



DETERMINATION

Case reference: REF3347

Admission Authority: Corelli College Academy Trust for Corelli College, Royal Borough of Greenwich

Date of decision: 6 November 2017

Determination

In accordance with section 88I(5) of the School Standards and Framework Act 1998 I have considered the admission arrangements for September 2018 for Corelli College in the Royal Borough of Greenwich and find 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) the adjudicator's decision is binding on the admission authority. The School Admissions Code requires the admission authority to revise its admission arrangements by 28 February 2018.

The referral

1. The admission arrangements for September 2018 (the arrangements) for Corelli College (the school) were initially brought to the attention of the adjudicator by two members of the public (the referrers) on 22 March 2017 and 16 May 2017. The school is an academy for children aged 11 to 18 situated in Blackheath. At that time the arrangements had not been determined by the admission authority for the school as required by section 88C of the School Standards and Framework Act 1998 (the Act). The adjudicator's jurisdiction is only for determined arrangements and so it was not possible to consider the arrangements at that time.
2. The initial referral concerned the method of banding used at the school and also referred a number of other schools in the Royal Borough of Greenwich (the local authority) that used the same method of banding. Determinations ADA3260, and AD3265 through to ADA3269 found that the method of banding used in the other schools did not conform with requirements.
3. On 29 September 2017 the admission authority sent arrangements to the adjudicator which had been determined by the admission authority on 7 September 2017. The method of banding described in these arrangements is different to that which had been described in the

undetermined arrangements which had been the subject of the initial referral. However, it appeared that the arrangements did not, or may not, conform with requirements in other ways.

4. The local authority for the area in which the school is located is the Royal Borough of Greenwich. The local authority is a party to this objection. Other parties to the objection are Corelli College Academy Trust (the trust) which is the admission authority for the school, the governing body of the school and the referrers.

Jurisdiction

5. The terms of the academy agreement between the trust and the Secretary of State for Education require that the admission 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 on behalf of the trust on 7 September 2017 on that basis.
6. When I considered the arrangements it appeared to me that they did not, or may not comply with requirements relating to admission arrangements and I have used my power under section 88I(5) of the Act to consider the arrangements as a whole.

Procedure

7. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
8. The documents I have considered in reaching my decision include:
 - a. the arrangements provided to me by the school on 29 September 2017;
 - b. the admission authority's response to the matters which I raised with them;
 - c. the comments of the local authority on the matters of concern;
 - d. the local authority's composite prospectus for parents seeking admission to schools in the area in September 2018; and
 - e. copies of the minutes of the meeting at which the governing body of the school determined the arrangements.

Matters of concern

9. On 6 October 2017 I wrote to the trust raising the following concerns about the arrangements:
 - a. in different places the arrangements refer to "*a general ability test*" and a "*non-verbal reasoning cognitive ability test*". Paragraph 14 of the School Admissions Code (the Code) requires that arrangements

are clear. It may not be clear to readers whether the arrangements are referring to one or two tests;

- b. the arrangements state “*those [children] not sitting the test at all, will only be prioritised after those children who have sat the test.*” It was not clear to me from the arrangements how such children would be prioritised;
- c. the test is to be sat on 25 or 26 November 2017. Paragraph 1.32c of the Code requires that admission authorities take all reasonable steps to inform parents of the outcome of selection tests before 31 October;
- d. paragraph 2.17 of the Code requires that admission authorities make clear in their arrangements the process for requesting admission outside of the normal age group. The arrangements do not appear to say what the process is for requesting admission earlier than in the normal age group;
- e. the fourth oversubscription criterion appears to describe the process for measuring distance rather than saying which children would get priority if the school is oversubscribed. Paragraph 1.8 of the Code requires that oversubscription criteria are clear;
- f. the part of the arrangements describing the waiting list does not appear to reflect the requirements of paragraph 2.14 of the Code. It may also be unclear as it does not explain how a child who had not taken the test would be allocated a place on the waiting list; and
- g. paragraph 2.4 of the Code sets out the requirements for any supplementary application form (SIF). The SIF used by the school asks for the applicant’s gender, it is not clear why its is necessary to ask this question in order to make decisions about oversubscription criteria or banding.

Background

10. The school is situated in Blackheath; it has been an academy since September 2011 and is currently in the process of joining a multi-academy trust. The admission arrangements are found easily on the school’s website. The arrangements say that the school has a PAN of 240 and that, if oversubscribed, it places applicants into five equally sized bands based on ability. The oversubscription criteria can be summarised as follows:

1. Looked after and previously looked after children.
2. Siblings of children already attending the school.
3. Children with social or medical needs.
4. Other children.

11. The school also uses a SIF to allow parents to register their child for the banding test.

Consideration of Case

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.*" The arrangements refer to both a "general ability test" and a "non-verbal reasoning cognitive ability test".
13. It seemed to me that the arrangements could be read as if the banding was based on results in two tests, the "general ability test" and the "non-verbal reasoning cognitive ability test". When I put this to the trust it replied that there is just one test and that in future it would use a single term. The local authority also considered that this part of the arrangements could be clearer. I find that this aspect of the arrangements is not clear and so does not comply with paragraph 14 of the Code.
14. The arrangements state "*those [children] not sitting the test at all, will only be prioritised after those children who have sat the test.*" The arrangements are silent on how this would be done.
15. The local authority commented that "*some applicants, particularly those deemed the most vulnerable (often those who, for whatever reason, find it difficult to engage) may be disadvantaged. Applicants that have not sat the banding test will only be considered after all those applicants that have sat the test. This may displace local children that have not sat the test on the basis that children living further away that have sat the test will be given priority for a place. In addition, the arrangements do not make it clear how the mandatory provisions of the Code relating to the admission of looked after/previously looked after children will be implemented i.e. how will they be given the highest priority if they have not sat the banding test?*"
16. The trust said "*As part of the admissions application process full details of the test arrangements for the current year have been publicised as widely as possible in advance of the closing date for applications on 31st October. Additional support, via the college, and guidance has been made available to parents and children to ensure it is accessible to all, and this will remain in place up to the date of the test. Additional arrangements will be in place for children who cannot make the initial date to sure [sic] no one is disadvantaged. However some parents may decide that they do not want their child to undertake the test that is integral to the admissions arrangements. In that case there would not be a way in which to place such a child within a band that is equitable to all others, hence them being placed within the arrangements after those students that have taken test.*"

Regarding the RGB comment regarding the placement of Children in Care we would not expect those Local Authorities responsible for any such child to deliberately choose to act outside the testing arrangements. Consequently all Children in Care would be given the appropriate priority in the allocation of places to the college. Alternatively the college in future admissions arrangements could determine that all such children would be offered places prior to the application of other criteria which uses the test as a component"

17. The arrangements do make it clear that a child with a statement of special educational needs or an Education, Health and Care Plan (EHCP) which names the school will be admitted before the banding process is applied. The arrangements also give looked after and previously looked after children first priority within each band. That, however, can only be done if the child has taken the banding test. Paragraph 1.7 of the Code requires that "*the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and all previously looked after children.*" It is only designated grammar school that do not have to give first priority to all looked after and previously looked after children in some circumstances. Whatever decisions are made by a local authority or adoptive parents about entering a child for a banding test, the Code requires that looked after and previously looked after children **must** have first priority whether they take the test or not.
18. Besides the above consideration of the special position of looked after and previously looked after children the arrangements are silent on how any child how did not sit the banding test will be prioritised. This renders them unclear and therefore not compliant with paragraph 14 of the Code.
19. Paragraph 1.32c of the Code says "*Admission authorities **must**: ... take all reasonable steps to inform parents of the outcome of selection tests before the closing date for secondary applications on **31 October** so as to allow parents time to make an informed choice of school*". On the SIF parents are told that the date of the test will be 25 and 28 November 2017.
20. Both the trust and the local authority were of the view that the banding test is not a selection test. The Act, in section 101, says that banding is a form of selection and paragraphs 1.31 to 1.33 of the Code apply to tests for selection. While there is no question of passing or failing the test, it is possible that a child living, say, two kilometres from the school may have a greater priority for a place if they fall into one band than another and this may affect parents' decisions about applying for the school or not. The trust said "*There are currently no admissions data relating to this banding process for this college as this is the first year of use*". That may be the case, however, taking into account the very late determination of these arrangements, I find that the trust as admission authority has not taken all reasonable steps to inform parents of the outcome of selection tests before 31 October as required by the Code.

