



## DETERMINATION

**Case reference:** ADA/002576

**Admission Authority:** The governing body of Canon Slade School

**Date of decision:** 11 April 2014

### Determination

**In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body of Canon Slade School, for admissions in September 2014 and September 2015. 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) 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. The admission arrangements (the arrangements) of Canon Slade School (the school), a voluntary aided school in Bolton with a Church of England religious character for pupils from 11 – 18 years of age, for September 2014, came to the attention of the Office of the Schools Adjudicator (OSA) in the course of the adjudicator's consideration of the arrangements of another school in Bolton which was the subject of Determination ADA/002434.

### Jurisdiction

2. The 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. The arrangements came to my attention in February 2014 and I am satisfied that it is within my jurisdiction under section 88I(5) of the Act to consider them. I have accordingly used my powers under section 88I(5) to consider the school's arrangements as a whole for admission to Year 7 (Y7) and Year 12 (Y12). Having looked at the arrangements for 2014 and 2015, I considered that there may be matters that do not comply with legislation or the School Admissions Code (the Code).

### Procedure

3. 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. information from Bolton Council which is the local authority (LA) for the area and from the school about the numbers of applications for places at the school in each of the years from 2010 to 2014;
  - b. the comments of the Diocese of Manchester (the diocese) which is the body representing the Church of England on the school's arrangements as set out in its email of 4 March 2014;
  - c. a map provided by the LA showing the home postcodes of all applicants offered a place at the school for Y7 in September 2014 and details provided by the school of the postcodes of all those currently in Y7;
  - d. information about the pupil characteristics of the school and other Church of England schools in the diocese;
  - e. copies of letters from the LA to the school commenting on the school's proposed admission arrangements including its supplementary information form (SIF) for 2011 dated 15 February and 19 May 2010;
  - f. a copy of the guidance provided by the National Society of the Church of England on the admission of looked after and previously looked after children including a definition of a looked after or previously looked after Church of England child for this purpose, dated 18 January 2012;
  - g. the LA's composite prospectus for parents seeking admission to secondary schools in the area in September 2014;
  - h. a copy of a letter from the clerk to the governors of the school dated 14 January 2011 to the diocese and copied to a number of other parties consulting on the arrangements for 2012;
  - i. copies of the minutes of the meetings of the governing body at which the arrangements for 2014 and 2015 were determined;
  - j. copies of a number of different versions of the arrangements for 2014 and 2015 including the SIF; and
  - k. the school's most recent Ofsted report dated December 2012.
4. I have also taken account of information received during and subsequent to a meeting I convened on 12 March 2014 at the school which was attended by representatives of the school, diocese and LA. In particular, the school wrote to the OSA on 25, 26 and 27 March 2014 providing further information and setting out a number of ways in which the governing body had resolved to vary the determined arrangements for 2014 and 2015 in order to comply with mandatory provisions of the Code.

#### **Matters which may not conform with the Code**

5. When I reviewed the published arrangements for 2014 and 2015, I considered that they may not conform with the requirements relating to admissions in the following ways:

- a. the priority given to looked after and previously looked after children at Y7 and Y12;
- b. the arrangements for the admission of children with statements of special educational needs (SEN) that name the school at Y7 and Y12;
- c. the requirement to provide the full arrangements to the LA by 1 May each year;
- d. the clarity, objectivity and fairness of the arrangements for Y7 and Y12;
- e. the requirement that arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social group, in relation to Y7;
- f. going beyond what is permitted in terms of setting academic entry criteria for Y12;
- g. the requirement to set a published admission number (PAN) for admission to Y12, and
- h. for admission to Y12, the prohibition in paragraph 1.9 g of the Code of taking account of reports from previous schools.

## **Background**

6. Canon Slade is a large secondary school with a Church of England religious character. Its published admissions number (PAN) for Y7 is 270 and its sixth form has a capacity of 190 in each of Years 12 and 13. The school was last inspected by Ofsted in December 2012 and found to be outstanding. The Ofsted report noted that:
  - a. pupils join the school from over 100 primary schools covering a wide area;
  - b. the proportion of students known to be eligible for the pupil premium is very low in comparison with national figures;
  - c. the proportion of students from minority ethnic groups is average;
  - d. very few students speak English as an additional language, and
  - e. the proportions of students supported at school action, or school action plus, or with a statement of SEN are much lower than average.
7. The school is regularly oversubscribed for Y7 and figures provided by the LA show the following preferences for places over the past five years:

Admission Year	1 <sup>st</sup> Preference	2 <sup>nd</sup> Preference	3 <sup>rd</sup> Preference	4 <sup>th</sup> /5 <sup>th</sup> Preference
2014	305	215	134	6
2013	317	214	112	6
2012	313	173	113	3
2011	322	168	95	5
2010	305	192	113	3

8. Information provided by the LA and school demonstrate that significant numbers of pupils travel more than two miles to attend the school with some travelling up to ten miles in order to attend this particular school rather than one nearer to their homes.
9. There are different versions of the school's arrangements for admission to Y7 in different places on its website. The arrangements also appear, of course, in the LA's composite prospectus. Of the versions on the school's website, I am calling these: version 1 (which can be found under a tab headed admissions and at the front of the school's prospectus on its website); version 2 (which can be found as a PDF document under a tab headed policies) and version 3 (which can be found at the end of the school's prospectus on its website). When I reviewed the website in February 2014, none of the versions was dated. It was possible to surmise that versions 1 and 3 related to 2014 as they referred to the date by which the SIF had to be returned to the school and included information about admissions to the school in 2013. The version in the LA composite prospectus makes clear which year it refers to.
10. Version 2 is the same as the version sent direct to the OSA in response to the initial letter about this case. I could locate the SIF only as part of version 3 where it can be found at pages 48 – 51 of the school's prospectus. As version 2 is the one sent to OSA in response to the request for information it is the version I am treating it as the determined arrangements for both 2014 and 2015 as agreed with the school.
11. All versions begin with a statement that the school's policy is to "give priority to children from committed Christian families". As a school with a religious character, Canon Slade is entitled to use faith-based oversubscription criteria. Version 2 alone follows this with a sentence which reads "Because of the legal requirement for objectivity, commitment is "measured" by reference to church attendance".
12. All versions state that the number of intended admissions to Y7 is 270. Versions 1, 3 and the LA composite prospectus state that pupils are admitted without reference to ability or aptitude except in the case of applicants to the sixth form to take GCE Advanced Level courses. All versions also use the same wording in relation to the priority to be given to looked after and previously looked after children and this is: "Looked after children or previously looked after children (a "looked after child" is defined as one who in the legal care of a Local Authority) who have a letter from a Church official confirming their involvement in worship in a Christian Church will be offered places first." In the version of the arrangements in the LA's composite

prospectus, the introductory statement is followed by a sentence which reads “Children with a statement of Special Educational Needs (SEN) that names the school will be offered places firstly”. All versions on the school’s website use the following wording in relation to children with statements of SEN: “The governing body abides by the requirements of section 324 of the Education Act 1996 in respect of children with Special Educational Needs.”

13. All versions of the arrangements explain that the school’s faith-based oversubscription criteria use a points system which the arrangements describe as follows:
1. How regularly and frequently the child attends weekly worship at a Christian Church.
  2. How regularly and frequently at least one parent attends weekly worship at a Christian Church.
  3. The number of years the child’s attendance at Church has been sustained.
  4. The number of years the parent’s attendance has been sustained.

14. All versions include the same definition of Christian Church as any Church in membership of, or sharing the statement of belief of, Churches Together in England and a link to the website of Churches Together in England is provided. All versions explain that information must be provided by an authorised Church official and go on to say that:

“points will be awarded according to each criterion and when the score has been calculated for each child, the Governors will allocate places to those children reaching the appropriate qualifying “score”. This is the point at which 270 pupils can be admitted. This “score” varies from year to year as it is dependent upon the number of applications received and the nature of the Church affiliation of the year’s applicants, so it cannot be determined before all applications have been processed”.

15. All versions contain a tie breaker – which is random allocation – should two or more children have the same number of points when the 270th place is reached or where all available places have not been filled and the remaining applicants have no points. All versions explain that there is a right of appeal should a child not be offered a place.

16. Versions 2 and 3 then go on to explain the working of the points system as follows:

“Points are allocated as follows to the information in Section B of the supplementary application form provided by the Clergy:

**Question 1:** Child from 0 to 208 points; Parent from 0 to 208 points. Maximum 416 points (One point for weekly attendance for each of Parent and Child over a four year period)

**Question 2:** 0 to 72 points (24 per year). Maximum 72 points  
(Both parent and child must have attended at least once per month during the whole of the year to be allocated 24 points otherwise you will be allocated “nil” points)

**Question 3:** 0 to 12 points, 3 points per year for each full year’s attendance prior to 2003 up to a maximum of 12 points.”

17. It is necessary to read the SIF in order to see clearly that question 1 relates to the child and parent’s attendance for the years 2010 – 2013 (for admission in September 2014), that is to the numbered points 1 and 2 in the admission arrangements; question 2 relates to point 3 and question 3 to point 4. As noted above, the SIF is available only in the version of the arrangements in school’s prospectus.

