



Office of  
the Schools  
Adjudicator

## **DETERMINATION**

**Case reference: ADA3389**

**Objector: A member of the public**

**Admission Authority: Venturers Multi-Academy trust for Colston's Girls' School, Bristol.**

**Date of decision: 16 August 2018**

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2019 determined by the Local Governing Board on behalf of Venturers' Multi-Academy trust for Colston's Girls' School, Bristol.**

**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 (the arrangements) for Colston's Girls' School (the school), a sponsor-led mainstream academy school for girls aged 11 to 18 year olds for September 2019. The school is part of the Venturers' Multi-Academy Trust (the MAT) and responsibility for admissions has been delegated to the school's Local Governing Board (LGB). The objection is to the inclusion in the oversubscription criteria of a priority for girls attending a local primary school.
2. The local authority for the area in which the school is located is Bristol City Council. The local authority is a party to this objection. Other

parties to the objection are the MAT, the LGB of the school and the objector.

### **Jurisdiction**

3. The school became an academy in 2011 and in 2017 became part of the MAT. The terms of the academy agreement between the MAT 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 LGB, on behalf of the MAT which is the admission authority for the school, on that basis. The objector submitted her objection to these determined arrangements on 29 April 2018. 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**

4. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
5. The documents I have considered in reaching my decision include:
  - a. the objector's form of objection dated 29 April 2018, associated documents and further correspondence received since the objection was made;
  - b. the admission authority's response to the objection, supporting documents and further correspondence;
  - c. the comments of the local authority on the objection and supporting documents;
  - d. the local authority's composite prospectus for parents seeking admission to schools in the area in September 2018;
  - e. maps of the area identifying relevant schools;
  - f. information about the characteristics of the school and some other local schools taken from the Department for Education (DfE) website;
  - g. confirmation of when consultation on the arrangements last took place;
  - h. copies of the minutes of the meeting at which the LGB of the school determined the arrangements; and
  - i. a copy of the determined arrangements.

I have also taken account of information received during a meeting I convened

on 29 June 2018 at the school. At the meeting, the Principal and the chair of the LGB represented the school and the objector and a friend also attended. The local authority was also invited but chose not to attend the meeting.

## The Objection

6. There are three elements to the objection. Firstly the objector suggests that the arrangements do not conform to paragraph 1.8 of the Code which states that *“Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair, and comply with all relevant legislation, including equalities legislation. Admission authorities **must** ensure that their arrangements will not disadvantage unfairly either directly or indirectly a child from a particular social or racial group.”*
7. The objector cites the protected characteristic of race within the Equality Act. She suggests that the proportions of children with English as an Additional Language (EAL) (which I take to be a proxy for races other than British) is evidence that children of other races are disadvantaged. She compares the EAL proportions in each of the three other primary schools in the MAT to that of the named feeder school, Dolphin Primary School, which is the fourth primary school in the MAT and finds that the proportions in some of the other schools are much higher; she suggests this unfairly disadvantages a racial group and is therefore contrary to paragraph 1.8. She goes on to compare the proportion of pupils who are in receipt of the Pupil Premium (PP) in the other primary schools in the MAT and shows that there is a higher proportion in other schools than in the named feeder school in the arrangements. Taking the proportion of PP entitlement as an indicator of a ‘social group’, she suggests that this unfairly disadvantages a social group and is therefore contrary to paragraph 1.8 of the Code.
8. Secondly, the objector suggests that the inclusion of Dolphin Primary School as a named feeder primary school in the school’s arrangements is not made on reasonable grounds as required in paragraph 1.15 of the Code. This states that *“Admission authorities may wish to name a primary or middle school as a feeder school. The selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds”*. The objector says that the feeder school was named because of a promise made to parents of potential pupils at the primary school when that school was opened. She suggests that it was not reasonable for the, then, Principal of the school to make promises for the future on behalf of the admission authority. I note that the admission authority at that time was the Colston’s Girls’ School Trust.
9. Thirdly, the objector cites paragraphs 1.42 to 1.45 of the Code which deal with consultation prior to determination of the arrangements. She suggests that the school failed to consult effectively as required by paragraph 1.45 of the Code. She reports that the school did not effectively respond to a petition from 64 people submitted during the consultation. In addition the objector suggests that the school did not comply with paragraph 1.42 of the Code because it did not include the

supplementary information form (SIF) as part of the consultation as required. (The school uses the description “*Supplementary Application Form*” (SAF) in its arrangements rather than SIF. I am, however, satisfied that they serve the same purpose and will use the term SAF in this determination.)

