



DETERMINATION

Case reference:	ADA2803
Objector:	The Fair Admissions Campaign
Admission Authority:	Bolton Metropolitan Borough Council (for admissions to year 7) The governing body of Rivington and Blackrod High School (for admissions to the sixth form)
Date of decision:	11 November 2014

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the arrangements for admissions to year 7 for September 2015 for Rivington and Blackrod High School determined by Bolton Metropolitan Borough Council.

I have also considered the arrangements for admissions to the sixth form, determined by the governing body of the school, 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 authorities. The School Admissions Code requires the admission authorities to revise their 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 has been referred to the adjudicator by the Fair Admissions Campaign (the objector) in an email dated 30 June 2014 concerning the arrangements for admissions to year 7 for September 2015 (the arrangements) for Rivington and Blackrod High School (the school), a voluntary controlled (VC) school with a Church of England character in the local authority (LA) area of Bolton Metropolitan Borough Council. The objection is that the arrangements on the school's website are undated and incomplete; that there is insufficient definition of what constitutes a commitment to the Christian faith; that there is no final tie-breaker; and that special arrangements to admit a number of local tennis academy students above the published**



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admission number (PAN) lack clarity and may contravene prohibitions in the School Admissions Code (the Code) regarding selection by ability or aptitude.

Jurisdiction

2. The arrangements for admissions to year 7 were determined under section 88C of the Act by the LA, which is the admission authority for year 7 admissions to the school. Responsibility for determining and publishing arrangements for admission to the sixth form has been delegated by the LA to the governing body of the school. The objector submitted the objection to these arrangements on 30 June 2014. I am satisfied that the objection has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

Procedure

3. In considering this matter I have had regard to all relevant legislation and the Code.
4. The documents I have considered in reaching my decision include:
 - a. the objection, dated 30 June 2014;
 - b. the LA's response to the objection and supporting documentation, dated 20 August 2014, and subsequent correspondence;
 - c. the LA's composite prospectus, "Admission to secondary school. Information for parents and carers 2015/16";
 - d. the arrangements for admission to year 7 in the school, determined by the LA on 14 April 2014 and published on the LA's website;
 - e. the arrangements for admission to year 7 in the school published on the school's website;
 - f. the arrangements for admission to the school's sixth form, determined by the governing body, and the sixth form application form;
 - g. the response to the objection and supporting documentation from the Diocese of Manchester (the diocese) board of education, which is the faith body for the school, dated 19 August 2014;
 - h. emails from the school, dated 26 September 2014 and 7 November 2014; and
 - i. the school's website.



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The Objection

5. The objection concerns five aspects of the school's arrangements:
- the admissions policy on the website is undated, and so is not clear if it is the 2014 or the 2015 policy (Code paragraphs 1.47 and 2.14);
 - the SIF is not on the website (1.47);
 - the oversubscription criteria do not define what is 'commitment to the Christian faith' (1.8, 14 and 1.37);
 - the admission arrangements say 'Special arrangements are in place for students to be part of the Performance Tennis Programme. In such cases students are admitted by arrangement with the Head Teacher following recommendation by Bolton Area Tennis Academy. Such students are admitted above the published admission number for each year group.' We invite the adjudicator to consider whether such admissions above the PAN are acceptable, given 1.5/3.6, and also how this fits in to the prohibition on selection by ability (1.21) or aptitude (1.24) and the general requirement for clarity (1.8/14);
 - 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school).

