Office of the Schools Adjudicator

DETERMINATION

Case reference: **ADA 2752, ADA 2753**

Objectors: **Two members of the public**

Admission Authority: **The academy trust of South Farnham School, Surrey**

Date of decision: **21 October 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 academy trust, the admission authority of South Farnham School, for admissions in September 2015.

I have also considered the arrangements in accordance with section 88I(5). I determine that the arrangements 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 as quickly as possible.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), objections to the admission arrangements (the arrangements) of South Farnham School (the school), have been referred to the adjudicator by two members of the public on 20 June and 29 June 2014. The objections concern the way distance between home and school is calculated to be a gate at either the infant or junior site, whichever is the nearer (the two gate policy). The second objector has also complained about the operation of the waiting list for Year 3 (Y3).

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. The arrangements were determined by the governing

body on behalf of the academy trust, which is the admission authority for the school, on that basis.

3. The objectors wish to remain anonymous. The objections are allowable under Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 because the objectors have provided their name and address to the adjudicator.

4. The 2015 arrangements for the school were determined on 11 March 2014 and have already been the subject of a determination, ADA 2606, published on 16 September 2014. Previous arrangements for the school have also been the subject of determinations in 2012 and 2013. The determinations published in 2012 and 2014 were under section 88H of the Act. The 2012 determination concerned an objection to the new catchment area for 2013 and the 2014 determination concerned an objection to the sibling criterion. Neither of these determinations concern objections about the way distance is measured between home and school or the operation of the waiting list for admission to Year 3. The determination in 2013 concerned arrangements for September 2014 that were brought to the attention of the adjudicator under section 88I of the Act and concern the selection of schools as feeder schools and a change in the way distance between home and school was measured to be a gate at either of the school's sites, whichever, is the nearer.

5. Paragraph 3.3(e) of the School Admissions Code (the Code) *prohibits "objections to arrangements which raise the same or substantially the same matters as the adjudicator has decided on for that school in the last 2 years".* As the arrangements were considered and the determination in 2013 was made under section 88I, the terms of paragraph 3.3 of the Code do not apply. I am satisfied the objections have been properly referred to me in accordance with section 88H of the Act and that it is within my jurisdiction to consider them. I have also used my power under section 88I of the Act to consider the arrangements as a whole including consultation undertaken in 2013 for the 2014 arrangements when, according to the second objector, changes were made to the manner in which the waiting list operates.

Procedure

6. In considering these matters I have had regard to all relevant legislation and the Code.

The documents I have considered in reaching my decision include:

- the objectors' emails dated 20 June and 29 June 2014 and subsequent correspondence;
- the school's response to the objections and subsequent correspondence;
- Surrey County Council's, (the council's) response to the objections and supporting documents;
- the determined arrangements for 2013, 2014 and 2015;
- admissions data for 2012, 2013 and 2014;
- a map of the area identifying all infant, junior and primary schools;

- the 2014 and 2015 composite admissions prospectuses as available on the council's website;
- minutes of the meetings of the governing body, at which the responses to the consultation were considered and the arrangements for 2015 were determined;
- redacted copies of the replies to the consultation on the proposed arrangements for 2015;
- the determinations of 2012, 2013 and 2014; and
- a letter from a local parent supporting the 2015 arrangements, received on 12 August 2014.

7. I arranged a meeting on 9 June 2014 at the school (the meeting) concerning case number ADA 2606, for which the determination was published on 16 September 2014. I have also considered the representations made to me by the school regarding the two gate policy at that meeting.

The Objection

8. The objections concern two issues: the introduction of the two gate policy as a distance measure between home and school and the implementation of the waiting list for Y3. The objectors believe that the change in the way distance between home and school is calculated to be a gate at either site of the school, contravenes paragraphs 1.8, 1.14 and 1.15 of the Code, in that it is not fair or reasonable and contravenes equalities legislation. The second objector cites paragraph 1.45 of the Code and argues that the school has failed to consult effectively on the introduction of the new distance measure. The second objector also argues that the manner in which the waiting list for Y3 operates, contravenes paragraph 1.8 of the Code which says *"oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation…."* According to the second objector, the consultation undertaken in 2013 for the 2014 arrangements, which changed the way in which the waiting list operated, was not effective and therefore contravenes paragraph 1.45 of the Code.