## **Other Matters**

10. In reviewing the arrangements, I noted that there were issues other than those identified in the objection pertaining to the use of the SAF during the admission process. I further noted that elements of the banding process which forms part of the arrangements were contrary to the Code and the law. These concerns were discussed at the meeting on the 29 June 2018 and, following discussion with Governors, the school produced an amended version of the arrangements.

## **Background**

11. The school is an oversubscribed girls’ school in Bristol. DfE figures show that the school has 21.3 per cent of pupils who have English as an additional language (EAL) and that 23.1 per cent of pupils are in receipt of pupil premium (PP).
12. For admission in 2018 the school had a published admission number (PAN) of 140 but has agreed to allocate above this number to a maximum of 168. After children with statements of special educational need or education health and care plans (5 in number) the admission arrangements include the following oversubscription criteria; (numbers in brackets are the allocated numbers of girls for admission in September 2018)
  - 1) Looked after and previously looked after children (3)
  - 2) 10% admitted on the basis of aptitude in Foreign Language (16)
  - 3) Siblings (47)
  - 4) Children of staff (1)
  - 5) Banded random allocation, 75% from within the inner catchment area (a list of postcodes near to the school) and 25% from the outer catchment area (a list of postcodes from further away from the school) (96)
  - 6) Random allocation of other applicants. (0)
13. The school uses tests for applicants which are set and marked by the National Foundation for Educational Research (NFER). The NFER then provides lists of candidate in five equal sized bands of ability. The school then randomly selects from each of these banded groups to achieve equal numbers in each band. For admission in September 2018 the local authority says that 359 first preference applications were received.

14. The school initially consulted on changes to the admission arrangements for September 2019 between 25 October 2017 and 6 December 2017 but then extended the consultation period to 26 January 2018. The LGB determined the final arrangements on 19 February 2018. The PAN for admission in September 2019 was set at 168 with the following oversubscription criteria;

After children with statements of education need or education health and care plans.

- 1) Looked after and previously looked after children
- 2) Siblings
- 3) Children of staff
- 4) Female pupils attending The Dolphin School
- 5) Banded random allocation, 75% from within the inner catchment area and 25% from the outer catchment area
- 6) Random allocation of other applicants.

15. The primary concern of the objector is the inclusion in the oversubscription criteria of the girls who are currently in year 5 (Y5) of The Dolphin Primary School. (Oversubscription criteria 4).

16. The school and the local authority have both given me information about the history behind the establishment of this primary school. In 2011, the local authority approached the school and asked it to found a primary school in temporary premises immediately adjacent to the school. The primary school was duly established as an academy free school within the same academy trust as the school – the Colston's Girls School Trust. Temporary classrooms were provided and the children from the new primary school ate their meals in the school's dining room, used the school's gymnasium for physical education and the school's grounds for playtimes. The local authority has explained that from the mid 2000s Bristol experienced a rapid and substantial rise in demand for primary school places. A large number of existing primary schools were expanded and some new schools opened to meet this demand, including the Dolphin Primary School.