Other matters

6. In the course of considering the objection I reviewed the arrangements as a whole and noted that the PAN for admissions to year 7 is not published on the school's website. The criterion that gives a high priority in the oversubscription criteria to "*children considered as 'vulnerable'*" is not explained there. However, I noted that this term is explained in detail on the LA's website and that this is one of several discrepancies, including publication of the year 7 PAN, between the arrangements published on the school's website and those on the website of the LA in its composite prospectus. The arrangements on the school's website are also incomplete compared with those in the LA's composite prospectus. The Supplementary Information Form (SIF), available on the LA's website only, is inconsistent in referring, at different points, to "*parents*", "*parent(s)*" and "*parent or carer*".
7. At the time the objection was made, arrangements for admission to the sixth form published on the school's website were headed "*provisional, March 2014*". There is no final tie-breaker in the event of two applicants for the final available sixth form place having the same GCSE points score and living equidistant from the school. The arrangements, while stating a PAN for external applicants, then qualify that number with reference to the possibility of individual courses being full even if the PAN has not been reached. There is reference to an agreement with the local tennis academy that lacks clarity and transparency. The sixth form application form asks for information, including personal details, which



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the school is not permitted to seek, and for parental support for applications.

Background

8. The school is a VC Church of England mixed school for pupils aged 11-18 with about 1800 pupils on roll, including some 300 in the sixth form, in the diocese of Manchester. It was judged to be a good school in all aspects by its most recent Ofsted inspection, in January 2013.
9. The arrangements for admissions to year 7 in September 2015 were determined by the LA, as the admission authority for a VC school, on 14 April 2014 using as their basis the common or 'model' policy for the LA's community secondary schools, with some amendments and additions specific to the location and status of the school.
10. The school has a PAN of 318. Oversubscription criteria are, in summary:
 1. Looked after or previously looked after children
 2. Other children considered as "vulnerable"
 3. Children with siblings in years 7-11
 4. Children at an address that pays a "local parish precept" to Blackrod or Horwich town councils, up to the PAN, at which point criterion 7 will be applied
 5. Children suffering from a medical condition that makes this the most suitable school for them
 6. Twenty per cent of any places not allocated under criteria 1-5 on the basis of commitment to the Christian faith, for which the SIF must be completed
 7. Proximity, using the walking distance to the school compared to the next nearest school

The tie-break gives priority to the child who has the longer journey to the nearest/next nearest school.
11. In the admissions round for 2012, there were 297 first preference allocations, but this number increased to 304 in 2013 and 321 in 2014. In all three years, places were allocated up to and including criterion 7 in the list above, although none were allocated under criteria 2 or 5. In all three years, almost all places have been allocated within criteria 3, 4 and 7.
12. In response to my enquiries, the LA informed me that responsibility for determining and publishing arrangements for admission to the school's sixth form had been delegated to the governing body more than eight years ago, that is, predating the period for which the Council retains records of such decisions. Although the school was unable to provide me with documentary evidence that the sixth form arrangements for September 2015 had been properly determined as required by the



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Code, I was assured that this was the case. I have therefore considered these arrangements within this determination.

Consideration of Factors

13. The school chose not to comment on the objection, on the grounds that the LA is the admission authority. The LA supplied relevant data and documentation as requested, but did not comment directly on each of the specific points raised in the objection. The diocese also did not make specific comments, but drew my attention to its *"Guidance to secondary schools and academies on the application of the School Admissions Code of 2012"*.
14. I shall consider first that part of the objection concerning the arrangements for admissions to year 7 published on the school's website. I found these to be undated, so that it is not clear whether they are the arrangements for entry to the school in September 2015 or for September 2014, or indeed for any other year. However, the admission authority for this age group is the LA, which complied with the requirements of paragraphs 1.46 and 1.47 of the Code in determining and publishing the September 2015 arrangements for the school. Nonetheless, although the LA is the admission authority, applicants might reasonably expect to find accurate current arrangements on the school's website, an expectation tacitly acknowledged by the fact that a version of the arrangements is published there, albeit undated, incomplete and inconsistent with the version in the LA's composite prospectus. I do not uphold this aspect of the objection since the admission authority complied with the relevant sections of the Code, but I believe that, in the interests of clarity and transparency, the arrangements published on the school's website should indicate that they are determined for September 2015, and that they should be identical to those determined and published by the admission authority.
15. Second, the arrangements on the school's website refer to a SIF, which is not to be found there, meaning that the arrangements as published are incomplete and unhelpful to potential applicants. Once again, I must emphasise that the LA is the admission authority and that the SIF is available on the LA's website, as required by paragraph 1.47 in the Code. However, I repeat my previous point concerning what appears on the school's website; even if very few applicants choose to submit a SIF, which is necessary only if seeking priority for admission against criterion 6, it forms part of the arrangements and so must meet the same requirements regarding determination and publication as the main body of the arrangements. I do not uphold this aspect of the objection against the admission authority but again urge, in the interests of clarity and transparency, that the school's website should be complete and consistent with what is published by the LA.
16. Third, the objector contends that a reference in the arrangements to



