



DETERMINATION

Case reference: ADA2583

Objector: A parent

Admission Authority: The Governing Body of The Camden School for Girls

Date of decision: 18 July 2014

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of The Camden School for Girls for admissions to year 12 in September 2014 and 2015. 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. The admission arrangements (the arrangements) of The Camden School for Girls (the school) for admission in September 2014 have been brought to the attention of the Office of the Schools Adjudicator (OSA) in correspondence from a parent on 17 March 2014. The school is a voluntary aided girls' school with a mixed sixth form in the London Borough of Camden, the local authority, (LA). The referral relates to the documentation which the school sends to students who are offered a conditional place at its sixth form; this requires them to pay a deposit of £100. The referrer suggests that this is in breach of the School Admissions Code (the Code).

Jurisdiction

2. The admission arrangements were determined under section 88C of the School Standards and framework Act 1998 (the Act) by the school's governing body which is the admission authority for the school. All provisions of the Code apply to the sixth form admission arrangements in the same way that they apply to arrangements for admission to year 7. In addition, special provisions for sixth form admissions are stated in paragraph 2.6 of the Code.
3. I am satisfied that it is within my jurisdiction to consider the matter

brought to my attention under section 88I(5) of the Act and to consider whether or not the arrangements conform with the requirements of the Code. I have also used my powers under section 88I of the Act to consider the arrangements for admission to the sixth form as a whole for admissions in 2014 and 2015.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the Code. The documents I have considered in reaching my decision include:
 - a. the email of referral dated 17 March 2014;
 - b. the school's response to the referral and supporting documents;
 - c. the LA's composite prospectus for parents seeking admission to schools in the area in September 2014;
 - d. copies of the minutes of the meeting of the governing body at which the arrangements were determined; and
 - e. a copy of the determined arrangements.
5. I have also taken account of information received during two meetings I convened at the school on 21 May 2014 and the 15 July 2014 and documentation sent to me after the first meeting. The headteacher, chair of governors, and governors' clerk attended both meetings and the head of sixth form joined us for the first meeting. The LA was invited to both meetings, but was not represented on either occasion.

Other Matters

6. At both meetings I raised a number of matters concerning conformity with the Code as outlined below. In addition, a second, independent referral was received by the OSA which questioned the legitimacy of the process to admit students to year 7 for the limited number of music places and this is the subject of a separate determination (ADA 2603) in which I consider the arrangements for admission in September 2014 and 2015 to year 7.

Background

7. The Camden School for Girls is a voluntary aided girls' school for 11 to 18 year olds. Boys are admitted to the sixth form. The school has a specialism in music. It is consistently heavily oversubscribed.
8. The governing body determined the arrangements for admissions in September 2014 on 11 December 2013 and published them on the school's website. The published arrangements for admission in September 2015 are now available on the school website and are unchanged from those relating to admissions in September 2014.

9. The school admits, in total, up to 225 students into the sixth form. This is the total number for external admissions and those who transfer from year 11. External applicants numbered 900 in 2011, 803 in 2012 and 889 in 2013. The number of external applicants admitted was 157 in 2011, 173 in 2012 and 159 in 2013.

Consideration of Factors

Sixth form offer letters

10. The matter brought to my attention relates to the school's processes when admitting external students to the sixth form.
11. The requirements for sixth form admissions are published in the sixth form prospectus and on the school's website. Academic standards are specified both for general admission and for specific courses of study. Following a successful application the student receives a letter which offers a place in the sixth form conditional on the outcome of GCSE examinations. Seven other documents are sent with this letter;
 - i. sixth form internal monitoring sheet;
 - ii. an untitled form asking for the languages spoken at home and the proposed mode of transport to the school;
 - iii. Camden School for Girls sixth form resources/school visits deposit 2014;
 - iv. Camden School for Girls 6th form medical form;
 - v. Camden School for Girls sixth form confirmation letter 2014;
 - vi. special needs and examination access arrangements; and
 - vii. ethnic background record form.
12. The offer letter dated 12 March 2014 states; *"If you are going to accept this offer please complete the enclosed paperwork and return to us by Wednesday March 26 2014."* The school reports that the letter offers a conditional place to the student and that the only condition for that place is that the student achieves the required grades at GCSE.
13. Form v. (above) asks the applicant to accept or refuse the conditional offer of a place at the school. This is an acceptable requirement and is the only attachment to the conditional offer letter which is compliant with the Code. All the other forms request information or the financial deposit. The information may be relevant for those students who meet the terms of the conditional offer and join the school, but are not relevant as part of the admissions process. Currently, these forms are issued and are required to be returned to the school before the student is formally admitted to the school, i.e. on the sixth form induction day which in 2014 is 29 August. The Code permits certain information to be requested if it is necessary to apply the oversubscription criteria.