17. The school reports that, before the primary school opened, it was proving difficult to persuade parents to *“risk their children's education to an untried, untested and impermanent arrangement”*. In June 2013 the then Principal of the school wrote to parents of children at the primary school about “The Dolphin School Induction” as follows; *“Dear Parents/Carers, I am pleased to be able to confirm that girls who attend The Dolphin Primary School, Cheltenham Road, Bristol, will have priority entry into the senior school once they reach the appropriate year. We are looking at arrangements for the boys and will notify parents when we have further news of this. The Dolphin School encompasses the best of independent and state school primaries and*

*we want the children to enjoy themselves whilst making good progress. I am looking forward to your child starting at Dolphin in September and continuing with the Colston's Girls' Trust for many years .....*"

18. The primary school operated from temporary buildings until, in 2017, it moved into a brand new building. This building stands in its own grounds adjacent to the secondary school. In September 2018 the first pupils in this school will move into year 6 (Y6) and will begin their secondary education in September 2019. Twenty one girls and nine boys will be in Y6 and 28 girls and 24 boys will be in year 5 (Y5) in September 2018.
19. The primary school continues to make use of the school's facilities and in regular meetings between the two schools' senior teams they work hard to align forward planning.

### **Consideration of Case**

20. The objector suggests that the admission arrangements unfairly disadvantage children from particular racial and social groups. She uses the indicators of EAL and PP to compare the proportions of these children in the named feeder school with the other three primary schools in the MAT. These are the figures quoted by the objector

School	Proportion of EAL (%)	Proportion of PP (%)
Dolphin School (feeder named in arrangements)	22.5	23
Bannerman Road School	78.2	47.2
Barton Hill School	68.9	59.4
Kingfisher School	17.5	48.3

21. Her figures show that there is a higher proportion of children with EAL in two of the three other MAT primary schools and that there is a higher proportion of children in receipt of PP in each of the other three schools. The objector suggests that by giving priority in the arrangements to girls from the feeder school this is disadvantaging girls from the other schools. As the figures show the named feeder school to have a lower proportion of these racial and social groups than the other schools then children from these other schools are, the objector suggests, being unfairly disadvantaged which is contrary to paragraph 1.8 of the Code.
22. The school has made it clear that there is no intention of including other primary schools, whether or not they are members of the MAT as feeder schools in its arrangements. The published arrangements have

two catchment areas; one which covers the inner city areas of Bristol and the other, outer area which covers the other areas of the city and significant areas of Wiltshire, Gloucestershire and Somerset including the City of Bath. The school describes its diversity as over 50 per cent although it does not explain the figure; the school states that there are 56 different first languages spoken in the school. It does not make a comment on the objector's figures concerning the feeder primary school. The local authority made no comment on this element of the objection.

23. I question the relevance of the comparison with the other three primary schools in the MAT. The only association that these schools have with the school is that they are members of the same MAT. They are not local to the school and are 1.15, 1.47 and 2.39 miles from it. There are 18 primary schools which are nearer to the school than any of the three MAT schools. The EAL figures for these other 18 schools range from 6.4 to 88.4 per cent and the PP figures range from 4.1 to 63.9 per cent. These figures are representative of the wide variations in social and racial diversity in the city.
24. Of the girls at the school, 21.3 per cent have EAL and this compares to 17 per cent for Bristol as a whole and 16.1 per cent for all England schools. There are 23.1 per cent of girls in receipt of PP and this compares with 37.8 per cent for Bristol as a whole and 29.1 per cent for England schools.
25. The variation in EAL and PP proportions in schools across the city is wide and girls from all primary schools in Bristol can apply to the school. The allocation for most places is by random selection which means that there is an equal chance for all applicants within each of the two catchment areas. There were 359 first preference applications for admission to the school in September 2018. EAL and PP proportions in the named feeder school are similar to those in the school and are in line with figures in the primary schools across the city. I do not consider that the arrangements unfairly disadvantage a particular social or racial group and I therefore do not uphold this element of the objection.
26. The second part of the objection relates to the promise made to the parents of children in the named feeder school. The objector suggests that the previous Principal was acting on behalf of the primary school's admission authority. The objector links this suggestion to her argument that the Principal had no "right" to make the promise made. Both schools had the same admission authority – the Colston's Girls School Trust. As it happens, I do not think that it matters on whose behalf the previous Principal was speaking. This is because it was accepted by the LGB at the meeting on 29 June that the legality of the Principal's letter in June 2013 was questionable and it was further agreed by all those present at the meeting that the Principal did not have the authority to make such promises to the parents. Moreover, even if the Principal had specifically been authorised by then admission authority for the secondary school to give the commitment made that would not

make that promise binding on that or any future admission authority. I shall say more about this below.

