



Office of
the Schools
Adjudicator

DETERMINATION

Case reference: ADA2853

Admission Authority: The academy trust for Cotham School and the academy trust for Redland Green School, Bristol for the North Bristol Post-16 Centre

Date of decision: 12 May 2015

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998 I have considered the admission arrangements determined by the academy trusts for Cotham School and Redland Green School, Bristol for the North Bristol Post-16 Centre in September 2015 and 2016. I determine that the arrangements 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 within two months of this decision.

The referral

1. The admission arrangements (the arrangements) of the North Bristol Post-16 Centre (the centre) were brought to the attention of the Office of the Schools Adjudicator (OSA) in January 2015 by a parent. It was established that that the arrangements referred to the OSA were outside of the OSA's jurisdiction because they had not been determined as required by regulation 17(3) of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012. On 13 April 2015 a copy of properly determined arrangements for both 2015 and 2016 were received by the OSA from the centre.

Jurisdiction

2. The centre is a collaboration between Cotham School and Redland Green School (the schools) and four other schools (the partner schools) in the north of Bristol. Both of the schools are academy schools for boys and girls aged 11 to 18, the other four schools are academy schools for boys and girls in the 11 to 16 age range. To attend the post-16 centre students must be on the roll of either of the 11 to 18 schools. As both schools are academies, the admission authorities for the centre are the academy trusts of both schools.
3. The terms of the academy agreement between the academy trusts and

the Secretary of State for Education require that the admissions policy and arrangements for the academy schools are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trusts, which are the admission authorities for the centre, on that basis.

4. The arrangements for 2015 and 2016 received by the OSA on 13 April 2015 appeared not to comply with mandatory requirements. I am satisfied that I have the power to consider the arrangements and having done so a duty to make a determination under section 88I(5) of the Act.

Procedure

5. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
6. The documents I have considered in reaching my decision include:
 - a. correspondence from the centre dated 13 and 30 April 2015;
 - b. Bristol City Council's, the local authority (the LA) composite prospectus for parents seeking admission to schools in the area in September 2015;
 - c. a map of the area identifying relevant schools;
 - d. confirmation of when consultation on the arrangements last took place;
 - e. copies of the minutes of the meetings at which the proprietors of the school determined the arrangements; and
 - f. a copy of the centre's admissions statement for 2015 and 2016 which were provided to me as, and I have taken to be, the determined arrangements.

Matters which may not conform with the requirements relating to admissions

7. The undetermined arrangements provided by the centre to the OSA in February 2015 in response to the referral appeared not to comply with the Code in a large number of ways. There has clearly been a great deal of work undertaken by the centre to bring the arrangements more in line with the requirements of the Code in the now determined version.
8. Both schools use identical admission arrangements when they admit students to the centre in Year 12. When I considered these arrangements they appeared not to conform with the requirements of the Code in the following ways:
 - a. paragraph 14 of the Code requires arrangements to be clear, there are aspects of the arrangements which appeared not to be not clear;

- b. the arrangements did not include a tie-breaker which could resolve all possible situations as required by paragraph 1.8 of the Code;
- c. paragraph 2.4 of the Code says what it is permissible to ask for on an application form. There are three items on the application form which appeared not to comply with these restrictions;
- d. either the applicant or their parent or guardian may be expected to sign the application form, but both signatures should not be required; and
- e. on 23 April 2015 I was unable to find the determined arrangements on the Centre's website although the former undetermined arrangements were available. Paragraph 1.47 of the Code sets out the requirements for admission authorities to publish their arrangements.

Background

9. The centre is a collaboration between both schools and four other schools in the north of Bristol whose sixth forms were closed in 2007. The Centre operates under a joint committee of governors from both schools. Staff are employed by one or other of the schools although the director of the centre and the data manager have contracts with both schools. The schools are situated approximately one mile apart and the centre's building is adjacent to the Cotham School site.
10. For the purposes of funding and the performance tables, students are registered with one of the schools. Students at both schools who meet the academic requirements for the sixth form normally continue into Year 12 at their current school, although some transfer to the roll of the other school if their courses are mainly taught on that site.
11. Each of the two schools offers 60 places to students from other schools who would like to join the sixth form in Year 12. Unless dictated by their choice of subjects, students joining from other schools may choose which of the two schools to apply for a Year 12 place. After looked after and previously looked after children, priority for places is given to young people who attend one of the four partner schools ahead of those who may have attended another school. All applicants are required to meet the academic requirements which are the same for internal and external candidates.

Consideration of Factors

Clarity of the arrangements

12. 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.*"