The school is adamant that the only condition placed upon the student is the requirement to meet the appropriate levels of academic success in the GCSE examinations in line with the requirements published in the sixth form prospectus. However, it is not appropriate to collect additional information until the offer terms have been met and the place confirmed after results day. Although the school might find the information useful, requesting and collecting it cannot form any part of the admissions process.

14. Form iii. (above) is the main subject of this determination. It states; *“£100.00 deposit required. £30 is a refundable resources deposit on the return of all loaned books/resources. £70 is a deposit for the Skern Residential/other departmental visits. Students in receipt of Free School Meals will need to pay £50”*. The form instructs the student to *“Please complete your details at the top of the page and return with your deposit cheque and all other paperwork with your acceptance to the Sixth Form Office”*
15. Paragraph 1.9 of the Code states that *“It is for the admission authorities to formulate their admission arrangements, but they **must not**: n) request financial contributions (either in the form of voluntary contributions, donations or deposits (even if refundable)) as any part of the admissions process.”*
16. In addition, paragraph 1.9e states that *“the authority **must not** give priority to students on the basis of any practical or financial support parents may give to the school or any associated organisation.”*
17. The head of sixth form reported that many families do not return the deposit form and this does not affect the offered place. She reported that the form was introduced some years ago at the request of parents. The residential course (Skern) for all year 12 students takes place in late September of each year and some parents were concerned that they were not aware of the cost until the beginning of term. The school supports families financially if they are unable to pay for the course or would prefer to pay in instalments.
18. I am of the view that as the deposit is *“required”* and must be sent to the school with the acceptance of the conditional place in the sixth form, it can easily be perceived as being part of the admission arrangements and therefore is not compliant with the Code under paragraph 1.9n. I am also of the view that, as the returns must all be made at the same time, the letter implies that if the deposit is not forthcoming then the place may not be offered which is contrary to the Code at 1.9e as it would be giving priority to students who do pay the deposit.
19. Each of the other forms sent out with the conditional place offer are also required to be returned with the acceptance form and may therefore be perceived by students and parents as being part of the admission process and may have a bearing on acceptance of the student. As such these forms must comply with the Code.

20. With the exception of the letter which confirms or refuses the offer of a place in the sixth form (form v), all the other documentation contravenes the Code and should not be issued until after the student is formally admitted to the school. Until that time the student is not on the roll of the school and it is not permissible for such information should be sought from them.

Other issues within the arrangements

21. The sixth form arrangements state that *“Each year the school admits up to 225 students into year 12 of the sixth form for AS and A level courses. The actual number of places available to external students joining the school in year 12 depends on the number of internal students continuing into the sixth form. No more than half the external places will be given to boys.”*
22. Paragraph 1.2 of the Code requires admission authorities to set an admission number for each relevant age group. This is the published admission number or PAN. The school normally admits students at year 7 and year 12 and therefore a PAN is required for these two years of entry. The school does not currently publish a PAN for the sixth form and therefore does not conform with the Code. The arrangements need to be amended accordingly. When the PAN for the sixth form is set the admission authority must accept external students up to the number of the PAN who meet the academic entry requirements and may admit more than this number.
23. The oversubscription criteria currently record at point 2 *“existing students of the school who are continuing their studies from year 11”*. This is not compliant with the Code as the admission authority must admit internal students who meet the academic entry requirements which must be the same for both internal and external students. The normal progression from year 11 to the sixth form for internal students is not part of the arrangements and cannot be included as an oversubscription criterion. The oversubscription criteria apply only to those new to the school. The arrangements require amendment in this respect.
24. The sixth form arrangements state *“The basic qualifications; All applicants must have an academic reference from their current school supporting their suitability for A level study and stating the predicted grades.”* Paragraph 1.9 g of the Code states that *“authorities **must not** take account of reports from previous school about students' past behaviour, attendance, attitude or achievement.”*
25. The school reports that the only relevant information taken from previous school reports are the predicted grades although the form provides space for other comments.
26. It is my view that the form currently does not conform with the requirements of the Code and that it requires amendment. It must only request predicted grades. Comments on behaviour, attendance and/or

attitude may be entered by the student's school and read by admissions officers at the school and this would be contrary to the Code.

