



## **DETERMINATION**

**Case reference:** ADA2809

**Objector:** The Fair Admissions Campaign

**Admission Authority:** The Governing Body of Immanuel College,  
Bradford

**Date of decision:** 30 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 governing body for Immanuel College, Bradford for admissions in September 2015.**

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

**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), an objection was referred to the adjudicator on 30 June 2014 by the Fair Admissions Campaign (the objector), about the admission arrangements (the arrangements) for Immanuel College, (the school) in Bradford, the local authority area (the LA), a Church of England voluntary aided school for 11 to 18 year olds for September 2015. The objection concerns the non-compliance of elements of the admission arrangements with the School Admissions Code (the Code).

### **Jurisdiction**

2. The governors, as the admission authority for the school, determined the arrangements for admission in September 2015 on 11 February 2014 in accordance with section 88C of the Act. The objector submitted the objection to these determined arrangements on 30 June 2014. 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.

3. In addition, I have also used my power under section 88I of the Act to consider the arrangements for admission to year 7 (Y7) and the sixth form in September 2015 as a whole.

### **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 letter of objection dated 30 June 2014;
  - b) the school's response to the objection dated 14 August 2014 and supporting documents;
  - c) the LA's response to the objection dated 15 August 2014 and supporting documents including a map of the priority admission area for the school;
  - d) the initial response from the Diocese of West Yorkshire and the Dales (the diocese) dated 14 August and a more detailed response dated 27 August 2014;
  - e) the LA's composite prospectus for parents seeking admission to schools in the area in September 2014 and 2015;
  - f) confirmation of when consultation on the arrangements last took place;
  - g) copies of the minutes of the meeting of the governing body on 11 February 2014 at which the arrangements were determined; and
  - h) a copy of the determined arrangements.

### **The Objection**

6. The objector cites the following elements of the arrangements which are believed to be non-compliant with the Code;
  - either the admissions policy for 2015 is not decided yet (paragraph 1.46 of the Code) or the admissions policy for 2015 not published yet (paragraph 1.47 of the Code);
  - 2014 admissions policy no longer accessible on website (paragraph 1.47 of the Code)
  - the supplementary information form (SIF) and minister's confidential reference form are not available on the school's website and may contain further Code breaches (paragraph 1.47 of the Code);
  - formerly looked after children not given priority alongside looked after children (paragraph 1.7 of the Code);

- priorities 1-3 do not specify number of years worship is required (paragraphs 1.8, 14 and 1.37 of the Code);
- priority 3 gives preference to unnamed feeder schools (paragraph 1.9b of the Code); and
- there is no effective tie breaker to separate two applicants living equidistant from the school (paragraph 1.8 of the Code).

### **Other Matters**

7. I have studied the arrangements and draw the attention of the governing body to the requirement in paragraph 5 of the Code which states that *“It is the responsibility of admission authorities to ensure that admission arrangements are compliant with the Code.”* The admission arrangements are defined as *“the overall procedure, practices, criteria and supplementary information to be used in deciding on the allocation of school places and refers to any device or means used to determine whether a school place is to be offered”*. This applies to any point of admission to the school including the sixth form. As students may be admitted at year 12, arrangements are required for their admission. The arrangements currently do not have specific arrangements for sixth form admissions.

### **Background**

8. This Church of England voluntary aided school falls within the diocese of West Yorkshire and the Dales. The published admission number (PAN) for Y7 is 240. The school is oversubscribed. In 2013, 265 applications were received; 37 pupils were admitted on faith grounds and 203 pupils were admitted from within the priority admission area with the furthest distance from the school being 1.89 miles. In 2014 311 applications were received with 42 allocated on faith grounds, a further 139 from within the priority admission area and the remaining 59 from outside the priority admission area with the furthest distance from the school being 1.62 miles.
9. The arrangements which were published at the time of the objection stated that all children with a statement of special educational need which names the school are admitted and then the first priority is all students who are in LA looked after care. The remaining places are divided equally between the ‘church proportion’ and the ‘community proportion’.