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“commitment to the Christian Faith” does not sufficiently define what is meant by this phrase, and that in this respect the arrangements fail to satisfy the requirements for general clarity and ease of understanding set out in paragraph 14 of the Introduction to the Code. The objector further cites paragraph 1.8 in the Code, which requires oversubscription criteria to be *“reasonable, clear, objective [and] procedurally fair ...”* and paragraph 1.37 which states that *“Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied.”* In fact, criterion 6 in the arrangements requires applicants to complete a SIF *“as evidence that the family and the child are active worshipping members of a Christian Church. Active worshipping members will be those persons who worship at least once a month sustained over a period of a year prior to the closing date for application.”* I consider this to be a clear statement of what is expected from applicants who wish to be considered against this criterion, and the SIF simply asks a church minister to confirm the applicant’s frequency of worship. I therefore do not uphold this aspect of the objection, although a note in the arrangements to explain which churches are recognised in this context could be helpful to potential applicants who belong to a Christian congregation other than one of the major denominations. The guidance issued by the diocese, to which I have referred above, provides advice on this point.

17. Fourthly, the objector queries the acceptability of the statement in the arrangements that states, *“Special arrangements are in place for students to be part of the Performance Tennis Programme. In such cases students are admitted by arrangement with the Head Teacher ... above the published admission number for each year group.”* The objector challenges the acceptability of such admissions above the PAN (citing paragraphs 1.5 and 3.6 in the Code), questioning also whether this statement breaches the Code’s restrictions regarding selection by ability or aptitude in paragraphs 1.21 and 1.24 and, overall, if it meets the Code’s general requirements for clarity as set out in paragraph 14 and for the clarity, objectivity and fairness of oversubscription criteria as required by paragraph 1.8 of the Code. When providing data concerning the recent allocation of places within the school, the LA commented on this point that *“The [tennis academy] students are not given any priority in the Council’s published admission policy and so no places have been allocated under that category. This arrangement has not been in place since 2008/2009. We will therefore advise the school to update their website to reflect the current admission arrangements.”* The statement referring to tennis students does not appear in the determined arrangements published by the admission authority, nor in those for the previous year which were still on its website, as required, at the time the objection was made. Given also the LA’s explanation that the statement on the school’s website has been obsolete for some six years and should no longer be published, there is clearly no breach of paragraphs 1.5, 3.6, 1.21 or



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1.24 of the Code as cited by the objector insofar as the allocation of places or the operation of oversubscription criteria by the admission authority is concerned. I do not uphold this aspect of the objection but note yet another discrepancy, among those already mentioned and others to be discussed below, in the arrangements as published by the school and by the LA, the admission authority. These differences must be resolved as a matter of urgency in the interests of clarity, transparency and ease of understanding for applicants.

18. The final part of the objection is to the lack of an effective tie-breaker to separate two applicants living equidistant from the school. The tie-breaker cited in the arrangements is based on the distance between an applicant's home and the school. The route to be used and the method of measurement are carefully detailed, and the arrangements explain what will be done should there be a tie-break within a block of flats, or should there be two or more children from a multiple birth living at the same address. However, they do not explain how the situation would be resolved if, say, two applicants from different families lived at exactly the same distance from the school but in separate dwellings rather than at the same address, and so a further "*effective, clear and fair*" tie-breaker is required to make the arrangements comply with paragraph 1.8 of the Code. I uphold this aspect of the objection.

Other matters

19. Before considering in detail the other matters mentioned above I wish to draw to the attention of the school *The School Information (England) (Amendment) Regulations 2012* (the Regulations), Schedule 4 of which sets out *Specified information to be published on the school's website*. This will be helpful to the governing body in considering the extent to which it has met its responsibility to comply with the Regulations in respect of admission arrangements.

20. I turn now to the other matters mentioned above. Although the PAN for entry to year 7 is not published on the school's website, it is on the LA's website in its composite prospectus for admissions to secondary schools. The criterion that gives a high admission priority to "*children considered as 'vulnerable'*" is not explained on the school's website, so that parents would not "*be able to look at [the] set of arrangements and understand easily how places for that school will be allocated*" as required by paragraph 14 of the Code. I note that this term "*vulnerable*" is, however, explained in detail on the LA's website and that this is yet another anomaly between the school's website and that of the LA. There are further slight differences in wording which, while not in themselves contradictory or significant, mean that a parent looking at both the school's and the LA's websites when considering applications might be confused and unclear as to which was the correct or valid version. Furthermore, the arrangements as published on the school's website are incomplete compared with those in the LA's composite prospectus,



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as they do not include any information about important aspects of the application process such as late applications, waiting lists and appeals. I find these discrepancies at the very least unhelpful; they certainly do not meet the Code's various demands for clarity, transparency and ease of understanding in reading the arrangements. It is the school's website, rather than that of the admission authority, that is at fault. Although I would expect the LA to check that its determined arrangements, if published on the websites of schools for which it is the admission authority, are presented in a complete and accurate version, the governing body of the school might consider the extent to which it complies with the Regulations mentioned above in this respect.

21. The SIF on the LA's website is inconsistent in requesting, in different places, information relating to "*parents*", "*parent(s)*" and "*parent or carer*"; it should be made clear that it is sufficient for one parent or carer to meet the worship requirement and for one parent or carer to sign the form, in order to comply with paragraph 2.4e) in the Code.
22. Determined arrangements for entry to the school's sixth form are not published in the LA's composite prospectus. In this prospectus, there is a general note that reads, "*Applications for places in school sixth forms are dealt with as the individual school [sic] and parent/carer [sic] should contact the school directly for advice about admissions.*" This is acceptable in the context of this school since, as noted above, responsibility for determining and publishing arrangements for admissions to the sixth form was delegated to the governing body of the school at least eight years ago. At the time the objection was made, and subsequently when I checked on several occasions, arrangements for admission to the sixth form published on the school's website were headed "*provisional, March 2014*". In response to my enquiry, the school assured me that, in fact, these arrangements were determined as required for September 2015 applicants. However, no documentary evidence was made available to support this. While on this occasion I am content to accept the word of the school, the governing body, as the admission authority for applicants to the sixth form, must remember its duty to meet the requirements of paragraphs 1.46 and 1.47 in the Code that relate to determining and publishing arrangements by a specified date.
23. In the "*provisional*" sixth form arrangements published on the school's website, there is no tie-breaker in the event of two applicants for the final available place having reached the required GCSE points threshold for a particular course and living equidistant from the school. The arrangements, while stating a PAN for external applicants, then qualify this number in stating that "*It is possible that whilst there is less [sic] than this number of students enrolled in the Sixth Form, individual courses will be full.*" This statement does not comply with paragraph 15d) which states that a place **must** be offered if a school is undersubscribed, which would apply to the sixth



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form in this instance. There is a reference to an agreement with the local tennis academy that lacks transparency; as noted above, this is no longer part of the arrangements, in which case, the reference should no longer appear in them.

24. The sixth form application form does not comply with the Code in several respects. It asks for the name of an applicant's parent or guardian and requires this person to sign the form in support of their child's application. Paragraph 2.6 in the Code makes it clear that a child may apply on his or her own behalf, without the need for parental support or permission. The form also asks applicants to explain their future plans and to elaborate on their reasons for applying to this sixth form, stating that *"This information may be used for discussion at mentoring or interview."* Paragraph 2.4 in the Code prohibits the collection of supplementary information that does not have *"a direct bearing on decisions about oversubscription criteria"*; furthermore, paragraph 1.9m) says that *"In the case of sixth form applications, a meeting may be held to discuss options and academic entry requirements for particular courses, but this meeting cannot form part of the decision making process on whether to offer a place."* I take the wording on the form to imply that the information provided by applicants regarding their reasons for applying to the school and their aspirations for the future would indeed contribute to the decision about whether they would be offered a place. Two boxes at the end of the form, labelled *"Centre arranging interview"* and *"Interview"* strengthen my belief that the interview process proposed by the school is a significant aspect of the decision making process. The use of the form to collect information about the gender, cultural origin and support needs of applicants is again prohibited by those sections of the Code mentioned above; while accepting that the school might wish to collect this information *"for monitoring that our policy of equal opportunities is being carried out"*, it should be collected only after applicants are on the school roll. If, as the school states on the form, this information is *"not used in the recruitment process"* there is no cause or justification to collect it on the application form.

Conclusion

25. The objection concerns several aspects of the school's arrangements. The first two are that the arrangements published on the school's website are undated and refer to a SIF which is not to be found there. Third, the objector contends that a reference in the arrangements to a commitment to the Christian faith does not define the phrase. Fourth, the objector queries the acceptability of a statement that permits special entry arrangements, over and above the PAN, by agreement with the head teacher, for students recommended by a local tennis academy. Finally, the objector submits that there is no final tie-breaker. I uphold only that part of the objection that concerns the lack of a tie-breaker, which does not comply with the requirement of paragraph 1.8 in the Code, since the



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admission authority for admissions to year 7 in the school is the LA, and the arrangements determined and published by the LA in its composite prospectus comply with the Code in the other matters raised by the objector. It is the version of the arrangements published on the school's website that presents the other issues, while the reference to the tennis academy is obsolete, and has not been part of the arrangements for some six or seven years.

26. I therefore partially uphold the objection and note the considerable number of discrepancies between the arrangements for admissions to year 7 published by the admission authority and those on the school's website. This situation might confuse or deter applicants and should be resolved as quickly as possible; the LA needs to check that its determined arrangements are published accurately and fully on the website of an individual school for which it is the admission authority. Although not part of the requirements of the Code, the school's governing body might wish to ensure that it complies fully with the requirements of *The School Information (England) (Amendment) Regulations 2012*.

27. I find that the governing body of the school, to which the LA has delegated responsibility for admission arrangements for the school's sixth form, has not published determined arrangements: those on the school's website are indicated as "*provisional*", although I have been assured that the proper processes were followed. In these "*provisional*" arrangements there is a suggestion that, under certain circumstances, the school would not admit up to its PAN. There is no tie-breaker, and there is a further reference to admitting tennis academy students, which is an obsolete criterion. The application form contravenes the Code in several respects, by requiring parental support for applications, by seeking personal statements which, it implies, will be used during an interview process, and by collecting personal data that are irrelevant in applying the oversubscription criteria.

28. It is for these reasons that I conclude that the arrangements are not compliant with the Code and must be revised as soon as possible.

Determination

29. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the arrangements for admissions to year 7 for Rivington and Blackrod High School as determined by Bolton Metropolitan Borough Council.

30. I have also considered the arrangements for admissions to the sixth form, determined by the governing body of the school, in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements.



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31. 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: 11 November 2014

Signed:

Schools Adjudicator: Andrew Bennett