21. Paragraph 2.17 of the Code says “*Admission authorities **must** make clear in their admission arrangements the process for requesting admission out of the normal age group.*” The arrangements do say “*Requests for admission outside of the normal age group should be made to the Principal as early as possible in the admissions round associated with the child’s date of birth.*” However, admission outside of the normal age group covers children whose parents want them to start at secondary school early as well as those who are requesting a deferred entry. For parents wanting their child to start secondary school early, waiting until the admissions round associated with the child’s date of birth will be too late.
22. When I raised this matter with the trust it recognised that the arrangements did not meet this requirement and undertook to revise the arrangements accordingly.
23. The fourth oversubscription criterion says
- “(4) Other children**
- Distance from home to the Academy is measured electronically using a computerised mapping system. This system measures a straight line from a single fixed point in the centre of the home address to the centre of the Academy. If more than one applicant lives in a multi-occupancy building (e.g. flats) priority will be given to the applicant whose door number is the lowest numerically and/or alphabetically.”*
24. This describes the process for measuring distance rather than saying which children would get priority if the school is oversubscribed. Paragraph 1.8 of the Code says “*Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation.*” It is not until the part of the arrangements headed “*Tie breaker*” that the following is found “*In the event that two or more applicants have equal right to a place under any of the above criteria, priority will be given to those who live nearest to the school. Should two applicants live an equal distance from the school, the offer of a place will be decided by random allocation.*”
25. It is the tie breaker which explains how other children are prioritised on the basis of distance, not the oversubscription criterion itself. There is also inconsistency here as children who live in multi-occupancy buildings are treated differently to children who live in separate buildings which are the same distance from the school. When I raised this matter with the trust it agreed that this criterion was not clear and undertook to clarify this matter.
26. In paragraph 2.14, the Code says “*Each admission authority **must** maintain a clear, fair and objective waiting list until at least **31 December** of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.*” The

arrangements say *“The Academy will operate a waiting list in all of the 5 ability bands. Where in any year the Academy receives more applications for places than there are places available, lists will operate until 31st December 2018. This will be maintained by the Academy and it will be open to any parent to ask for his or her child’s name to be placed on the waiting list, following an unsuccessful application. The lists will be ranked in line with the published oversubscription criteria and no new information can be considered. If a place becomes available we will offer it to the next applicant on the waiting list in the appropriate ability band. If there are no applicants in that band, we will offer the place to the next applicant in an adjacent band, and so on.”*

27. This does not meet the requirement to state *“in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.”* It is also unclear how a child who moved into the area after the banding test was taken would be placed on the waiting list.
28. When I raised this matter with the trust it said it would revise the arrangements *“so that it is clear that the college will ensure that the test will be undertaken by all children for whom a place is requested on the waiting list, thus allowing each child to be placed in one of the ability bands.”*
29. The school uses a SIF to register children for the banding test. This form asks for the applicant’s gender. 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.”* It was not clear to me why it was necessary to ask this question in order to make decisions about oversubscription criteria or banding.
30. When I raised this matter with the school, it agreed to revise the SIF to remove this question.

Summary of Findings

31. I find that the arrangements do not conform with the requirements for admission arrangements in the ways set out above.
32. The trust had not determined the arrangements until over six months after it was required to do so by the Act. Therefore, it was not possible for me to consider them until the process of applying for places had begun. Because the process has begun I consider that it would be unreasonable for me to require the trust to revise the arrangements before the initial allocation of places is complete. I am therefore, as permitted by paragraph 3.1 of the Code, setting a date of 28 February 2018 by when the trust must revise the arrangements.

Determination

33. In accordance with section 88I(5) of the School Standards and Framework Act 1998 I have considered the admission arrangements for September 2018 for Corelli College in the Royal Borough of Greenwich and find that the arrangements do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
34. 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 by 28 February 2018.

Dated: 6 November 2017

Signed:

Schools Adjudicator: Phil Whiffing