The criteria for the Church proportion are;

- 1) those parents and/or children who are at the heart of the church (i.e. worship at least twice a month or more frequently at a Christian church);
- 2) those parents and/or children who are attached to the church (i.e. worship monthly at a Christian church); and

- 3) those parents and/or children who are known to the church (i.e. infrequent worshippers at a Christian church; or have had a service of baptism, blessing or dedication within a Christian church; or are a pupil at a Church of England school or other Christian school or are children of Immanuel staff who have worked at the school for two years or more at the time at which the application is made).

In the event of there being more applications than places in each of these priorities, preference will be given first to those children who:

- worship at a Church of England church or attend a Church of England school within the Bradford or Ripon-Leeds Anglican diocese;
- have a brother or sister already attending Immanuel who will be continuing at the College in the year for which the applicant will be admitted;
- have a permanent address nearest to Immanuel.

The arrangements state that applications for places within this Church category (above) should be supported by the SIF and the priest's confidential reference form. It goes on to say that in some cases this minister's form is not needed.

The criteria for the community proportion are;

- 1) those children whose permanent address is inside the local authority's priority admission areas for Immanuel and have a brother or sister already attending Immanuel who will be continuing at the college in the year for which the application is made;
- 2) those children whose permanent address is inside the school's priority admission area and have a permanent address nearest to Immanuel;
- 3) those children whose permanent address is outside the school's priority admission area and have a brother or sister already attending Immanuel who will be continuing at the college in the year for which the application is made;
- 4) those children whose permanent address is outside the school's priority admission area and have a permanent address nearest to Immanuel.

Notes include the definition of 'Christian' and 'nearest'.

### **Consideration of Factors**

10. The objection dated 30 June 2014 suggests that the arrangements for admission to the school in September 2015 may not have been determined in line with the Code and that they were not published on the school's website. Paragraph 1.47 of the Code states that "*Once admission authorities have determined their admission arrangements, they **must** notify appropriate bodies and **must** publish a copy of the*

*determined arrangements on their website displaying them for the whole offer year (the academic year in which offers for places are made)”.*

11. In the school’s response of the 14 August the headteacher confirms that the arrangements for admission in September 2015 were determined by the governing body at a meeting on 11 February 2014 and are now on the school’s website. The most recent consultation on changes to the arrangement took place in May 2012 and no changes have been made to the arrangements since that date. She acknowledges that the arrangements were not published on the website because the website has *“recently undergone a complete rebuild and the content has been re-populated in recent weeks.”*
12. I can confirm that the arrangements for admission in September 2015 were determined at the meeting on the 11 February 2014 and are now published on the school website but, as the school agrees, they were not available at the time of the objection they did not conform to the Code and I therefore uphold this element of the objection.
13. The objector says that the 2014 arrangements did not conform to the Code at paragraphs 1.47 as they were not available on the website for the full academic year.
14. The school reports that the arrangements were present on the website as part of the prospectus and I can confirm that at the time of the objection the arrangements were available on the website in this format. I therefore do not uphold this element of the objection.
15. The objector continues to cite paragraph 1.47 and suggests that as the SIF and the religious leader’s form are part of the arrangements they too should be published on the website and this was not the case when the objection was made.
16. The school acknowledges that these two forms were not published on the website at the time of the objection and I therefore uphold this element of the objection. I can confirm that both forms relating to the arrangements for September 2015 are now published on the school website.
17. The objector says that the arrangements do not conform to the Code at paragraph 1.7 which says *“the highest priority **must** be given to looked after children and previously looked after children”.*
18. The school reports that the arrangements themselves have always conformed to this paragraph but that technical difficulty on the website meant that not all the wording was published effectively. This has now been resolved.
19. I can confirm that the published arrangements for September 2015 conform to the Code in this respect but, as they did not at the time of the objection, I uphold this element of the objection.