18. The school regularly admits pupils into its sixth form at Y12 and the Ofsted report of 2012 noted that around 20 per cent of the sixth form had joined from other schools. Different oversubscription arrangements apply to this point of entry to the school. These arrangements are not included in the documents referred to above but can be found on the school’s website via a tab headed “Sixth Form” which in turn offers tabs headed Sixth Form Admission Policy and beneath that Vocational Admissions and A level Admissions. The sixth form admission policy begins with the statement: “Admission to Canon Slade Sixth Form is for those students who wish to study within the ethos of a Church School and who meet the entry requirements for their selected programmes of study.” The arrangements when I first saw them also include the following:

“The number of places available in Year 12 is 190. In the event of oversubscription to Year 12 the following criteria will be applied in order when offering conditional places:

- (1) Students in Year 11 at Canon Slade School who meet the entry requirements stated below; and
- (2) Students from other schools or colleges who met the entry requirements stated below. The school will seek to admit a minimum of 20 external applicants.

Looked after children who meet the academic requirements will be given first priority

The Governors reserve the right to admit a small number of students from Canon Slade School’s Year 11 for whom a bespoke one-year (accredited or otherwise) programme of study would be appropriate. These students would not need to meet the minimum admission requirements.”

19. The arrangements go on to set out the minimum academic standards required for both the schools A level and vocational programmes of study. In both cases, the arrangements state that a “satisfactory reference supporting a candidate’s proposed course of study must be provided” and that for those

already at Canon Slade School this will be obtained from the head of Y11 and for external candidates from a senior member of staff of their current or former school or college. These provisions are then followed in each case by the statement:

“Conditional Offer

An applicant will be offered a place in the Sixth Form on the basis that they meet the entry requirements as described above and that they are the best qualified for the places available on their chosen courses at their enrolment meeting.

**Best qualified will be calculated on the student’s average points score from their best 8 GCSE subjects, subject to first attempt only.”**

20. The school has provided me with the minutes of meetings of both the Admissions and Every Child Matters committee of the governing body and of the full governing body dating from December 2012 and December 2013 which make clear that the admission arrangements for September 2014 and September 2015 for Y7 and Y12 have been determined.
21. The school has also provided me with information confirming that it last consulted on its arrangements in January 2011 and did so for the period from 14 January 2011 to 28 February 2011. Paragraph 1.42 of the Code explains that admission authorities **must** consult before determining their admission arrangements if they propose to change the arrangements and **must**, in any event, consult on their arrangements at least once every seven years. The Code and regulations in force in 2011 and governing such consultations required that consultation last for a minimum of eight weeks. This requirement has been retained in the current Code and in the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations). The school’s consultation did not meet this requirement as its consultation lasted only six and a half weeks. In addition, at our meeting, the school and the diocese acknowledged that the school had not consulted the diocese before going on to public consultation about its proposed arrangements as required by the Diocesan Boards of Education Measure 1991. While it is regrettable that the consultation did not meet the requirements of the legislation or the Code, this does not affect the status of the determined arrangements or my jurisdiction to consider them under the Act.

### **Consideration of Factors**

#### The admission of looked after and previously looked after children to Y7

22. Paragraph 1.7 of the Code provides that: “All schools must have oversubscription criteria for each “relevant age group” and the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and previously looked after children.” Paragraph 1.37 of the Code states that “Admission authorities for faith schools may give priority to all looked after children and previously looked after children whether or not of the

faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith they **must** give priority to looked after children and previously looked after children not of the faith above other children not of the faith.” The footnote to paragraph 1.37 makes clear that this paragraph derives in part from regulation 9 of the Regulations which refers to faith as “that of the school in accordance with its designation.”