Background

9. In May 2011 The Bourne Community Infant School was closed and South Farnham School which was then a junior school extended its age range to become a primary school for pupils aged 4 to 11 years. The school is in Surrey with the junior site in South Farnham and the infant site approximately 1.9km south in Bourne village. The school became an academy school on 1 July 2011. The published admission number (PAN) is 60 for the reception Year (YR) and 76 for Y3. There are four named feeder schools for Y3: All Saints C of E Infant, Tilford (All Saints); St Andrews C of E Infant, Farnham (St Andrew's); St John's C of E Infant, Churt (St John's) and St Mary's C of E Infant, Frensham (St Mary's). All Saints, St John's and St Mary's are all located south of the infant site of the school. South Farnham is a popular school which has been oversubscribed since at least 2012 and while there has been discussion with the council on the possibility of increasing the PAN for the school to 90, which I take to be for YR, there is no agreement for expansion.

10. I shall refer to different parts of the school in the course of this determination, for ease of reference I shall refer to them as South Farnham Infant section at Bourne site "the infant site" and South Farnham Junior section at Menin Way "the junior site," while recognising that the school is an all through primary school.

11. The admission arrangements for the school for 2015 show oversubscription criteria (in summary) as:

Infant – Reception (Age 4)

1. Looked after children
2. Exceptional arrangements
3. Children of staff at the school
4. Siblings
5. Distance from the school (This will be measured in a straight line from the address point of the child's home, as set by Ordnance Survey, to the nominated gate at either site.)

Junior – Year 3 (Age 7)

1. Looked after children
2. Exceptional arrangements
3. Children of staff at the school
4. Siblings
5. Children attending a named feeder school (All Saints, St Andrew's, St John's and St Mary's)
6. Distance from the school (This will be measured in a straight line from the address point of the pupil's house, as set by Ordnance Survey, to the nominated gate at either site)

12. While considering the objection which was the subject of determination ADA 2606 published on 16 September 2014, I used my power under s88I of the Act to review the 2015 arrangements as a whole. I found that the admission of previously looked after children is not shown sufficiently clearly as the first oversubscription criterion, which contravened paragraph 1.7 of the Code. I looked at the school's website on 20 October 2014 and note that the arrangements have not yet been amended and continue to contravene the requirements of the Code.

Consideration of Factors

<u>Consultation on the change to the arrangements and the new measure for distance calculation</u>

13. The 2015 arrangements were determined on 11 March 2014. They introduce the two gate policy which is a new measure for calculating distance between home and school. When changes are proposed to arrangements the admission authority **must** consult on the proposed change in accordance with the requirements of the Code as set out in paragraphs 1.42 to 1.45. Paragraph 1.42 says, *" when changes are proposed to admission arrangements, all admission authorities **must** consult by 1 March on their admission arrangements (including any supplementary information form) that will apply for admission applications the following academic year."* . As this is a change in the arrangements I will consider first whether the consultation process

meets the requirements of the Code, I have therefore considered the consultation that was undertaken and tested it against the Code.

14. The second objector refers in particular that the new distance measure has not been consulted upon *"effectively"* as set out in paragraph 1.45 of the Code which notes 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 together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought."* The objector asserts that the school should highlight the changes proposed to the previous year's policy and it is not reasonable that parents should be *"expected to determine for themselves what has changed in a policy."*

15. I have been provided with evidence by the school which shows that the consultation on the proposed arrangements for 2015 was undertaken between 18 December 2013 and 12 February 2014, which meets the requirements of paragraph 1.43 of the Code which says, *"consultation **must** last for a minimum of 8 weeks and **must** take place between **1 November** and **1 March** in the determination year*

16. Paragraph 1.44 of the Code specifies who must be consulted. As part of the consultation process for admission in 2015, the proposed arrangements were circulated to the Diocese of Guildford, the council, Hampshire County Council and a range of schools, children's centres and nurseries in Surrey and Hampshire. *."* In its submission of 19 May 2014 the council has given its view that the school has *"complied with its statutory obligations"* concerning consultation and determination of arrangements. The information provided by the school shows that there were three responses to the consultation proposal: the council did not object to the proposed change and had no other comments; Hampshire County Council advised the school on making reference in the arrangements for YR to "summer born children"; and a member of the public objected to the sibling criterion.

17. There is evidence that consultation took place and the minutes of 11 March 2014 show that the 2015 admission arrangements were determined. However, there is no evidence of the school consulting with parents of children aged two to 18 years, as required by paragraph 1.44a of the Code. While I have seen a copy of the email sent by the school on 18 December 2013 to a range of relevant groups, including 18 nurseries, consulting on the proposed arrangements for 2015, it does not specifically ask the providers to bring the arrangements to the attention of parents. The Code does not specify that admission authorities are required to highlight the changes that are being proposed to the arrangements during the consultation period. It is for the school to decide how to ensure it meets the requirements of paragraphs 1.42 to 1.45 of the Code. The particular sentence in paragraph 1.45 to which the objector refers simply says to an admission authority that failure to consult effectively may result in objections, which is what has happened. My jurisdiction is to assess whether the requirements for consultation have been met. The school has carried out a consultation for the required length of time, it has consulted different, relevant groups, but it has not demonstrated how it consulted parents and therefore has not met the requirement of paragraph 1.44a of the Code.

18. In the view of the objectors the new distance measure contravenes paragraphs 1.8, 1.14 and 1.15 of the Code, in that it is not reasonable and does not

comply with the requirements relating to catchment areas and feeder schools. The school intended to introduce the new measure of distance calculation in 2014, however, in the determination (ADA 2442 ADA2446 and ADA 2457) published on 30 August 2013, the adjudicator concluded "*the change in the point of measure for distance calculation to be a gate at either of the school's sites, rather than distance to a gate at the infant site for admissions to Reception and to a gate at the junior site for year 3 does not comply with the requirement of the Code for arrangements to be fair, reasonable and procedurally fair."* Following the 2013 determination the school revised the 2014 policy and retained the original measure for distance between home and school to be to the infant site for admission to YR and to the junior site for admissions to Y3. However, the new distance measure has been reintroduced by the school in its 2015 arrangements.

19. The objectors have argued that the introduction of the new distance measure is unreasonable because children who live near the infant site will be less likely to be allocated a place in YR as places will be allocated to other children who live *"proportionately nearer"* to the junior site. Both objectors claim that this will mean that children who live in the Bourne village will have to travel further to access alternative infant provision. The school was invited to respond to the objection related to the two gate policy; however, in a written response dated 16 July 2014 it indicated that it did not wish to add anything further to its submission of 22 May 2014 in response to the previous 2014 objection. In that response the school said*, "the new two gate criterion that has been added this year should make it more likely that a place will become available for parents ……. that live near to the school but are not able to get into the infants in Year R. An additional 76 children enter the school in Year 3 and places are more likely to become available with a cohort of 136 children as there are inevitably slight movements each year."* The school adds further that the likely expansion of the school, which I take to be for YR, from September 2015 with a PAN of 90 *"should allow for the implementation of the two gate policy without impacting the local Bourne community."* The published admission, arrangements however, continue to show the PAN at 60.

20. In my meeting with the school on 9 June, relating to case number ADA 2606, and prior to the two objections I am considering now, I sought clarification about the implementation of the new distance measure and the school confirmed that children who live very close to the junior site would be more likely to be allocated a place in YR than children who live near, but not as close, to the infant site. This may mean that some children, who would have been allocated a place at the infant site based on proximity, are likely to be disadvantaged by the change in the way distance between home and school is to be calculated.

21. An analysis of the data provided by the school indicates that between 2012 and 2014 the furthest distance between home and infant site for a child allocated a school place without a sibling connection has approximately halved from 1.06km to 0.54km. It is likely that as the new distance measure would now enable children who live very close to the junior site to access a place in YR at the infant site by virtue of proximity to the junior site, the distance from the infant site, at which families would expect to have a reasonable chance of securing a YR place at their local school, is likely to reduce even further. The data provided by the school show that none of the places allocated in 2013 or 2014 for YR were to children of staff at the school. However, if in 2015 there were to be applications from parents who are employed at

the school, then the third criterion, where priority is given to children of staff would also become active, which would have the effect of further reducing YR places available for children who live close to the infant site.

22. Both objectors also raise concerns about the impact of the two gate policy on infant aged children who live close to the junior site. The objectors suggest that the new distance measure will "*shift the catchment area southwards and will have knock on effects on the feeder schools and the local area.*" The objectors claim that this contravenes paragraph 1.15 of the Code which says*, "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 objectors say that it is not transparent to parents that the feeder school they chose for their child is *"no longer a viable option to gain entry to South Farnham"* in Year 3. Paragraph 1.15 of the Code concerns the selection of feeder schools by admission authorities and I am not persuaded that the way distance is measured contravenes paragraph 1.15 of the Code.

23. Both objectors claim that the two gate policy will disadvantage children attending St Andrew's infant school, as they would be less likely to be allocated a place in Y3 at the school *"if children from any of the other feeder schools….live proportionately nearer to the Bourne site than the St Andrew's school children live to the South Farnham Junior school site."* The 2015 arrangements continue to give priority for Y3 to children attending the named feeder schools over distance and three of the four feeder schools are to the south of the junior site and the infant site, so children from the villages of Tilford, Churt and Frensham are already able to access Y3 at the school. The three feeder schools to the south of the junior site are All Saints (approximately 4.0km from the infant site); St Mary's (approximately 3.7km from the infant site) and St John's (approximately 7.25km from the infant site). All three feeder schools are a greater distance from the infant site than St Andrew's is from the junior site. On the basis that the majority of the children attending each of the four feeder schools are likely to be drawn from the surrounding area, I am not persuaded by the objectors' claim that as a result of proximity between home and a school gate at either site, that the new distance measure will result in children from St Andrew's being less likely to access a place in Y3, than children attending the other three feeder schools.

24. The objectors are also of the opinion that infant aged children who live close to the junior site *"would be unable to gain entry to St Andrew's as places would go to other children who live far further away from St Andrew's but who have the school as their nearest school."* St Andrew's is approximately 1.8km from the junior site and while the objectors make reference to the 2014 arrangements which show the fourth criterion to be *"children for whom the school is the nearest to the home address,"* the council's website shows that the 2015 determined arrangements for St Andrew's, now contain a catchment area as the fourth oversubscription criterion which includes the junior site and the surrounding area.

25. In its correspondence of 19 May 2014 the council confirmed that it had not objected to the new distance measure which forms part of the 2015 determined arrangements for the school. In its submission of 22 May 2014 the school argued that the 2015 arrangements have been *"drawn up in partnership with the LA and the admissions criterion for St Andrews has been altered for September 2015 to allow*

those children living near to the South Farnham junior site in Menin Way priority into St Andrews." As children who live close to the junior site are now to have priority for admission to St Andrew's, I am not persuaded by the objectors argument that the two gate policy, "*will force children who live in the area surrounding Menin Way and who currently walk to St Andrew's to have to drive to the Bourne site for their infant education."*

26. The infant and junior sites of the school are approximately 1.9km apart and the introduction of the two gate policy in 2015 will give equal priority for admission in YR to children who live close to a gate at either site. This will mean that children who live a considerable distance from the infant site and very close to the junior site, would be more likely to be allocated a place in YR than children who live relatively close to the infant site. As St Andrew's remains a feeder school and now with the introduction of a catchment area for St Andrew's which includes the junior site, children living close to the junior site are likely to secure a place at St Andrew's infant school and then be able to move on to the junior site at Y3. The introduction of the new distance measure would mean that children who live close to the junior site would be prioritised for admission in YR at the infant site and at St Andrew's. While children would need to travel approximately 1.9km from the junior site to the infant site, there is clearly a benefit in securing a place in YR at the infant site as no further application would be required for admission to Y3. This is likely to mean that some families, who live close to the junior site, will make this choice which may disadvantage children who would have been able to access the infant site on the basis of proximity, if the two gate policy had not been introduced.

27. I do not believe there has been a contravention of paragraph 1.8 of the Code in that the arrangements are not reasonable because children would be *"forced to drive to the Bourne site for their infant education"* or that they would not be able to access St Andrew's school. I also do not find that way distance is measured can contravene paragraph 1.14 of the Code as the arrangements for 2015 do not include a defined catchment area for admissions to either YR or Y3. In the submission one objector also makes reference to the Academies Act, however, I do not have jurisdiction to rule on the school's compliance with its Funding Agreement between the school and the Secretary of State as my jurisdiction is limited to matters covered by admissions law and the Code.

28. In my view the new measure of calculating distance between home and school is likely to disadvantage infant aged children living in the Bourne village, while infant aged children living close to the junior site would be prioritised for admission at St Andrew's Infant School and for YR at South Farnham School. The school has given insufficient consideration to young children who live in the Bourne and who may fail to be allocated a place at the infant site. Children living in the Bourne are not prioritised for admission to any other infant schools in neighbouring villages or to The Pilgrim's Way Primary School which is the nearest, alternative, all through provision. I therefore do not consider the new distance measure to be fair or reasonable and it has the potential to disadvantage children living in the Bourne village and conclude that the 2015 arrangements contravene paragraph 1.8 of the Code in that they are not *"reasonable"* and paragraph 14 of the Code which notes that *"in drawing up their admission arrangements, 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." I therefore, uphold the objection concerning the introduction of a new measure of calculating distance between home and school.

Contravention of Equality Act 2010

29. Both objectors make reference to the Equality Act 2010 and the public sector duty on all admission authorities to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity, and foster good relations in relation to persons who share a relevant protected characteristic and persons who do not share it. The second objector notes that with a PAN of 60 for YR there is likely to be insufficient capacity at the infant site to satisfy demand from parents of children living close to both sites and therefore *"children in the Bourne will not have the same equality of opportunity to attend their nearest Village School."* The objectors further argue *"that the area to the south"* is wealthier than the town centre and the two gate policy is likely to draw more children to the junior school from the south of Farnham and this will in turn discriminate against relatively less wealthy children who live in the town centre and who have historically been able to access the junior school.

30. The Equality Act requires that an admission authority **must not** discriminate against a person in the arrangements and decisions it makes as to who is offered admission because of their disability, gender reassignment, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Children living close to the infant site do not share a relevant protected characteristic as defined by the Equality Act; I therefore do not uphold this part of the objection on the grounds that there has been a breach of the Equality Act.

Operation of the Waiting List

31. The second objector has argued that for admission in 2013 children attending the feeder schools were given priority on the waiting list, until 31 December, however, the 2014 and 2015 arrangements give priority to these children only up to 31 August. The objector says, *"the issue is that children attending a feeder school are no longer given the priority over other children until 31st December. The greatest movement is normally in the autumn term. Children will lose their feeder school advantage at the end of August, which makes the feeder school system pointless…it is unreasonable that parents who have planned their children's education at the age of 4 lose the advantage offered by the feeder system….this is not transparent. If your child is in a feeder school they should have a reasonable expectation of gaining a place."*

32. I have used my power under section 88I of the Act to consider the arrangements as a whole including whether the arrangements for maintaining a waiting list have changed since 2013, as claimed by the second objector and therefore should have been subject to consultation for 2014. I have examined the text for the 'waiting list' element of the arrangements for 2013, 2014 and 2015 and I note that this part of the arrangements has not changed and therefore according to paragraph 1.42 of the Code did not require consultation as part of the 2014 or 2015 arrangements.

33. Paragraph 2.14 of the Code says that *"each admission authority **must** maintain a clear, fair and objective waiting list for at least the first term of the academic year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. Priority **must not** be given to children based on the date their application was received or their name was added to the list."* I have looked at the 2015 arrangements published on the school's website and note that it includes the following paragraph under the heading 'Waiting Lists'. *"Where there are more applicants than places available, waiting lists will operate for each year group according to the oversubscription criteria shown and without regard to the date the application was received or when a child's name was added to the waiting list. As part of the initial intake to Reception and Year 3, applicants will automatically be placed on the waiting list if they have not been offered a higher preference school. Waiting lists for the initial intake will be maintained until the last day of the autumn term when they will be cancelled. Parents wishing to remain on the waiting list after this date must write to the school by 31 December 2015, stating their wish and providing their child's name, date of birth and the name of their child's current school. After 31 December 2015, parents whose children are not already on the waiting list but who wish them to be so must apply for in year admission. Waiting lists for all year groups will be cancelled at the end of each academic year. From 1 September 2015 in-year admissions for Years 3-6 will be administered using the criteria referred to above excluding criteria 5 regarding named feeder schools"*

34. The school's 2015 arrangements, as set out above, clearly state that a waiting list will be held until the end of the first term of the academic year for applicants in the initial intake to YR and Y3 who have not been offered a higher preference school and that applicants will be ranked according to the oversubscription criteria and will not be prioritised either by the date when the name was added to the waiting list or when the application was received. The arrangements therefore comply with paragraph 2.14 of the Code and I do not uphold this part of the objection. I do not have jurisdiction to consider in-year admission arrangements.

Conclusion

35. The school proposed a new measure for calculating distance between home and school as part of the 2015 arrangements and it must consult on the proposed change in accordance with the requirements of the Code. In my view although the school has carried out a consultation for the required length of time and it has consulted different and relevant groups, it has not demonstrated how it consulted parents and therefore has not met the requirement of paragraph 1.44a of the Code.

36. The introduction of the two gate policy for 2015 means that children who live a considerable distance from the infant site but near the junior site are more likely to be allocated a place in YR than children who live relatively close to the infant site. This may mean that some children, who would have been allocated a place at the infant site based on proximity, are likely to be disadvantaged by the change in the way distance between home and school is to be calculated. The school has given insufficient consideration to young children who live in the Bourne who may fail to be allocated a place at the infant site, particularly as they would not be prioritised for admission to any infant schools in neighbouring villages or the nearest alternative

primary school. With reference to fairness for the YR children living in Bourne I uphold the objection concerning the way distance between home and school is calculated to be a gate at either the infant or the junior site, whichever is the nearer. The arrangements for 2015 contravene paragraph 1.8 and paragraph 14 of the Code

37. In my view the way distance is measured does not contravene paragraph 1.14 of the Code as the arrangements for 2015 do not include a defined catchment area. I also conclude that as the junior site and the surrounding area are now part of the St Andrew's school catchment area for 2015, young children who live close to Menin Way would not be *'forced'* to drive to the Bourne village for infant education. The other three feeder schools are a greater distance from the infant site than St Andrew's is from the junior school. Therefore, I am not persuaded by the objectors' claim, that as a result of proximity between home and a school gate at either site, the two gate policy will result in children from St Andrew's being less likely to access a place at the junior site than children attending the other three feeder schools. Further, as the children living close to the infant site do not share a relevant protected characteristic as defined by the Equality Act, I do not accept the objectors assertion that there is a breach of the Equality Act because in their view the new distance measure will create additional demand for YR places from families living close to the junior site thus reducing the opportunity for local children to attend the infant site.

38. I have used my power under section 88I of the Act to consider the arrangements as a whole including whether the arrangements for maintaining a waiting list have changed since 2013. I note that this part of the arrangements has not changed and therefore according to paragraph 1.42 of the Code did not require consultation as part of the 2014 or 2015 arrangements. I have looked at the school's 2015 arrangements concerning maintaining a waiting list and conclude that the arrangements comply with paragraph 2.14 of the Code and therefore do not uphold this part of the objection.

39. Determination ADA 2606 published on 16 September 2014, found that the admission of previously looked after children is not shown sufficiently clearly as the first oversubscription criterion, which contravened paragraph 1.7 of the Code. I looked at the school's website on 20 October 2014 and note that the arrangements have not yet been amended and continue to contravene the requirements of the Code.

40. Accordingly, for the reasons explained in the paragraphs above, I partially uphold this objection to the 2015 admission arrangements.

Determination

41. 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 academy trust, the admission authority of South Farnham School, for admissions in September 2015.

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

admission arrangements in the ways set out in this determination.

43. 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.

Date: 21 October 2014

Signed:

Schools Adjudicator: Dr Krutika Pau