20. The objector suggests that the church proportion of the oversubscription criteria are not clear and do not conform with three paragraphs of the Code;
- paragraph 1.8; *“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair”*;
  - paragraph 14; *“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”*; and
  - paragraph 1.37; *Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied”*.
21. The objector says that the lack of clarity is due to the absence of any reference to the expected number of years of church worship. The school reports that the expectation is that pupils and/or their family will have worshipped for two years and that this is specified on the minister’s confidential reference form. The school goes on to say that it will make this clearer in any future amendments to the arrangements.
22. The school has an expectation of the number of years of worship and I am of the view that the absence of such detail in the arrangements leads to lack of clarity as parents should not have to refer to the SIF for such information and I therefore uphold this element of the objection.
23. The objector cites paragraph 1.9b of the Code in relation to part of the oversubscription criterion 3 of the Church proportion. The criterion states; *“or are pupils at a Church of England School or other Christian school”*. Paragraph 1.9b states that *“admission authorities **must not** take into account any previous schools attended, unless it is a named feeder school”*.
24. In the school’s response of the 14 August 2014 it confirms that the arrangements do not name specific feeder schools because it recognises that all students from Church of England/Christian schools are entitled to apply for a church place. The headteacher suggests that this priority shows the inclusive nature of the arrangements. She notes that priority is given to those who live within the Dioceses of Bradford, Leeds and Ripon (although these dioceses have recently been incorporated into the new diocese of West Yorkshire and the Dales).
25. The diocesan response suggests that *“whilst this is not a list of named feeder school, there is a clear parameter which can be checked by a prospective parent”*.

26. I am of the view that the criterion does not comply with the Code at paragraph 1.9b as the primary schools are not named feeder schools. I therefore uphold this element of the objection.
27. The objector states that there is no tie breaker in the arrangements as required by paragraph 1.8 of the Code which states that *“admission arrangements must include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated”*. The school accepts that there is no tie breaker in the 2015 arrangements but that, following discussion with the diocese it is their intention to propose its addition to the governing body. I uphold this element of the objection as the arrangements do not include a tie breaker as required by the Code.
28. In addition to the objection I have reviewed the arrangements for admission at Y7 and the sixth form as a whole.
29. I am of the view that priority 3 in the church proportion criterion of the Y7 arrangements does not conform with paragraph 1.8 of the Code as it is not clear how priority within this criterion is given to baptised children or children of staff. It is not clear in the arrangements if equal priority is given to families *“known to the church”* and baptised children and this needs to be amended for clarity.
30. The Code allows oversubscription criteria to prioritise children of staff at paragraph 1.39 which states that *“Admission authorities may give priority in their oversubscription criteria to children of staff in either or both of the following circumstances; a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made, and/or b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage.”* This priority appears in the church proportion of the arrangements and it is not clear if this applies only to those members of staff of the faith or to all staff. In addition, if this priority is to be included in the arrangements it is required to be defined in full. This requires amendment.
31. Paragraph 5 of the Code provides a definition of when admission arrangements must be determined and applies to admission arrangements for Y7 and the sixth form. I can find no published admission arrangements for the sixth form. As the school may admit external students to the sixth form it must determine arrangements that meet the requirements of the Code. In order to comply with the Code arrangements are required to be compiled, consulted upon, determined and published. The arrangements require a PAN for the number of external student that can be admitted to the sixth form, criteria to be used for admission if the sixth form is oversubscribed and a tie breaker are required. This requires urgent attention in order to conform to the Code.

## **Conclusion**

32. I uphold the following elements of the objection ;

- I accept that the arrangements were determined in line with the Code. The arrangements were not changed and therefore consultation was not required. However, the arrangements were not published and this is contrary to paragraph 1.47 of the Code;
- the SIF and the minister's confidential reference form were not available on the school website at the time of the objection and this is contrary to paragraph 1.47 of the Code;
- previously looked after children were not given priority in the published arrangements alongside looked after children and this is contrary to paragraph 1.7 of the Code;
- there is an expectation that applicants will have been attending worship for two years and this is not made clear in the arrangements in line with paragraphs 1.8, 14 and 1.37 of the Code;
- oversubscription criteria include priority for unnamed feeder primary schools which is contrary to the Code at paragraph 1.9b; and
- there is no effective tie breaker to separate two applicants living equidistant from the school contrary to paragraph 1.8 of the Code.

33. I do not uphold the following element of the objection;

- 2014 arrangements were published within the prospectus on the school's website at the time of the objection.

34. I further conclude that priority 3 in the church proportion of places requires amendment in order to make it clear.

35. In addition I conclude that the arrangements for admission to the sixth form do not conform to the Code and require urgent attention.

## **Determination**

36. 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 for Immanuel College, Bradford for admissions in September 2015.

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



38. 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: 30 October 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys