Determination

Case reference:	**ADA 2611**
Objector:	**A parent**
Admission Authority:	**The Academy Trust for King Edward VI Camp Hill School for Girls**
Date of Decision:	**12 June 2014**

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for admissions in 2015 determined by the Academy Trust for King Edward VI Camp Hill School for Girls.

The Referral

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection was made to the Adjudicator on 7 May 2014 by a parent (the objector) to King Edward VI Camp Hill School for Girls' (the school) admission arrangements (the arrangements) for 2015. The objection is to the inclusion in the school's arrangements of the oversubscription criterion giving priority to those eligible for the pupil premium. The objector states that it is necessary to request financial information from parents to achieve this priority which is contrary to paragraph 1.9(f) of the School Admissions Code (the Code). The objector further feels that it is unclear, unfair and unreasonable to use the pupil premium to differentiate between applications when the school is oversubscribed.

Jurisdiction

2. The terms of the academy agreement between King Edward VI Camp Hill School for Girls 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. These arrangements were determined by the governing body for the Academy Trust, which is the admissions authority for the King Edward VI Camp Hill School for Girls, on that basis.

3. I am satisfied the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

Procedure

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

5. The documents I have considered in reaching my decision include:
    a. the objector's email of objection of 7 May 2014;
    b. documentation provided by the school including the admission arrangements for 2015, the school's funding agreement, Annexe B of the funding agreement (which relates to admissions) and the variation to the funding agreement agreed on 6 June 2014;
    c. comments on the objection from Birmingham Council, the local authority (the LA), its website and the links to admission arrangements to schools in the area for September 2015;
    d. an extract from the minutes of the meeting of the school's governors when the consultation on admission arrangements for 2015 was agreed, 17 December 2013;
    e. an extract from the minutes of the meeting of the school's governors when the determination for 2015 was made, March 2014;
    f. information concerning admissions from The Schools of King Edward VI in Birmingham's website; and
    g. confirmation from the Education Funding Agency with regard to the amendment to the funding agreement, 6 June 2014.

Background and Consideration of Factors

6. King Edward VI Camp Hill School for Girls is a grammar school for girls aged 11 - 18. It is part of "The Schools of King Edward VI in Birmingham" which includes five grammar schools, two independent schools and one sponsored academy. The school became an academy on 1 August 2011. The King Edward VI Schools in Birmingham's website refers to discussions that have taken place and says, "…*we have all been challenged to address the social mobility of children in education and the Government has urged selective schools (grammar schools) to increase the number of children in our schools who come from less privileged backgrounds*."

7. The objector asserts that the arrangements contravene paragraph 1.9(f) of the Code which specifies that admission authorities **must not**, '*give priority to children according to the occupational, marital, financial or educational status of parents applying*.' Footnote 22 states, '*Free Schools and Academies may, where their Funding Agreements permit, give priority in admission arrangements to children eligible for Free School Meals (in future, the Pupil Premium).'*

8. The objector also asserts that the arrangements contravene paragraph 1.8 of the code which states, '*Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group, or a child with a disability or special educational needs, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child.*'

9. The objector is of the view that the use of the pupil premium as part of the over-subscription criteria is not reasonable, clear or fair and describes the use of pupil premium as:
    a. unreasonable as two children with the same experience and scores will be treated differently;
    b. unclear as those in receipt of the pupil premium are to be assessed on a pass mark that is different to other pupils and this mark is not yet known; and
    c. unfair as children in receipt of the pupil premium will be advantaged.

10. The minutes of the meeting of 17 December 2013 of the governing body of the school record that subject to the consultation process the proposal to introduce a priority for admission of girls eligible for the pupil premium would be included in the arrangements for 2015. The arrangements were subsequently determined at the meeting in March 2014.

11. The previous and current Codes prohibit giving priority to children according to their parents' financial status but, as indicated above, the current Code permits such priority if an academy school's funding agreement gives permission in relation to the pupil premium. As the school became an academy prior to the current Code being introduced its funding agreement did not include the necessary permission and needed to be amended in order to allow it to give priority to children eligible for the pupil premium.

12. The school made a request to the Education Funding Agency to amend the existing funding agreement to allow the school to give priority to girls eligible for the pupil premium, but at the point of determination of the school's arrangements by the governors no such amendment had been made. At the date of the objection no amendment had been completed. The amendment was granted by the Education Funding Agency on 6 June 2014.

13. The objection has been lawfully made under section 88H(2) of the Act and before the time limit of 30 June as specified by regulation 23 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the Regulations). I am therefore

required by section 88H(4) of the Act to decide whether and (if so) to what extent the objection should be upheld.

14. At the point of determination of the arrangements for 2015 the school's funding agreement did not permit the school to give priority to girls eligible for the pupil premium and so the admission arrangements determined for 2015 contravene paragraph 1.9(f) of the Code. Given the contravention of paragraph 1.9(f) I have not considered and make no judgement about the objector's view that the arrangements do not comply with paragraph 1.8 of the Code. The school is now entitled to give priority to girls eligible for the pupil premium as the funding agreement has been amended.

Conclusion

15. The funding agreement for King Edward VI Camp Hill School for Girls in place at the point of determination did not allow the school to give priority in its admission arrangements to girls eligible for the pupil premium and therefore the school did not comply with the Code in its determined admission arrangements for 2015. I conclude that I must uphold the objection. The funding agreement in place now does allow the school to give priority to girls eligible for the pupil premium.

Determination

16. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for admissions in 2015 determined by the Academy Trust for King Edward VI Camp Hill School for Girls.

Dated: 12 June 2014

Signed:

Schools Adjudicator: Mrs Deborah Pritchard