23. As noted above, the school’s arrangements when I first saw them gave priority to looked after and previously looked after children who have a letter from a Church official confirming their involvement in worship in a Christian church. There is no other reference to priority for looked after or previously looked after children in the arrangements for Y7. The school’s arrangements as initially provided to me would thus not give any priority to a looked after or previously looked after child who had been baptised into the Church of England but who could not provide a letter confirming involvement in worship.
24. The school’s designated religious character is Church of England. This means that it must as a minimum give first priority to all Church of England looked after and previously looked after children. When I discussed this matter with the school, neither its representatives nor those of the diocese suggested that a looked after or previously looked after child baptised in the Church of England was not a Church of England child simply because he or she could not provide a letter confirming involvement in worship. The school has thus failed to comply with the requirement in paragraph 1.37 of the Code to give highest priority to looked after and previously looked after children of the faith of the school.
25. After priority for some looked-after and previously looked after children, the school’s arrangements give an equal priority based on its faith-based criteria to children who are either Church of England or from a wide range of other Christian denominations. This priority is given ahead of any priority for looked after or previously looked after children who come from non-Christian faith traditions or who are not of any faith background. Indeed, the school’s arrangements make no mention at all of non-Christian looked after and previously looked after children for admission at Y7. (The arrangements for admission at Y12 are different in this respect and I deal with these elsewhere in this determination.) As stated above, the Code is clear that where any element of priority is given in relation to children not of the faith of the school this has to give priority to looked after children and previously looked after children not of the faith above other children not of the faith.
26. By giving priority to children from a wide range of Christian denominations, the school is by definition giving priority to children who are not of the Church of England as they will be members of other Christian denominations. These children have had priority ahead of looked after and previously looked after children who are either not members of a Christian faith community or, if members of such a community, are not actively involved in worship. The school has thus failed to conform to the requirement set out in paragraph 1.37 of the Code that where any element of priority is given in relation to children



not of the faith, an admission authority “**must** give priority to looked children and previously looked after children not of the faith above other children not of the faith.” The school’s arrangements say that the governors have defined “Christian Church” as being, “.....any church in membership of or sharing the belief of Churches Together in England .....” However, the school has only two options with respect to complying with requirements concerning looked after and previously looked after children. The first option is to give priority to Church of England looked after and previously looked after children followed by children who meet its criterion concerning attendance which must be for Church of England children at a Church of England church and then all other looked after and previously looked after children and then use oversubscription criteria which may include faith criteria. The second option is to give priority to all looked after and previously looked after children and then it can give priority other children using faith criteria as permitted.

27. I want to draw attention in this context to the LA’s report to the Chief Adjudicator in 2013 which said that some Church of England schools in Bolton did not follow the advice of their diocese which is to give the highest priority to all looked after and previously looked after children. The LA said that “the approach taken by such schools does limit the number of looked after children that they admit and LAC are, therefore, under-represented on their rolls. The approach of prioritising LAC after children of the faith has the effect of denying LAC access to high performing faith schools”.
28. When I reviewed the arrangements in relation to looked after and previously looked after children, I noticed that the SIF asks if a child is looked after but does not ask if a child has previously been looked after. This means that there is a chance that such children might not receive the priority the Code entitles them to have. In addition, the definition of looked after child was not quite accurate. It said that a looked after child is a child in the legal care of a local authority. In fact, a looked after child is a child who is in the care of a local authority or being provided with accommodation by a local authority in the exercise of its social services functions.
29. The school’s arrangements did not conform to the requirements of the Code in relation to the admission of looked after and previously looked after children. At my meeting with the school, its representatives indicated that the governing body would consider these aspects of their arrangements. It has acted with commendable speed to do so. The headteacher’s letter of 25 March reports that the governing body has agreed to vary its admission arrangements for looked after and previously looked after children so that the arrangements read:

“Where there are more applications than places available, the school will give the highest priority to looked after children and previously looked after children”.
30. This is followed with a definition of looked after and previously looked after children which is identical to the definition provided in paragraph 1.7 and footnote 17 to the Code.

### The admission of children with statements of SEN which name the school

31. As noted above, all versions of the arrangements for Y7 on the school's website state that the governing body complies with the requirements of section 324 of the Education Act 1996. This is the legislation which requires the admission authority of a school which is named on a child's statement of SEN to admit that child. However, the school's arrangements do not include any explanation of the meaning of section 324 or a clear statement that a child with a statement of SEN which names the school will be admitted. The LA composite prospectus uses the form of words: "Children with a Statement of Special Educational Needs (SEN) that names the school will be offered places firstly." The LA has provided me with copies of correspondence from February and May 2010 in which it raised with the school the importance of including in its arrangements a clear and easily understood statement about the admission of pupils with statements of SEN.
32. Some parents of children who have been or who are being assessed for a statement of SEN may be aware of the legal framework. Others may not be. The Code requires at paragraph 14 that arrangements be clear and that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. The school's arrangements in respect of the wording used in relation to the admission of pupils with statements of SEN are not clear and hence do not conform to the Code. Again, the school has acted swiftly to remedy this breach. The headteacher's letter of 25 March states that the governing body has decided to vary the arrangements to read:

"The school will admit all children with a statement of special educational needs that names the school."

### The provision of the full arrangements to the LA

33. When I reviewed the LA's composite prospectus I noticed that it did not include the school's SIF but did include the SIFs used by other schools. I raised this with the school at my meeting and was informed that it had not been its practice to provide its SIF to the LA. The LA said that it had asked for the SIF. Paragraph 1.47 of the Code states clearly that once admission authorities have determined their arrangements they **must** send a copy of the full arrangements to the LA as soon as possible. Paragraph 1.42 of the Code notes that the SIF is part of the admission arrangements. Indeed, in the case of Canon Slade it is not possible to understand the admission arrangements without the notes set out on the SIF as this is the only place where the full explanation of how points are gained is provided. The school has been in breach of the Code. The school said when we met that it would change its practice in order to conform to the Code's requirements and headteacher's letter of 25 March confirms this.

### The clarity, objectivity and fairness of the arrangements

34. Paragraphs 14 and 1.8 of the Code state that arrangements **must** be clear. Paragraph 14 adds that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.
35. I have described above the different versions of the arrangements. I have also explained that the SIF is required in order to understand the arrangements fully and that this is only available as part of version 3 of the arrangements which is in the prospectus. Moreover, as noted above, the school has historically not complied with the requirement to send the SIF to the LA with the result that the LA has not been able to include this in its composite prospectus. The school's entry in the composite prospectus does say that the form is available from the school. Version 1 of the arrangements says that the school's "application form" should be completed and returned to the head by 11 November but does not say where or how parents can obtain the form. Version 2 refers to the SIF where it states that "Points are allocated as follows to the information in Section B of the supplementary application form provided by the Clergy." It does not explain that parents have to obtain the form in order to give this to their religious leader or how they can go about this or give the date when it must be returned to the school. Only version 3 gives all the necessary information.
36. I consider that some parents might find it hard to navigate these different versions and might in consequence be discouraged from applying for a place for their child. A parent who had read version 2 would have no reason to look for other versions might not realise that he or she needed to obtain the form from the school and might instead think that the school would send a copy direct to the relevant religious leader. To add to the possible confusion, the SIF has different names in different versions. It is referred to as the application form in versions 1 and 3 and but as the supplementary application form in the composite prospectus. It is, in fact, not an application form at all, but an information form. The school has now confirmed in the headteacher's letter of 25 March that it will provide the SIF to the LA each year and publish it as part of the admission arrangements on the school's website each year.
37. I have noted above that none of the versions of the arrangements on the school's website states which year they relate to, although this is implicit in the case of versions 1 and 3. Paragraph 1.47 of the Code provides that once arrangements have been determined they must be published on the school's website. This will fall during what the Code defines as the "determination year". Paragraph 1.47 also requires that arrangements must remain on a school's website for the whole of the "offer year" which is the academic year following the determination year and the year in which offers for places will be made for the following September. If arrangements are not dated, it is hard to see how parents and others might distinguish between arrangements for the determination year (which parents and others are entitled to see and if they wish object to by 30 June each year) and arrangements for the offer year.

38. The changes the school has already agreed to make will go some way to making the arrangements clearer. Some discrepancies may still remain, including how to obtain a copy of the SIF and the reference in some versions to the fact that pupils are admitted to Y7 without reference to ability or aptitude. The existence of different versions means that the arrangements are not clear. Moreover, once a parent has found one version of the arrangements, it is unlikely that he or she will go on to search for others. This means that different people will have different information about the school and some may well not have the full information necessary to understand how places are allocated. It also means that the arrangements cannot be considered to be completely fair as it is not fair that different people will have different information. Because there are different versions, the school's arrangements do not conform to the requirements of paragraphs 14 and 1.8 of the Code for arrangements to be clear and fair. Because the SIF is necessary to understand the arrangements fully and because this is only available with version 3 of the arrangements, the arrangements do not meet the test in paragraph 14 that parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated. The Code requires that the school amend its arrangements as quickly as possible.
39. I turn now to the questions asked of religious leaders on the SIF and, in doing so; first address a specific issue relating to question 2 on the SIF. This question awards points for attendance at least monthly in each of the years 2007, 2008 and 2009 (in the case of admission in 2014). The version of the SIF I originally saw said that if the parent and child had failed to attend at least once a month in the year then no points would be awarded for that year. At the meeting, I noted that this approach would mean that a family who was not able to attend for a calendar month – possibly because of family illness or a house move – would receive no points for the year concerned. However, a family who missed, say, the last three weeks of March and the first three weeks of April for the same reason could still receive a full allocation of points. The school in the headteacher's letter of 25 March said that the governing body had decided to change question 2 so that points would simply be received for each month where the parent/carer and child had attended worship. In the example here, however, the family that missed four weeks in February would still receive fewer points than the family that missed a six week period spanning parts of March and April. For this reason, I consider that question 2 remains unfair.
40. Turning to the questions about faith as a whole, these require the faith leader to give specific and detailed answers about a family's attendance at worship (or, in the case of the child and over the most recent four years, Sunday school) over a period of eleven years. The arrangements do not specify that attendance must be on Sunday or any other day and the school confirmed at the meeting that attendance could be on any day of the week.
41. Given the wide geographical area from which pupils are drawn and the fact that priority is given to many Christian denominations, a very large number of people could be called upon to complete the form. The fact that families move will add further to this number as some will have to ask the religious leader