27. The school's governing board is adamant that the proposed feeder school status in the oversubscription criteria is temporary and will be removed as soon as the 'promise' to the parents has been fulfilled – in three years' time. The school suggests that parents took significant risks in sending their children to the primary school and maintain that without the promise of progression to the secondary school they would not have done so.
28. The local authority said that it had raised concerns about the inclusion of the primary school as a named feeder school during the consultation period. The school had informed the local authority that this was to honour a promise made by the former Principal to the parents of the first years of children admitted. This was to attract parents to apply for a school that was in temporary accommodation (with no guarantee of when the permanent building would be available) and being established by an academy trust with no previous primary school experience.
29. The local authority concluded that it *“does not see the inclusion of The Dolphin as a feeder school as ideal and has asked that this aspect of the admission arrangements is removed from the admission arrangements as soon as all the children promised places have left the primary school.”*
30. The school states that the parents of children in the primary school who are moving to secondary education in September 2019 are *“becoming increasingly desperate to have the promise confirmed.”* The school suggests that should they not be named as a feeder school then the primary school will experience outrage, disruption and challenge which will *“inevitably cause huge damage to the school which has only now got on its feet”*.
31. The school sought legal advice about the previous Principal's promise and I have been sent a copy of a letter from its solicitors, which sets out an understanding of the term *“legitimate expectation”*. The letter states that *“At its most basic, a legitimate expectation is based on the assumption that, where a public body states that it will or will not do something, a person who has reasonably relied on that statement should be entitled to enforce it. For a legitimate expectation to arise, the public body's statement must be clear, unambiguous and without qualification. In this case the statement by the former Principal to the parents of pupils at The Dolphin can be said to have raised a 'legitimate expectation' that when the time comes the girls will be offered secondary school places at Colston's Girls' School. In order to legitimise that expectation the admissions authority has sought, after consultation as required, to name The Dolphin School as a feeder school for a limited period of time”*.
32. In response to the communication of legal advice from the school, the



objector questions the authenticity of the letter as it is not in its original format and she makes the point that the advice makes no reference to case law. She maintains that a 'legitimate expectation' can only arise if the public body has acted in a manner that was 'legitimate' and that the actions of the previous Principal were not 'legitimate' because she did not have the authority to make the promises. The objector points out that if the objection is upheld, the primary school is removed as a feeder school from the arrangements and the parents then challenge this part of the law then it would be outside the jurisdiction of an adjudicator. I acknowledge this but if, as the school suggests, there is a 'legitimate expectation' that the primary school will be named as a feeder for several years then this has a significant bearing on my decision in this case.

33. As it happens, I do not accept that a legitimate expectation has been created which requires that the primary school is a named feeder of the secondary school for 2019 and subsequent years. I do not, however, base this view on the issue of whether or not the previous Principal was authorised to speak on behalf of the then admission authority of the secondary school. School admission arrangements must be determined annually in accordance with the requirements and timescale set out in the Act, the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) Regulations 2012 and the Code. Together, these require that arrangements be determined by 28 February each year for admission in the September of the following year, so by 28 February 2018 for admission in September 2019. An admission authority is entitled to change its admission arrangements provided it follows the process and timing set out in the Act, regulations and Code. In short, the law provides expressly for admission arrangements to be determined each year and a process for them to be changed. There can, in my view, be no legitimate expectation that arrangements will not change over time.
34. It is common ground that the former Principal was not entitled on her own behalf to make the promise made. She was not the admission authority for the school. The admission authority at the time was the Trust of the Academy who may, or may not, have given the Principal the authority to make such a statement upon its behalf. But even if the Principal had the express authority of the trust to make the statement, an admission authority is required to determine its admission arrangements annually. It follows, therefore, that an admission authority cannot fetter its discretion to determine future arrangements. The determination of arrangements for the year of admission to the school can only be made at the time when the law requires that the arrangements be determined. I accept that the former Principal's statement was a clear and unambiguous promise. I also accept that the promise may have caused those to whom it was made to have acted to their detriment if the promise is not fulfilled. However, I do not accept that the promise was capable of creating a legally enforceable substantive legitimate expectation.
35. However, the letter was sent and it would also be reasonable for a

parent receiving such a letter to consider that the Principal of a school could speak for that school. It is understandable that the current admission authority would want to take account of the likely feelings of parents of children at the primary school when it decides whether or not to consult on changing its admission arrangements and when it determines its arrangements each year.

36. Of course, my main concern is not simply with the motives of the admission authority in naming the primary school as a feeder but with testing the relevant parts of the arrangements against the requirements relating to admissions. The requirements relating to feeder schools are set out in paragraph 1.15 of the Code and they are that "*The selection of a feeder school or schools as an oversubscription criterion **must be transparent and made on reasonable grounds.***". All oversubscription criteria must also meet the requirements of paragraph 1.8 by being reasonable, clear objective and procedurally fair and all admission arrangements must also meet the requirements of paragraph 14 by being fair, clear and objective. I have first considered if the feeder school has been named transparently and on reasonable grounds. The LGB is keen to honour the commitment made by the previous Principal. There are 21 girls who may apply from the feeder school for admission in September 2019. It would seem to me to be reasonable to name a school as a feeder school where there is a close connection between the two schools, as is the case here. It would also seem reasonable to honour a commitment to parents even if the commitment was not such that would create an enforceable legitimate expectation. The feeder school has been named on reasonable grounds.
37. I next consider the effect of the inclusion of the feeder school in the admission arrangements. This is important as it is possible to have reasonable grounds for naming a feeder school but the effect may not be reasonable or fair. In this case, the school has agreed to raise its PAN by 28 places from 140 to 168. If all the girls from the primary school who will enter Year 6 in September 2018 apply to and are admitted to the secondary school in 2018, this will still leave an additional seven places available for other girls. I therefore do not believe that the introduction of the named feeder school will have an unreasonable or unfair effect in terms of disadvantaging other applicants.
38. The LGB was aware, when it determined the arrangements, that the promise by the previous Principal may not have been legally enforceable but they nevertheless decided that it was reasonable under the circumstances to name the feeder school. The LGB is keen that this priority will only remain in the arrangements for three years to cover the children admitted to the feeder school in its first three years. These are the children of the families to whom the promise of a place at the school was made. I consider that the inclusion of the named feeder primary school does not breach the requirements relating to admissions and I therefore do not uphold this element of the objection.
39. The third element of the objection refers to the consultation carried out

before the arrangements were determined. During the consultation, a petition from 64 people was submitted to the school. This petition called for the removal of all postcodes from the arrangements which do not serve Bristol residents and the prioritisation within the arrangements of girls in receipt of free school meals up to, at least, the average proportion for the city. In addition, it noted that the SAF was not included as part of the consultation process as required in paragraph 1.42 of the Code.

40. The school's response to the objection indicates that the LGB discussed the petition and took note of the reference to the SAF. The chair of the governors responded to the submission in a letter of the 15 December 2017 which was published on the school website. In this letter, he accepted that the SAF should have been present in the arrangements as part of the consultation. The SAF was published on the website and the consultation was extended by a further seven weeks. He reports that neither the reduction in size of outer catchment area nor the introduction of priority for girls in receipt of free school meals were part of the consultation process, nevertheless, both issues were discussed by the LGB along with other suggestions for amendment to the admission arrangements. His letter of the 15 December explains the other minor amendments which were made as a result of consultation. These included amendments to the definitions of looked after and previously looked after children and siblings. In addition, the governors agreed to reconsider the allocation of places within and outside the Bristol area for the admission arrangements for September 2020. I am of the view that the governors did consider the submission made by the 63 people as part of the consultation process and that an appropriate response published following governor discussions.