27. The Code requires admission authorities to include a tiebreaker in their arrangements. No tie breaker is currently included in the admission arrangements for the sixth form. This addition is needed to meet the requirement in paragraph 1.8 of the Code which states '*...Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated*'.

Special music places

28. At its meeting on the 23 May 2007 the governing body of the school as the admission authority agreed to the introduction of 15 special music places in the sixth form. This was implemented in the admission arrangements for entry to the sixth form in 2008. This new criterion was introduced following the publication of the then new admissions Code.

29. In the sixth form arrangements for admissions in 2014 and 2015 the oversubscription criteria provide places for looked after and previously looked after children, existing school students and siblings as the first three criteria. Oversubscription criterion 4 identifies applicants offered one of 15 specially awarded music places.

30. The school states that; *"the aptitude test is very similar to the main school but the main focus is not on aptitude selection. Music places at 6th form were introduced as part of the music specialist status. The rationale was to uphold the orchestral tradition of the school as a distinctive feature not available anywhere else locally. The process is only open to those who play certain instruments. And they have to be a high level (from taught/experience – not aptitude) to stand a chance of getting a place. Music place students have to meet the academic criteria as well – but they 'jump through' the distance (in other words there is no distance criteria if they are selected for a music place.)"* The school goes on to say that they were under the impression that paragraph 1.24 (selection by aptitude) of the Code does not apply to sixth forms.

31. The school reports that the oversubscription criterion relates to the school's specialist music status and as such paragraph 1.24 of the Code must apply. This states that *"Schools that have arrangements to select by aptitude **must not** allow for more than 10 per cent of the total admission intake to be allocated on the basis of such aptitude (even if the school has more than one specialism). The specialist subjects on which a school may select by aptitude are b) the performing arts, or any one or more of those arts."*

32. Paragraph 1.32 of the Code states that *"Admission authorities **must**; ensure that tests for aptitude in a particular subject are designed to test only for aptitude in the subject concerned and not for ability"*.

33. All applicants for the music places are currently required to be assessed in two stages. The first stage is a *“musical aptitude test which is designed to provide an objective measure of musical aptitude and does not require any prior training, practice or knowledge of music theory.”*
34. The second stage is an audition. The requirements for sixth form music admissions also specify the playing of at least one orchestral instrument. The sixth form music place information provides a table which gives an indication of the standards of students who have been awarded a music place in the last three years; 11 per cent grade 5; 20 per cent grade 6; 35 per cent grade 7 and 34 per cent grade 8.
35. It is my view that the first of the assessment stages, the aptitude test itself, does comply with the requirement to assess musical aptitude. However, the school requires all applicants to be able to play an orchestral instrument and by doing so demonstrate their ability in that instrument. This does not provide an opportunity for students who have no prior learning in music to attend the test and demonstrate their aptitude in music and therefore this does not comply with the Code.
36. The inclusion of information about the standards of previously successful applicants in the literature for entry to the sixth form indicates that a high standard of musical ability is expected. From the school’s data it can be demonstrated that 100 per cent of all recently admitted students have achieved at least a grade 5 in music examinations prior to admission.
37. The second test or audition is not compliant with the Code as the extent of musical background, achievement and previous learning undertaken by the candidates will demonstrate their musical ability.
38. From the school’s comments and the details of the arrangements I conclude that the requirements for admission under the special music places are not in compliance with the Code and that any reference to the admission into the sixth form of specialist music students should be removed from the oversubscription criteria.

Conclusion

39. I conclude that the requirement to return a financial deposit does not comply with the Code. There can be no request for a deposit linked in any way with the admissions process. The arrangements therefore require amendment.
40. The other forms which are sent with the conditional offer letter and which the applicant is asked to send back to the school with the acceptance letter cannot constitute part of the admissions arrangements. The issue of these forms and their return to the school should be delayed until the student has met the terms of the conditional offer and will be admitted to the school.

41. In addition I have identified a number of other issues as stated above which mean that the admission arrangements for sixth form admissions require modification as soon as possible.

Determination

42. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements of The Camden School for Girls for admissions to year 12 in September 2014 and 2015. I determine that they do not conform with the requirements relating to admission arrangements.

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.

Dated: 18 July 2014

Signed:

Schools Adjudicator: Mrs Ann Talboys