from former places of worship, some of which may well not be anywhere near the school. The fact that religious leaders also move parish from time to time will mean that in some cases at least the person completing the form will not have first-hand experience of the family's whole history of attendance at that place of worship. Indeed, in some cases a religious leader could be asked to complete a form giving detailed information about a family who had moved from that area before the religious leader had arrived there.

42. I asked the school how in these circumstances it could be confident that all the religious leaders completing the form would do so on the same basis and that the pictures of the faith involvement of all these families would be equally accurate. The school explained that every other year it held a meeting to which it invited all the religious leaders whom it believed would need to complete its SIF. Between 30 and 40 people would attend each such meeting. At these meetings the school would explain the form. The school also explained that many churches would register the attendance of children at Sunday School as part of their safeguarding arrangements and so would have robust records of attendance. Some of the churches known to the school also have arrangements for parents and children to "sign in" again providing a robust record of attendance. The school accepted that not every religious leader would have attended one of their meetings, especially those for more distant areas from which families had moved. The school made the point that they had not had many concerns raised about their approach. I can see that the school has made real efforts to ensure that its arrangements are understood by the religious leaders who will be required to complete the SIF.
43. On the surface, the arrangements could be considered to be objective and fair. They are based on matters of fact: how often and for how long a child and a parent or carer has attended Christian acts of worship. It is common for schools with a religious character to take account of attendance at worship in framing their oversubscription criteria. In applying those arrangements, they will rely very often on information provided by faith leaders. Whether the arrangements of schools which take account of attendance at worship comply with the requirements relating to admissions will depend on the particular information sought in any given case.
44. In the case of the school, very detailed information is required about practice over an eleven year period and a large number of people from many different organisations in many different areas will be involved in providing that information. I take account of the steps the school takes to ensure awareness and promote a consistent approach but the school itself accepts that it will not reach all religious leaders who have to complete the form. I consider that in these circumstances it is likely that different people completing the SIF may apply different standards of rigour in doing so. I consider too that the questions may be open to different interpretations; for example, while the school says that it does not require attendance to be on a Sunday, this is not specified on the SIF, with the result that some religious leaders might only count Sunday attendance. While some places of worship will have very detailed records of attendance, others may not and may have to rely on memory or assurances from the families concerned about their attendance.

45. The SIF says that the religious leader should complete the form “drawing either on your own personal knowledge or (if you were not at the church at the time) on information you have been able **to confirm personally** with other church officials.” I do not consider that it is realistic that every religious leader faced with this form will be able to do this; they may simply not be able to get in touch with people who have moved on to other parishes or roles or retired. For all of these reasons I conclude that the arrangements are not objective and not fair as it is not possible to be confident that the SIF will be or can be dealt with on a consistent basis by all those asked to complete it. In particular, it cannot be fair that a child’s chances of gaining a place at a school can be affected by the fact that a church official is unable to confirm information about a family’s practice.
46. The school has provided me with a breakdown of points scored by applicants over the past few years and the number of points needed to gain a place. The number of points needed to gain a place over the past four years has varied from 252 to 332. This equates to a very high level of sustained attendance. The stringency of the attendance requirements means that families who face constraints on their ability to attend worship so frequently but who are nonetheless committed Christians are much less likely to secure a place for their child at the school. This could include families where one or both parents may have to work shifts which affect their ability to attend services every week or families with caring responsibilities such as an elderly relative or sick child who cannot be left. These challenges are likely to be especially pronounced in families where there is only one adult or where one parent works away from home. For some families, getting to Church once a month may well represent a greater logistical achievement than weekly attendance will for others. In this context, a child whose family had attended church 20 times a year for the past four years as well as at least monthly since the birth of the child would not have gained a place at the school in any of the past four years.
47. The school made the point at our meeting that they understood the challenges faced by some families and this was one of the reasons why they did not require that worship should take place on a Sunday as they wanted to ensure that families had as great an opportunity as possible to fulfil the school’s requirements. This will certainly assist some families, but not necessarily those with caring responsibilities or particular working patterns.
48. The school is oversubscribed and this means that some families who would like a place there will not secure one. The school is also entitled to have faith-based oversubscription criteria and to give priority to committed Christian families. However, the very demanding nature of their faith-based criteria requirements will make it difficult for some families who undoubtedly meet the test of being committed Christians to gain a place. For this reason also, I consider that the arrangements are unfair.
49. Paragraph 1.8 of the Code states that admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group. The school’s 2012 Ofsted report

