



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference:** ADA3455

**Objector:** A member of the public

**Admission Authority:** The Blue Coat Church of England Academy Limited for The Blue Coat Church of England School and Music College, Coventry

**Date of decision:** 4 July 2018

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2019 determined by The Blue Coat Church of England Academy Limited for The Blue Coat Church of England School and Music College, Coventry.**

**I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which 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 within two months of the date of the determination.**

### **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 for September 2019 (the arrangements) for The Blue Coat Church of England School and Music College, (the school), an academy school for children aged 11 to 18 in Coventry. The objection is to the consultation on the arrangements, access to the school for the local community and faith based aspects of the arrangements including the supplementary information form (SIF).
2. The local authority for the area in which the school is located is

Coventry City Council. The local authority is a party to this objection. Other parties to the objection are the objector, The Blue Coat Church of England Academy Limited (the trust), the governing board of the school and the Diocese of Coventry (the diocese) which is the religious authority for the school.

### **Jurisdiction**

3. 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 on behalf of the academy trust, which is the admission authority for the school, by the headteacher and the Chair of the governing board on that basis.
4. The objector submitted his objection to these determined arrangements on 14 May 2018. The objector has asked to have his identity kept from the other parties and has met the requirement of Regulation 24 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 by providing details of his name and address to me. 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. I have also used my power under section 88I of the Act to consider the arrangements as a whole.

### **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. the objector's form of objection dated 14 May 2018;
  - b. the admission authority's responses to the objection and to my other enquires together with supporting documents;
  - c. the comments of the local authority and supporting documents;
  - d. the comments of the diocese on the objection;
  - e. maps of the area identifying relevant schools;
  - f. confirmation of when consultation on the arrangements last took place;
  - g. a letter from the Chair of the governing board confirming that the arrangements had been determined; and
  - h. a copy of the determined arrangements.

### **The Objection**

7. The objector said the arrangements did not comply with the Code for seven reasons.
- i. Consultation - The objector quoted paragraph 15b of the Code concerning consultation and said that a nearby Church of England primary school had not been consulted on the arrangements.
  - ii. Prejudice to the local community - The objector said that the arrangements would lead to fewer local children being able to obtain a place at the school. He quoted a determination made by the schools adjudicator in 2013 (ADA2423).
  - iii. Faith-based oversubscription criteria - After referring to paragraphs 1.36 to 1.38 of the Code the objector said that the Code did not allow priority to be given to members of any faith other than the Christian faith. He referred to issues surrounding looked after children and again referred to ADA2423.
  - iv. Unclear definitions of churches and religions - Quoting paragraph 1.37 of the Code the objector said that parents could not be clear on whether or not their particular worshipping community was a member of bodies listed in the arrangements.
  - v. Prejudice to local faith organisations - The objector considered that there may be some local faith organisations that were not members of the bodies listed in the arrangements. He said that members of these faith organisations would be disadvantaged.
  - vi. Unfair priority to those of the Catholic faith - The objector said it was unfair that Catholics have priority for places at the school because there was no reciprocal agreements at local Catholic schools which only gave priority to Catholics.
  - vii. The supplementary information form (SIF) - The objector referred to paragraph 2.4 of the Code and said it unnecessary to ask if a child was male or female.

### **Other Matters**

8. When I considered the arrangements as a whole it appeared to me that there were other matters that did not, or may not, conform with the Code.

### **Faith-based matters**

9. In addition to the faith based matters raised in the objection the arrangements make reference to "*Sunday school or religious instruction*". Paragraph 1.9i of the Code says "*It is for admission authorities to formulate their admission arrangements, but they **must not** ... i) prioritise children on the basis of their own or their parents' past or current hobbies or activities (schools which have been*

*designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination)*". I sought evidence from the school and diocese that the activities of attending Sunday school or religious instruction were laid out by the diocese.

10. In the section of the arrangements headed "*Frequent Participation*" and on the SIF itself, reference is made to "*ranking information*" provided on the SIF. While the arrangements did define what was meant by "*frequent participation*", they did not explain the purposes of the ranking or how the ranking would be done.

#### Published admission number (PAN)

11. The arrangements refer to a PAN for Years 8, 9, 10 and 11. Paragraph 1.2 of the Code says that a PAN must be set for each relevant age group. A relevant age group is one into which pupils are normally admitted. Therefore, unless there is a second point of entry to the school, for example to Year 9 from middle schools, the school only has one PAN which applies to Year 7 (leaving aside entry to the sixth form at Year 12). Referring to PANs for other year groups could lead to the arrangements not being clear which paragraph 14 of the Code requires them to be.

