



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA2684

**Objector:** A member of the public

**Admission Authority:** Perry Beeches The Academy Trust for  
Perry Beeches The Academy,  
Birmingham

**Date of decision:** 13 November 2014

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Perry Beeches The Academy Trust for Perry Beeches The Academy in Birmingham for admissions in September 2015.**

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

**By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements as quickly as possible.**

### **The referral**

1. Under section 88H(2) of the School Standards and Framework Act 1998, (the Act), an objection has been referred to the adjudicator by a member of the public, (the objector), about the admission arrangements (the arrangements) for Perry Beeches The Academy, (the school) an academy school for children aged 11 to 16 for admissions in September 2015. The objection is to the apparent use of "first preference first" in the arrangements.

### **Jurisdiction**

2. The terms of the academy agreement between the 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 academy trust, which is the admission authority for the school, on that basis.

3. The objector submitted the objection to these determined arrangements on 26 June 2014. The objector has asked to remain anonymous but has complied with regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing both name and address to the adjudicator. 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.
4. I have also considered the arrangements under section 88I(5) of the Act because it appeared to me that some other aspects of the arrangements may not comply with School Admissions Code (the Code).

### **Procedure**

5. In considering this matter I have had regard to all relevant legislation and the Code.
6. The documents I have considered in reaching my decision include:
  - the objector's form of objection dated 26 June 2014;
  - the school's response to the objection of 17 July 2014;
  - the response to the objection dated 15 July 2014 from Birmingham City Council, the local authority (the LA);
  - an email from the objector dated 17 July;
  - further information received from the LA on 8 September 2014;
  - the LA's composite prospectus for parents seeking admission to schools in the area in September 2015;
  - confirmation of when consultation on the arrangements last took place;
  - copies of the minutes of the meeting at which the academy trust of the school determined the arrangements; and
  - a copy of the determined arrangements.
7. I have also taken account of information received during a meeting I convened on 25 September 2014 attended by representatives of the school and the LA.

### **The Objection**

8. The objector reported that on the school's website the admissions page included wording that suggested that parents should put the school as their first preference. The objector said this did not comply with paragraph 1.9c of the Code.

## Other Matters

9. When I looked at the information about admissions published on the school's website I was concerned that other elements of the arrangements may not comply with the requirements of the Code because:
  - previously looked after children were not shown as having first priority;
  - there was no reference to how children with a statement of special educational needs would be admitted;
  - they did not define key terms such as 'looked after' or sibling;
  - they did not say how distances would be measured;
  - they did not explain what happens if applicants for the last available place lived the same distance away;
  - there was no reference to waiting lists or appeals; and
  - the arrangements were not consistent with those published by the LA for the school.

## Background

10. The school is one of four schools in the Perry Beeches Trust (the Trust), a fifth school is planned to open in September 2015. The school is in the Great Barr area and converted from a community school to become an academy in May 2012.
11. The school has a published admission number (PAN) of 180 and it is regularly oversubscribed.

## Consideration of Factors and other matters

12. The objector said that the arrangements did not comply with paragraph 1.9c of the Code which says that admission authorities **must not** "*give any extra priority to children whose parents rank preferred schools in a particular order, including 'first preference first' arrangements.*"
13. On 27 June 2014 I followed the link provided by the objector to the admissions section on the school's website. On that page I found the statement "*It is therefore important that parents applying for a place for their child at Perry Beeches the Academy should place it as their FIRST PREFERENCE*". While looking at this webpage, I noticed there were a number of other ways in which I considered the arrangements may not comply with the Code.
14. I also looked at the LA's website on 27 June 2014 and noted that the arrangements published there were different to those on the school's website. The statement about first preference was not included in the arrangements found on the LA's website and these arrangements as a whole appeared to me to comply with the Code.

15. In their comments on the objection the LA agreed the statement on the school's website was misleading. I noted that in the LA's composite prospectus it is clearly explained how the order of parents' preferences is used to allocate places and that schools are not told about the position in which they are placed on the common application form (CAF).
16. In its response of 17 July the school refuted the allegation that it had contravened paragraph 1.9c of the Code and said it had removed the sentence referring to first preference from their website. At the meeting on 25 September 2014, the LA suggested that the reference to first preference was probably left over from a time before the current code when admission authorities were permitted to take the order of parental preference into account when allocating places. However, as consideration of the order of parental preferences was prohibited by the Code that came into effect in February 2007 I was surprised to find such wording still on the school's website.
17. After seeing the school's response and noting that the wording had been removed from the website the objector said, by email on 17 July 2014, there was no need to take the objection further. However, there were other matters that appeared not to comply with the Code and at that time I had not been provided with a copy of the school's determined arrangements or evidence that they had been properly determined. Without such evidence I was not able to complete this case as I must be sure the arrangements I am considering are properly determined.
18. I received the necessary documents via the LA on 8 September 2014. I am now satisfied that the minutes of the meeting of the Trust's directors dated 1 April 2014 show the arrangements were determined as required by the Code. At that meeting the Trust agreed to use the LA's admission policies and procedures.
19. Paragraph 1.47 of the Code says "*Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on their website displaying them for the whole offer year (the academic year in which offers for places are made).*" This means the arrangements should have been available on the school's website shortly after the date they were determined.
20. The Trust failed to comply with this requirement of the Code as its determined arrangements for 2015 were not published on its website. What was published on the school's website compounded this error as the information about admissions on the website was not its arrangements and did not comply with the Code.
21. Paragraph 14 of the Code says "*In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair,*

*clear and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”*

22. There will be parents and others who only looked at the school's website for information on admissions. There is no reason why they should look elsewhere for corroboration of the school's arrangements and they would believe the arrangements they saw on the school's website were those in operation. Those parents would have been misinformed about how places at the school will be allocated. This could have resulted in, for example, a parent unnecessarily changing the order of preferences or to an application for a previously looked after child not being made.
23. Parents who looked at both the school's and the LA's website would have been presented with different information on each site. This does not contribute to the clarity of the "*practices used to decide the allocation of school places*" or help parents to understand them. This lack of clarity means the requirements of paragraph 14 of the Code were not met.
24. At the meeting on 25 September the school recognised the areas in which the material published on its website had not been consistent with its arrangements or with the Code. The school clearly wanted to comply with the Code and by the date of the meeting was in the process of changing its website to address the issues.

## **Conclusion**

25. In reaching my conclusion I have taken into account the following considerations:
  - The school failed to publish its 2015 admission arrangements as required by paragraph 1.47 of the Code.
  - The admission arrangements published on the school's website did not comply with the Code. In particular they included a statement which did not comply with paragraph 1.9c of the Code referred to by the objector.
  - The admission arrangements published on the school's website were not the school's determined arrangements for 2015. A parent or other person who sought information on the school's website between April and September would have had no reason to believe the arrangements on the school's website were not the school's arrangements and would have been misinformed. This does not meet the requirement of paragraph 14 of the Code for clarity.
  - The school has recognised that it did not comply with the Code and has taken steps to address the issues by publishing its determined arrangements on its website.

26. For the reasons set out above I partially uphold the objection and find that the school has not complied with paragraphs 14 and 1.47 of the Code.

27. Had the school published its arrangements correctly, this objection would not have been brought. However, I commend the school for acting promptly to address these issues.

### **Determination**

28. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements determined by Perry Beeches The Academy Trust for Perry Beeches The Academy in Birmingham.

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

30. 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: 13 November 2014

Signed:

Schools Adjudicator: Phil Whiffing