noted the very low proportion of pupils entitled to the pupil premium compared to the national average. I have also compared the proportion of pupils entitled to free school meals at the school to the proportion at other Church of England secondary schools in the diocese of Manchester (in the local authority areas of Bury, Manchester, Oldham, Rochdale, Salford and Wigan as well as Bolton). There are 11 such schools including Canon Slade, one of which is a joint Church of England and Catholic school. Some of the schools are sponsored academies which have replaced existing schools with disadvantaged intakes. Leaving those aside, the proportion of children entitled to free school meals ranges from 3.2 per cent at the school to 24 per cent. The next lowest to the school's was 5.8 per cent. The proportion of such pupils at state funded secondary schools in Bolton is 19.8 per cent and the national average is 16.3 per cent. I shared this information (which is all in the public domain) with the school at the meeting. The school has said in its letter of 25 March that it has noted this data and that the governing body does not consider that the use of faith-based oversubscription criteria in its admissions policy, disadvantages any particular social group, particularly since attendance at Sunday worship is not specified.

50. As also noted by Ofsted and confirmed by the school and LA, the school attracts applicants from a wide geographical area. Its intake is much more advantaged than the average in the area it draws from and more advantaged than any other Church of England school in its diocese. In the light of all this information I have considered very carefully whether the school's arrangements directly or indirectly disadvantage unfairly a child from a particular social group, in this case those from a disadvantaged background. In view of the characteristics of the school's intake compared with the characteristics of the area and of other Church of England schools in the area, I have concluded that the school's arrangements do disadvantage unfairly children from disadvantaged backgrounds.

51. I have described above the stringent nature of the faith-based criteria and outlined some of the challenges that some families are likely to face in satisfying those criteria. Families with higher incomes can use that income to mitigate or overcome those challenges. They can pay for extra support with caring responsibilities and are much less likely, for example, to be reliant on public transport to reach church every week. I do not consider that allowing worship of any day of the week is an adequate measure to counteract the resulting disadvantage to families on lower incomes, so I conclude that the arrangements do not comply with the requirement of paragraph 1.8 that arrangements do not disadvantage directly or indirectly children from a particular social group. The school's arrangements do not conform to the Code and the Code requires the school to amend its arrangements as quickly as possible.

### Admission to Year 12

52. Paragraph 1.2 of the Code explains the legal requirement for admission authorities to set a PAN for "each relevant age group". The school regularly admits pupils to Y12 and Y12 is accordingly a relevant age group for the

purposes of the requirements relating to admissions. When I first reviewed the arrangements for the sixth form they included the following statements: “The number of places available in Year 12 is 190.” and “The school will seek to admit a minimum of 20 external students.” Neither of these statements satisfies the requirements for a PAN. The first describes the whole capacity of Y12 and the PAN can only relate to those who will join the school in Y12 for the first time not those transferring from Y11 at Canon Slade. The second is not a definite statement of a number who will be admitted (if enough who meet the entry requirements apply). At the meeting, the school said that it would change this aspect of its arrangements and the headteacher’s letter of 25 March confirms that the governing body has determined that the PAN for admission to Y12 for 2014 and 2015 will be 20.