#### Previously looked after children

12. The arrangements refer to previously looked after children within the definition of looked after children on the second page and not explicitly in the first oversubscription criterion itself; this could lead to parents or carers not being aware of the entitlement of previously looked after children to have highest priority for a place at the school.

#### Waiting lists

13. Paragraph 2.14 of 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 statement regarding added children did not appear in the arrangements.

#### **Background**

14. The school became an academy in 2011. It is situated near the centre of Coventry and is the only Church of England secondary school in the City. There are three coeducational Catholic secondary schools, one Muslim secondary school for girls and an all-through co-educational Sikh school in the city giving a range of faith based provision.
15. The school has a PAN for September 2019 of 265. The

oversubscription criteria read *“If there are more applications received than there are places available, places will be allocated in accordance with the following criteria and in the order shown:*

*1 - Applications from Looked After Children.*

*2 - Applications from siblings of children currently in the school.*

*3 - Applications from any children from families who can demonstrate frequent participation by the child and one parent or guardian in the life of a Church of England worshipping community.*

*4 - Applications from any children from families who can demonstrate frequent participation by the child and one parent or guardian in the life of “another Christian worshipping community” recognised by the governing body – as defined in Appendix 1.*

*5 - Applications from any children from families who can demonstrate frequent participation by the child and one parent or guardian in the life of a recognised place of worship for other major world faiths as defined in Appendix 1 below.*

*6 - All other applications.”*

16. Within each criterion, distance between home and school is used to prioritise applicants, with random allocation being used if necessary to separate applicants if they are equal on distance. In the arrangements, it says *“Frequent participation requires, as a minimum, attendance on not less than 35 weeks throughout the 12-month period preceding the date of application”.*

17. In recent years, the school has been oversubscribed. For September 2018 there were 374 first preferences expressed for the school. Having admitted any looked after and previously looked after children, the school admitted all seeking priority on the basis of faith and a number of children under the final criterion.

## **Consideration of Case**

### Consultation

18. Paragraph 15b of the Code referred to by the objector sets out when consultation on admission arrangements is required. Paragraphs 1.42 to 1.45 of the Code set out when and for how long consultation must take place, who must be consulted and the requirement to publish a copy of the proposed arrangements on the admission authority’s website. Paragraph 1.44 says *“Admission authorities must consult with a) parents of children between the ages of two and eighteen; b) other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions; c) all other admission authorities within the relevant area (except that primary schools need not consult secondary schools); d) whichever of the*

*governing body and the local authority who are not the admission authority; e) any adjoining neighbouring local authorities where the admission authority is the local authority; and f) in the case of schools designated with a religious character, the body or person representing the religion or religious denomination."*

19. The objector said *"I have confirmation from the Head Teacher and Chair of Governors at the nearest CofE school that no communication on this matter has bene [sic] received from Blue Coat School. The school in question is a VC school (so the LA may have been consulted directly), however the school in question is "almost adjoining" and consequently is the largest "feeder" school to Blue Coat. Additionally both schools are members of the Local Community Forum. The matter was also not raised at the forum, so other "interested parties" were not given the opportunity to consider the changes."*
20. The school told me *"The consultation was public, having been posted on the websites of both the school and Coventry Local Education Authority. In addition, a copy of the proposed admission arrangements policy was sent to the Diocesan Board of Education. The head teacher also contacted representatives of the local Catholic Church."* The local authority confirmed that it notified all primary schools in Coventry about the consultation and had published the consultation on its website. The school said *"There is no requirement within the School Admissions Code 2014 to make specific contact with primary schools or local community forums, unless a request for a copy of the proposed admission arrangements is made."*
21. The responsibility for consultation rests with the admission authority, in this case the trust, not the local authority. Admission authorities may ask the local authority to assist in drawing attention to their consultation, or indeed conduct it for them, however, it remains the admission authority's duty to ensure that consultation is conducted correctly.
22. The first group which the Code requires admission authorities to consult with is parents. Paragraph 1.45 of the Code says *"For the duration of the consultation period, the admission authority must publish a copy of their full proposed admission arrangements (including the proposed PAN) on their website together with details of the person within the admission authority to whom comments may be sent and the areas on which comments are not sought."* I am satisfied that the proposed admission arrangements were published on both the school and local authority websites. This is a necessary, but not sufficient, step to ensure effective consultation.
23. Admission authorities cannot rely on parents looking at their website, or that of the local authority, during the consultation period, they must be proactive in drawing the consultation to the attention of parents, particularly those with children who will be affected by them. There is