13. Initially the arrangements are very clear and in the first paragraph say “*Students from these schools [Cotham and Redland Green] who meet the minimum entry requirements are able to progress to the Centre automatically.*” At the beginning of the second section the arrangements say “*The Published admission Number (PAN) is the number of places available for students not already on the roll at Cotham School or Redland Green School.*” Continuing later in the same section to say “*If there are more applications than places, the places will be allocated up to the PAN using the oversubscription criteria set out below.*” However in the section of the arrangements headed “*Oversubscription Criteria*” it begins “*After the admission of students with EHC [Education, Health and Care] Plans or Statements of Special Educational Needs, and eligible students from Cotham School and Redland Green School, priority will be given in the following order*”. It seemed to me that this confused the position of students already attending the schools and those applying from elsewhere.
14. The centre has said in a letter dated 30 April 2015 it was their view that including eligible students from the two schools in the oversubscription criteria “*set out a very clear and precise order by which students will be admitted in the event of oversubscription.*” Paragraph 2.6 of the Code says that students already on the roll of the school may transfer to the sixth form if they meet the academic entry criteria. The PAN and the oversubscription criteria only apply to new students joining the school in Year 12. In my view referring to “*eligible students from Cotham School and Redland Green School*” under the heading of “*Oversubscription Criteria*” which do not apply to them undermines the clarity established earlier in the arrangements.
15. It is also very clear early in the arrangements that students with an EHC Plan or a Statement of Special Educational Needs which named the centre would be admitted without reference to the oversubscription criteria. It is therefore confusing to find the oversubscription criteria include reference to students with EHC Plans or a Statements of Special Educational Needs. As worded and quoted in an earlier paragraph it implies that all students with such plans or statements would be admitted, not just those where the centre is named, ahead of other applicants including looked after and previously looked after children. If this is what is intended, and I do not think it is, it would not comply with paragraph 1.7 of the Code which requires looked after and previously looked after children to have first priority in oversubscription criteria.
16. In correspondence of 30 April 2015, the centre has clarified that the reference to students with EHC Plans or a Statements of Special Educational Needs in the oversubscription criteria was to those mentioned earlier as those whose plans or statements named the centre.

17. The centre has already amended the wording of its admissions arrangements to clarify both of these matters.

Tie-breaker

18. Paragraph 1.8 of the Code says "*Admission arrangements **must** include an effective, clear and fair tie-breaker to decide between two applications that cannot otherwise be separated.*" The arrangements sent to me on 13 April 2015 relied on a measured distance to discriminate between applicants meeting the same oversubscription criterion, but were silent on how two applicants with the same measurement would be prioritised.

19. In response to my question on this matter, the centre has said this is a very unlikely event, but has added that if it does happen, then lots will be drawn to allocate the place. The centre has already amended its arrangements to say this.

The application form

20. Paragraph 2.4 of the Code says "*In some cases, admission authorities will need to ask for supplementary information forms in order to process applications. If they do so, they **must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability. They **must not** ask, or use supplementary forms that ask, for any of the information prohibited by paragraph 1.9 above or for:*

- a) any personal details about parents and families, such as maiden names, criminal convictions, marital, or financial status (including marriage certificates);*
- b) the first language of parents or the child;*
- c) details about parents' or a child's disabilities, special educational needs or medical conditions;*
- d) parents to agree to support the ethos of the school in a practical way;*
- e) both parents to sign the form, or for the child to complete the form."*

21. The application form which I received on 13 April 2015 included three questions I considered may not comply with this paragraph. It asked for the applicant's gender, the name of any secondary school attended other than the current one and asked for a personal statement. It also asked for both the applicant and a parent to sign the form.

22. The centre said it asked for gender on the form so it could address a pupil so as not to cause offence. It is important to be able to address someone properly, however I consider that asking for an applicant's preferred title as part of their name is less likely to cause offence than asking for their gender. Gender is not a factor that can be taken into account in making decisions about oversubscription criteria so should

not be on the application form.

23. The centre pointed out that the form stated that the personal statement was not taken into account during admissions and was "*intended to assist the child at the earliest stage.*" The Code is clear that if something does not have "*a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability*" it should not appear on an application form. Additional information about the student required for management purposes or to support their learning can be obtained when the student is admitted.
24. While the centre needs to know which current school the applicant attends to make decisions about priority against the oversubscription criteria, it does not need to know about any other secondary school attended previously. I am pleased to note that the centre has now removed this question, the question about gender and the personal statement from the most recent copy of its application form provided to me.
25. In response to my enquiries about the signatories to the application form the centre drew my attention to paragraph 2.4 of the Code which prohibits asking "*both parents to sign the form or for the child to complete the form.*" They argued that asking for the pupil's signature and that of one parent complied with this paragraph of the Code. However applications for sixth form education are governed by section 86(1ZA) of the Act. This makes it possible for either a child or a parent to apply if the child is over compulsory school age or will be when the course starts. Therefore either the applicant or the parent may sign the form; the signature of both is not required as requested on the form.

Publication

26. 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*". This means the 2015 arrangements **must** be on the website until the statutory period for the waiting list to operate has run its course; that is 31 December 2015. For the same reason, the 2016 arrangements **must** be on the website from when they were determined until 31 December 2016.
27. Correspondence from the centre of 13 April 2015 said the revised arrangements had been sent to the LA and published on the centre's website. However on 23 April I was unable to find the determined arrangements on this website. The arrangements that were available on the centre's website were different to those I am considering and appeared to be the undetermined arrangements provided to the OSA in February 2015.
28. In their response to my question on this matter the centre said on

30 April 2015 that the arrangements were now on its website. I looked at the website on 1 May 2015 and was able to find the determined arrangements for 2016 in the form of the admissions statement, but not the application form. However I was also able to find and download the undetermined arrangements and application form for 2015. The publication of these arrangements does not comply with the Code.

Conclusion

29. For the reasons set out above the determined arrangements for the centre do not comply with requirements.
30. The centre has already taken steps to address all but two of the matters in which the arrangements do not comply and I commend its prompt actions. Paragraph 3.1 of the Code sets the timescale in which admission arrangements must be revised.

Determination

31. In accordance with section 88I(5) of the School Standards and Framework Act 1998 I have considered the admission arrangements determined by the academy trusts for Cotham School and Redland Green School, Bristol for the North Bristol Post-16 Centre in September 2015 and 2016. I determine that the arrangements do not conform with the requirements relating to admission arrangements.
32. 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 within two months of this decision.

Dated: 12 May 2015

Signed:

Schools Adjudicator: Phil Whiffing