53. As outlined above, the arrangements for admission to Y12 refer to securing a reference either from the head of Y11 at the school or, in the case of applicants from other institutions, that institution. Paragraph 1.9 g of the Code prohibits taking account of reports from previous schools about children’s past behaviour, attendance, attitude or achievement. I asked the school about the scope and purpose of the reference in the light of the Code’s provisions. The headteacher’s letter of 26 March explained that the references will simply suggest whether a candidate is applying for a suitable choice of subject.
54. A reference which is to serve the purpose of giving information about a suitable choice of subjects must include information about achievement. It may well also give information about the other matters set out in paragraph 1.9 g of the Code. The school’s arrangements do not conform to the requirements of the Code in this respect and the Code requires the school to amend its arrangements as quickly as possible. In this context, I should record that the headteacher’s letter of 26 March also said that he had decided to request that governors remove the requirement for references from the policy as it is surplus to requirements.
55. Paragraph 2.6 of the Code provides that admission authorities can set academic entry criteria for their sixth forms and that where they do so, these **must** be the same for both external and internal candidates. The school sets academic criteria for those who wish to study in its sixth form. These are the same for both internal applicants (that is those transferring from Y11 at Canon Slade) and external applicants (that is those who wish to join from another school). The academic criteria are different for GCE A levels and BTECs. For A level, some subjects require a higher average point score and grade in the subject to be studied than do others. The arrangements also state that applicants will be offered a place if they meet these entry requirements and if “they are the **best qualified** for the places available on their chosen course at their enrolment meeting”.
56. When I first read the arrangements I was not clear how the arrangements operated in practice and, in particular, what the reference to the best qualified candidates meant. At the meeting and in subsequent correspondence, the school explained that it is sometimes the case that more candidates meet the academic criteria for a particular subject than the school is able to



accommodate for that subject. In these circumstances, the school's practice is to distinguish between those candidates by calculating the average score of the students' best eight GCSEs (from the Department for Education's Best 8 Approved List) and giving priority to those with the highest score.

57. The Code allows for the setting of academic entry criteria for Y12. Academic criteria which are "set" in accordance with this provision are by definition fixed (for example the requirement to have a particular grade at GCSE or a certain average point score across a number of subjects). An applicant will either meet those criteria or not meet them. Taking account how far an applicant has exceeded those requirements goes beyond what is allowed by the Code. Moreover, the arrangements are not clear. An applicant can have no idea whether meeting the academic entry requirements will be enough to secure a place and, if not, by how far he or she must exceed the entry requirements. The school's arrangements mean that some of those who are already on the roll of the school and who meet the school's academic entry criteria for the A level or BTEC course they wish to pursue may well find that they are not allowed to remain at the school to do so. The school's arrangements do not conform to the Code and the Code requires the school to amend its arrangements as quickly as possible.

58. As outlined above, the arrangements for Y12 when I first saw them referred also to the governors' reserving "the right to admit a small number of students from Canon Slade School's Year 11 for whom a bespoke one-year (accredited or otherwise) programme of study would be appropriate. These students would not need to meet the minimum admission requirements." At the meeting with the school, I was told that this provision had been included in order to allow the school to cater for some young people with learning difficulties whom the school wished to be able to continue to support in Y12 and Y13. In fact, the young people concerned had statements of SEN naming the school, so would have been entitled to remain there whatever the oversubscription criteria said. More generally, the provision does not conform to the Code as it allows for the exercise of discretion by the governing body in deciding which applicants to admit under this criterion. It is accordingly not objective. It is also unclear as the number of places concerned is described only as "small" and there is no explanation of the basis on which the governing body would decide that a bespoke course would be appropriate. At the meeting, the school agreed that the provision was unnecessary and it has been removed from the new arrangements for admission to Y12 provided to me since the meeting.

59. The arrangements for Y12 when I first saw them did not mention at all the admission of children with statements of SEN. The arrangements did say that looked after children who met the academic entry requirements would be given first priority for admission but they did not mention previously looked after children. The requirements to admit children with statements of SEN that name the school and to give first priority in oversubscription criteria to looked after and previously looked after children apply at Y12 to a school for which this is a normal point of entry just as they do at Y7. The version of the arrangements for admission to Y12 provided to the OSA on 25 March now

states clearly that children with statements of SEN that name the school will be admitted and that looked after and previously looked after children will be given first priority in the oversubscription criteria.

## **Conclusion**

60. Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless such revision is necessary to give effect to a mandatory requirement of the Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements.
61. Some changes have already been made by the school in accordance with this provision and as noted in this determination. The arrangements for Y7 continue not to conform to the requirements relating to admissions in relation to their clarity, objectivity and fairness and the requirement that arrangements must not directly or indirectly discriminate against pupils from a particular social group. The arrangements for Y12 continue not to conform to the requirements relating to admission in relation to the clarity of the arrangements, by going beyond what is permitted in terms of setting academic entry criteria and by seeking references contrary to the prohibition in the Code. The Code requires that the school amend its arrangements as quickly as possible.

## **Determination**

62. In accordance with section 88I(5) of the School Standards and Framework Act 1998, I have considered the admission arrangements determined by the governing body of Canon Slade School, for admissions in September 2014 and September 2015. I determine that the arrangements do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
63. 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.

Dated: 11 April 2014

Signed: 

Schools Adjudicator: Ms Shan Scott