much good practice available for example using social media and putting flyers in local libraries and doctors' surgeries to ensure parents are aware of the consultation. The school told me that it received just one consultation response from a prospective parent. While this could indicate satisfaction among the parent body with the proposed arrangements, I consider it more likely that parents did not know that consultation was underway because the school was unable to provide me with any evidence that it took steps to notify parents of the consultation.

24. In addition to parents, the admission authority must consult other admission authorities in the area. For the voluntary controlled school referred to by the objector, the local authority is the admission authority and it was consulted. There is no requirement to consult schools themselves only their admission authorities. I am also satisfied that the body representing the religious denomination was consulted.
25. The Code requires consultation with "*other persons in the relevant area who in the opinion of the admission authority have an interest in the proposed admissions*". There is no requirement to consult community forums unless it is the admission authority's opinion that they have an interest.
26. I do not uphold this part of the objection as the school was not required to consult the governing board of the voluntary controlled school referred to by the objector. I do, however, find that the school did not consult effectively with parents as required by the Code.

#### Prejudice to the local community

27. The objector said that the arrangements would lead to fewer local children being able to obtain a place at the school. He quoted a determination made by a schools adjudicator about the school in 2013 (ADA2423).
28. Determinations do not set precedents. While it is important that findings in determinations should be consistent when the facts and circumstances are the same, determination ADA2423 was made in 2013 when a previous version of the Code was in place and it was on a different set of arrangements.
29. I have noted the differences between the admission arrangements for 2018 and 2019. The main difference is that a new oversubscription criterion has been introduced giving priority to members of world faiths other than Christianity ahead of non-faith based applications.
30. Both the school and diocese said that the school served the whole of the local authority area and beyond and did not have a catchment area. Given that the school is the only Church of England school in the city, it is appropriate for the school to serve a wide area on a faith-basis.

However, if not all places are allocated on a faith basis, the remaining places will be given to children living closest to the school. Introducing priority for an increased number of faiths may reduce the number of places available to other children living near the school and who do not qualify under one of the faith based criteria.

31. The number of children admitted on the basis of proximity to the school in the last four years has been 63, 84, 64 and 65. Some of those children may, of course, be practising members of a faith other than Christianity. The local authority has told me that any children living in the vicinity of the school unable to secure a place there could be offered a place at either their catchment area school or another school within a reasonable distance of their home. There is no entitlement for a child to be able to attend the school which is nearest to their home. As there are other schools available to any child who might have been offered a place at the school if it were not for a place being offered to a child from one of the specified world faiths I can see no unfairness arising from this aspect of the arrangements. I do not uphold this part of the objection.

#### Faith-based oversubscription criteria

32. After referring to paragraphs 1.36 to 1.38 of the Code the objector said *“it is reasonable to give “priority” to those who can demonstrate practice of CofE attendance. By logical extension, a lower priority can also be given to those from other “branches” of the Christian Faith. If the proposed changes are adopted, there will be some priority given to those of any faith (other than the one applicable to the designated religious character). The school admission code does not allow for this.”* The objector also said that this practice raised issues for looked after children.
33. The Equality Act 2010 contains limited exceptions to the prohibition of discrimination on grounds of religion or belief. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Paragraph 1.36 of the Code says *“Schools designated by the Secretary of State as having a religious character (commonly known as faith schools) may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed.”*
34. Paragraph 1.37 of the Code reads *“Admission authorities **must** ensure that parents can easily understand how any faith-based criteria will be reasonably satisfied. Admission authorities for schools designated with a religious character may give priority to all looked after children and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith they*

*must give priority to looked after children and previously looked after children not of the faith above other children not of the faith.”*

35. When reading the relevant paragraphs of the Code it is important to note where it says “*faith*” and “*the faith*”. The school is designated as having a religious character and that character is Church of England. It is therefore entitled to give priority for admission on the basis of “*faith*”, not “*the faith*”. Department for Education guidance to schools on the Equality Act 2010 says “*The exception is not in fact confined to preferring children of the school’s own faith. It would, for example, allow a Church of England school to allocate some places to children from Hindu or Muslim families if it wanted to ensure a mixed intake reflecting the diversity of the local population.*” The school is therefore entitled to give priority to members of other faiths as well as other Christian denominations with one condition concerning looked after and previously looked after children.
36. That condition is found in paragraph 1.37 of the Code. Had the school decided to restrict the priority for looked after and previously looked after children to those who were members of the Church of England, “*the faith*”, it would be required to give priority to other looked after and previously looked after children ahead of members of other Christian denominations, or other faiths. The school, however, gives first priority to all looked after and previously looked after children and so the question does not arise.
37. I do not uphold this part of the objection.

#### Unclear definitions of churches and religions

38. After quoting paragraph 1.37 of the Code the objector said “*the Admission Policy refers to bodies that are full members of three specific national organisations. Parents can not be clear on whether or not their particular worshipping community is such a full member.*”
39. The bodies referred to in Appendix 1 of the arrangements are Churches Together in Britain and Ireland and The Evangelical Alliance. Appendix 1 also says the governing board “*recognise the following as being the definition of “other major world faiths”: Buddhist, Hindu, Islamic, Jewish and Sikh organisations that are full members of The Inter Faith Network for the UK*”. In the 2018 arrangements Appendix 1 gave two lists of churches, local and national.
40. In its response to the objection, the school said “*The Admissions Authority is committed to ensuring that parents can easily understand how the faith based criteria will be satisfied and, for this reason, the long list of churches and other organisations listed in Appendix 1 of the previous policy was removed. The Admissions Authority took the view that the previous list was unclear, unfair and inaccurate, with the inclusion or not of particular worshipping organisations not well understood by parents, as evidenced in the appeals process.*”

41. The diocese noted that some national organisations such as Churches Together in Britain and Ireland, do not encourage the use of membership in admission arrangements. However, the diocese considered that it was not onerous for parents to find out if their Church was a member of the organisation and alternative approaches would add to the complexity of the arrangements.
42. I have noted that part seven of the SIF requires the priest completing it to declare whether or not the religious organisation which he represents is a member of an organisation listed in Appendix 1 of the arrangements. Appendix 1 is attached to the SIF and membership of such organisations is something I would expect a priest to be aware of. I do think it would be helpful if the arrangements included a link to the websites of the organisations listed, but if a parent could not find or access these for themselves, they would be required to check with their priest as part of the process of completing the SIF.
43. The definition of the qualifying churches and religions is clear and membership is checked during the completion of the SIF by the priest which helps parents or carers who cannot establish whether or not their church is a member of the organisations for themselves. I do not uphold this part of the objection.

#### Prejudice to local faith organisations

44. The objector considered that there may be some local faith organisations that were not members of the bodies listed in the arrangements. He said members of these organisations would be disadvantaged.
45. In responding to the objection the school said "*The names of worshipping communities in Coventry frequently change and new communities start up. It was therefore difficult for the Admissions Authority to ensure the accuracy of the list and the inclusion or not of particular worshipping communities in the list was not understood by parents/carers.*" It said that it had taken advice from the diocese and the arrangements reflected that advice.
46. The diocese has provided me with copies of a document which does advise using membership of the two Christian organisations named in the arrangements to define a church. The diocesan advice only related to Christian organisations and I need to consider whether it is unfair for members of any faith group that is not a member of one of the two Christian organisations named in the arrangements or the Interfaith Network not to be given priority in the admission arrangements.
47. In my consideration of this matter I note that no group which was not a member of the named organisations has been identified. I also note the need for the arrangements to be clear and objective. If the governing board included every small faith organisation that it knew of at the time it determined its arrangements it would have to make the decision that these were faith groups on an objective basis. The grounds for deciding

if any group conformed with any faith doctrine would need to be set out and this may involve theological considerations beyond the confidence of the governing board. Following the advice of the diocese on this matter ensures a clear list of qualifying churches selected on an objective basis as does reference to The Inter Faith Network.

48. There is no entitlement for a child from a faith group to attend a faith school. If there were any child from such a group who was not offered a place at the school places would be available at other school within a reasonable distance of their home and I can see no unfairness to them. I do not uphold this part of the objection.

#### Unfair priority to those of the Catholic faith

49. The objector said it was unfair that Catholics have priority for places at the school because there was no reciprocal agreement at local Catholic schools which only gave priority to Catholics.
50. I have noted that the previous list of churches in the arrangements did not include any Catholic churches and I have looked at the admission arrangements of the three Catholic secondary schools in Coventry and these do only give faith-based priority to Catholics.
51. In its response to the objection the school said *“The Admissions Authority understood that the prioritising of children from Christian worshipping families, but excluding Roman Catholic children has been unfair and discriminatory, and not understood by parents, as evidenced in the appeals process. Furthermore, as part of the consultation process, the Head teacher contacted the local Catholic Church organisation who were in agreement. Therefore, priority given to those of Catholic faith is entirely fair, is consistent with the Code, and corrects an anomaly which was not well understood by parents.”*
52. There are 640 places available at the three Catholic schools in Coventry. The local authority has told me that only one of these schools was oversubscribed in 2018 and the point of oversubscription was reached after all Catholic applicants had been offered places. This indicates that any Catholic child would be able to find a place at a Catholic school and that at least some non-Catholics looking for a place at a Catholic school would also be able to find one.
53. Should there be a significant number of Catholics applying for places at the school under the fourth criterion, they would displace children who might otherwise be offered places on the basis of proximity to the school and I have satisfied myself above that because these children could find places at other local schools. In my view no unfairness arises so I do not uphold this part of the objection.

#### The supplementary information form

54. The objector referred to paragraph 2.4 of the Code which 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.*” The objector considered that it was unnecessary to ask if a child was male or female.

55. The school said *“Although the gender of a child has no bearing on their admission to the school, this information is as appropriate to request as their name, for the purposes of identification and in the interests of monitoring equality of opportunity.”* The local authority and the diocese told me that they also considered it was not necessary to request this information on the SIF. The SIF needs to collect sufficient information to enable it to be matched with the common application form but in my view, a child’s gender should not be necessary to do this.

56. The Code is clear that information can only be requested on a SIF *“when it has a direct bearing on decisions about oversubscription criteria”*, not for *“monitoring equality of opportunity.”* I uphold this part of the objection.

## **Other Matters**

### Faith-based matters

57. Oversubscription criteria 3, 4 and 5 refer to *“frequent participation by the child and one parent or guardian in the life of”* the Church of England, other Christian denomination or other faith group respectively. The arrangements say *“Frequent participation in the life of a worshipping community is assessed by ranking the information provided within the supplementary information form (SIF) to determine the level of attendance at public worship, Sunday School or religious instruction by the child as verified by a recognised minister, official or similar representative of the worshipping community to which the child and parent belong.”*

58. Paragraph 1.9i of the Code says *“It is for admission authorities to formulate their admission arrangements, but they **must not** ... i) prioritise children on the basis of their own or their parents’ past or current hobbies or activities (schools which have been designated as having a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination)”*. I sought evidence from the school and diocese that the activities of attending Sunday school or religious instruction are laid out by the diocese.

59. The school argued that the diocese had not raised concern with the use of attendance at Sunday school or religious instruction to give priority in its admission arrangements. This may be the case. However, the Code requires more than a lack of any objection to any religious activity; it requires the representative body to lay out any activities in

guidance on admissions before an admission authority can use them to prioritise children for admission. In *R (on the application of the Governing Body of the Oratory School) v The Schools Adjudicator*, [2015] EWHC 1012 Admin, Cobb J ruled that if religious activities are to be used, then they must have been “*laid out*” by the faith body “*in school admissions guidance provided by the religious authority*”. “*Laid out*” is defined by Cobb J to mean “*specifically provided for in or authorised by such guidance*”.

60. The school also quoted advice from The National Society given to them by the diocese which said “*a child is ‘attached to the Church if they are, or one of their parents.....worships once a month at either a weekday or Sunday act of worship, or attends a church activity which includes an act of worship.*” Being “*attached to the Church*” is not part of the admission arrangements, the sole requirement to meet one of the faith based criteria is frequent participation in the life of a worshipping community by the child and a parent.
61. The diocese said it had “*given no specific instruction regarding this*”. It continued to say that it would be normal practice for the child to go to Sunday school or religious instruction while the adult stayed in church. The definition of regular worshipper given in the guidance from the diocese to schools in 2016 is twice monthly worship whether on a Sunday or other day of the week for two years. Because the activities of attending Sunday school or religious instruction are not laid out by the body representing the religious denomination, I find that the arrangements do not conform with paragraph 1.9i of the Code. The Code requires that they be amended.
62. In the section of the arrangements headed “*Frequent Participation*” it says “*Frequent participation in the life of a worshipping community is assessed by ranking the information provided within the supplementary information form (SIF) to determine the level of attendance*”. On the SIF it says “*Information provided in Section 5 above will be used to rank applications.*”
63. As quoted above frequent participation is defined in the arrangements as “*a minimum, attendance on not less than 35 weeks throughout the 12-month period preceding the date of application.*” This is a binary test, the frequency of attendance is either 35 or more weeks in the year or it is not. It does not matter whether the child and parent have attended for 35 or 52 weeks, the test is met. Similarly, it does not matter whether the child and parent attended 32 times or ten, in that case the test is not met. The use of the term ‘*ranking*’ in this context could suggest that frequency of attendance is used to rank applicants within each over subscription criterion. In fact, however, the arrangements say that any ranking within each criterion is by distance from home to school. My concerns on this matter were amplified by a sentence in the school’s initial written response to the objection which said “*The admission arrangements very clearly state that distance to the school is only considered under criterion 6 ‘all other applications.*”

64. My subsequent enquiries on this matter have established that there is no ranking within each criterion other than by distance and the sentence quoted above reflected the point at which oversubscription had been reached in recent years. I find that the use of the words 'ranking' and 'rank' in this context make the arrangements unclear. Paragraph 14 of the Code requires that arrangements are clear and paragraph 1.37 requires that admission authorities "*ensure that parents can easily understand how any faith-based criteria can be reasonably satisfied.*" The arrangements do not satisfy these requirements and the Code requires that they be amended

#### Published admission number (PAN)

65. The arrangements refer to a PAN for years 8, 9, 10 and 11. Paragraph 1.2 of the Code says that a PAN is must be set for each relevant age group. A relevant age group is one into which pupils are normally admitted. Therefore unless there is a second point of entry to the school, for example to Year 9 from middle schools, the school only has one PAN which applies to Year 7. Referring to PANs for other year groups could lead to the arrangements not being clear which paragraph 14 of the Code requires them to be.

66. When I raised this matter with the school it said "*The purpose of the practice has been to provide both clarity and transparency in terms of the PAN that was originally set for each year group, to illustrate the planned number of students in comparison to the age group being admitted.*"

67. If it is thought that knowing the number of places offered in previous years is helpful for parents applying for a place at the school in 2019, then there is nothing in the Code which prevents this. However, such numbers are not PANs as they relate to year groups to which the school does not have an entry point. The way they are referred to renders the arrangements unclear in breach of paragraph 14 and the Code requires that the arrangements be changed.

#### Previously looked after children

68. The arrangements refer to previously looked after children within the definition of looked after children on the second page and not explicitly in the first oversubscription criterion itself; this could lead to parents or carers not being aware of the entitlement of previously looked after children to have highest priority for a place at the school.

69. When I raised this matter with the school it said it would be willing to explicitly refer to previously looked after children in the first oversubscription criterion. I consider it is necessary to do this to make the arrangements clear and in conformity with the Code.

#### Waiting lists

70. Paragraph 2.14 of 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 statement regarding added children did not appear in the arrangements.
71. When I raised this matter with the school it said that it believed the statement in the arrangements concerning waiting lists which reads “*When a place becomes available those on the waiting list for that year group at that time will be ranked according to the over subscription criteria, and the place offered to the highest priority application*”, demonstrated that any child on the waiting list, included any added children would be ranked at the time a place became available.
72. The school continued to say “*Following this clarification, should the adjudicator feel that further clarity is required, the school would be willing to explicitly refer to ‘each added child’.*” I do consider that the arrangements fail to make it clear that children may be added to the waiting list and if they are then they are ranked in line with the oversubscription criteria. The Code requires that the arrangements be amended.

### **Summary of Findings**

73. For the reasons set out above I uphold the part of the objection concerning the SIF. I do not uphold the other six parts of the objection.
74. I have also found a number of other ways in which the arrangements do not comply with the Code which are set out above.

### **Determination**

75. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2019 determined by The Blue Coat Church of England Academy Limited for The Blue Coat Church of England School and Music College, Coventry.
76. I have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.
77. 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 within two months of the date of the determination.

Dated: 4 July 2018

Signed:

Schools Adjudicator: Phil Whiffing