bestows priority for admission to the school is a matter for further consideration as to whether the inclusion of 18 ‘feeder’ schools is reasonable. The LA says that any priority given to applicants attending one of the eighteen school means that the applications of other

pupils will have a lower priority because they have not met the condition of attending one of the partner schools. However, I note that 13 of the feeder schools are actually located within the designated area for admissions to the school, and it is likely that the majority of pupils in attendance will live in the designated area and therefore automatically have a higher priority than pupils who attend those schools but who live outside the designated area.

22. This leads me to question why, if the pupils who attend any of the partner primary schools located within the school's designated area gain priority for admission under criterion (b) (living within the designated area), it is necessary for the school to include these 13 schools within the group of 18 named partner primary schools. I accept of course that to date the school has named every school that it provides sports and science outreach to. However, if this is the only reason for naming all 18 schools then I would recommend that the school considers naming only the five schools from which pupils are generally admitted under criterion (c) and clearly states that they are feeder schools.

23. I was advised by the school that five of the 18 partner primary schools are not located within the school's designated area. *"It should be noted that some children (9 in 2014, 3 in 2013 and 5 in 2012) were admitted under criterion (c) as they attended a partner primary but did not live in our designated area."* As mentioned above there is in my opinion a strong educational rationale for seeking to give the small number of applicants who attend these five schools, but who live outside the designated area some priority in the arrangements, after pupils who live within the designated area.

24. Further investigation of the data provided by the school indicates that the majority of each annual intake is comprised of students admitted under two oversubscription criteria; criterion (b) which can be summarised as 'living within the school's designated area at the time of application' and criterion (f) 'applicants who live outside the school's designated area but who have achieved the highest marks on the 11 plus tests, ranked according to score'. In 2012 and 2013 respectively, 78 and 69 students living within the designated area were admitted to the school having applied for a place under criterion (b) and there are 66 students to be admitted in September 2014.

25. Paragraph 1.8 says, *"Oversubscription criteria **must** be reasonable, clear, objective and procedurally fair and comply with all relevant legislation....."* By their very nature oversubscription criteria are designed to group applicants and to give each group a differential priority, the question is whether or not they do so fairly. Pupils attending one of the feeder schools *and* living outside the designated area for the school would gain priority for admission ahead of pupils who live outside the designated area. I must consider, in the particular context of this school, whether or not this is reasonable. Looking at the data available about admissions to the school during the past three years it is evident that even after offers were made under the first five criteria (looked-after and previously looked-after children/living within the designated area/attending one of 18 partner schools/children of staff/siblings) there were 27 further offers made in 2012, 30 in 2013 and 34 in 2014 to children who live outside the designated area.

26. In my view the fact during the same period over 99 of the 116 places each year have been allocated to children based solely on criteria (b) or (e), that is with reference to whether children live either inside or outside the designated area of the school, provides evidence that in practice it is not a condition of admission that such children must attend one of the partner schools. For these reasons I believe that the arrangements do not contravene paragraph 1.9a or 1.8 of the Code and on that basis I do not uphold the second aspect of the objection.

### **Other Matters**

27. When I considered the whole of the arrangements for admission to the school in 2015 there were several matters of concern to me. I will take each matter in turn.

#### Accessibility of admission arrangements for parents

28. When I looked at the school's website I found there was no separate tab for admissions. Under the heading 'About' there is a sub-heading of 'Admissions and Appeals' but if parents follow this route they will only find information about the key *dates* for the arrangements (for 2014 currently). Under the heading 'Home' there is a sub-heading of 'Prospectus' and within the prospectus parents can eventually find the arrangements for admission to the school. It is in my view unfortunate that new parents, unfamiliar with the school's website and seeking information about admission to the school must first read or scan through 31 items of other information in the prospectus, before reaching the information they are most probably seeking, that is, the relevant arrangements for admission, in the final item 32 of 32. In my opinion the school should consider making it far easier for parents to locate information about information to the school.

#### Publication of arrangements for admission in 2015

29. When I checked the school's website on 20 May and again when I re-checked on 24 June 2014 and on 6 July, the information about admission to the school related to the 2014 arrangements. There is no information concerning determined arrangements for 2015/2016 and prospective applicants cannot consult the determined arrangements. I therefore determine that the school's website does not comply with the requirements of the Code in paragraph 1.47, "*Once admission authorities have determined their admission arrangement, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website.....*" The website must be updated as soon as possible so that it meets the requirements of the Code.

#### The lack of a PAN for admission to the sixth form

30. The sixth form arrangements that were provided for me by the school state that the PAN for a year group in the sixth form is 116 and explain that once conditional offers to internal candidates have been made then places for external candidates who meet the entry requirements will be placed on a waiting list and will be allocated a place following our over-subscription criteria.

31. In response to my query about the actual PAN for the sixth form for 2015, as opposed to the combined total of the intake of internal and external students, the school referred to a meeting in 2010, for which unfortunately no minutes exist, and to its understanding that, “*Sixth form policies, and PANs, stood outside of a school’s Admission Policy.*”

32. Since that time the Code has been revised and re-issued but regardless of this fact, the school’s own funding agreement dated 29 November 2011 states in Annex B point 10, “*The Academy admission arrangements will include oversubscription criteria, and an admission number for each relevant age group (3). The Academy will consult on its admission arrangements and determine them in line with the requirements within the School Admissions Code.*” A footnote states,

<sup>3</sup> *‘Relevant age group’ means ‘normal point of admission to the school: for example, year R, Year 7 and Year 12’.*

33. The Code requires schools to publish an admission number for each relevant year group, by which it means for each year group where new pupils are admitted into the school. Paragraph 1.3 states, “**Published Admission Number (PAN)** – *As part of determining their admission arrangements, all admission authorities must set an admission number for each relevant age group.*” The school must therefore set a PAN for year 12 so that parents of students attending other schools are able to look at the arrangements for entry to the school’s sixth form and assess the likelihood of gaining admission. The PAN will be the minimum number of places available for external applicants. At present the arrangements for the sixth form do not comply with this mandatory requirement and must be updated to include this information without delay.

## **Conclusion**

34. The objection has two aspects, the first is that oversubscription criterion (e) which refers to the admission of siblings, is insufficiently clear about the priority afforded to siblings of former students. The arrangements for admission to the school in September 2015 do not conform to the requirement of paragraph 1.11 of the Code and for the reasons given above I uphold this aspect of the objection.

35. The second aspect relates to the fact that as the sum of the published admission numbers (PAN) of the named partner schools is more than the school’s PAN of 116, attendance at a partner school may become a condition for a successful application and if so, this would be unfair. In the light of the evidence provided by the school I am of the view that attendance at one of the feeder schools is not a requirement for admission to the school for the majority of applicants and is not a condition for a successful application. Arrangements in this regard do not contravene either paragraph 1.9a) or 1.8 of the Code and for the reasons detailed above I do not uphold this aspect of the objection.

36. I have also considered the arrangements as a whole for admission to the school in September 2015 and have concluded that several aspects of the arrangements detailed above, do not comply with the Code. With regard to these other issues of non-compliance the Code requires the admission authority to revise its admission arrangements as quickly as possible.



## **Determination**

37. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by the governing body of Carre's Grammar School, the admission authority for the school, for admissions in September 2015.

38. I have also considered the arrangements as a whole in accordance with section 88I(5) of the Act and I determine that these do not conform with the requirements relating to admission arrangements.

39. By virtue of section 88K(2) of the Act 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.

Date: 16 July 2014

Signed:

Schools Adjudicator: Mrs Carol Parsons