41. The absence of the SAF from the arrangements during the consultation process is contrary to paragraph 1.42 of the Code. However, when the error was drawn to the attention of the governors the mistake was rectified and the consultation period extended so that the SAF was present as part of the consultation for the required period of six weeks. I do not therefore uphold this element of the objection.

### **Other Matters**

42. During the meeting of the 29 June 2018, I drew the attention of the school to non-compliance of the arrangements relating to the SAF. Paragraph 2.4 of the Code states that *"they **must** only use supplementary forms that request additional information when it has a direct bearing on decision about oversubscription criteria."* The current published arrangements require all applicants to complete a SAF. This includes looked after and previously looked after children, and girls who apply for a place but who do not sit the tests. Following the meeting, the school has amended its arrangements, which now require only appropriate groups of applicants to complete a SAF.

43. I also expressed my concerns about the non-conformity with the Code

in a number of ways concerning the banding process; these included;

- Inappropriate signposting of the banding process in the arrangements where it appears that some criteria were not banded when in fact they are. The 2019 arrangements indicate that only girls seeking priority under criterion 5 are banded whereas in fact girls from criteria 2, 3, 4 and 5 are also expected to sit the tests and be banded. This renders the arrangements unclear and therefore contrary to paragraph 14 of the Code which requires the practices to be clear. Paragraph 14 states that *“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.”*
- Paragraph 1.25 of the Code states that *“Pupil ability banding is a permitted form of selection used by some admission authorities to ensure that the intake for the school includes a proportionate spread of children of different abilities. Banding can be used to produce an intake that is representative of; a) the full range of ability of applicants for the school; b) the range of ability of children in the local area; or c) the national ability range.* The banding section of the arrangements suggest that it is used to produce an intake which is representative of the ability of applicants to the school in line with paragraph 1.25a. I pointed out that a significant proportion of the applicants did not sit the test and I asked how the school knew the ability of these applicants and were therefore able to produce representative bands. The school agreed that as many applicants did not sit the test the school was unable to determine the full ability range of applicants.
- Having looked at the allocation for 2018 it became clear that the bands were not, in fact, equal in number and there were more girls in the upper ability bands than the lower. This is contrary to paragraph 1.26 of the Code which states that *“Banding arrangements which favour high ability children **must not** be introduced by any other school”.*
- I asked for an explanation of how the applicants are allocated to bands and it was clear that the process followed did not fulfil the governors’ intention of producing a full range of academic ability.
- The arrangements say that the tests for banding will be held in October/November and this is contrary to paragraph 1.32c of the Code which says that *“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”.*

44. The chair of governors was adamant at the meeting that the intention of the arrangements was to produce a truly comprehensive intake

representative of the ability of the applicants for the school. Following the meeting the LGB met and produced a new draft set of arrangements which removes the banding process altogether.

45. Paragraph 3.6 of the Code allows variations to the arrangements under some circumstances. These include *“to give effect to a mandatory requirement of this Code, admissions law, a determination of the Adjudicator or any misprint in the admission arrangements”*. The amended policy now conforms to the Code in respect of banding and can therefore be published. I have found that the arrangements as determined and published do not conform with the requirements relating to admissions in so far as the banding process is concerned. The Code requires the admission authority to revise its arrangements accordingly. The LGB has suggested that this will be done by removal of the banding process and its replacement with a straightforward use of random allocation within each oversubscription category. That is a matter for the admission authority. However, it must revise the arrangements in order to give effect to my determination and it must do so within two months of the date of my determination. It is certainly the case that removing the use of banding would address the breaches I have identified.

### **Summary of Findings**

46. I do not uphold any of the three elements of the objection. I do not consider the comparison of the named feeder school with other schools in the MAT to be relevant to this case and a comparison of EAL and PP proportions in other local schools does not suggest that the arrangements would unfairly disadvantage any particular racial or social group.

47. The initial letter with the promise of school places from a previous Principal should not have been sent to parents. However, it was sent and I think it reasonable that the governors feel a moral duty to honour that promise. The school has increased its PAN by more than the number of girls on roll at the feeder school and therefore the arrangements will not decrease the chances of other applicants successfully being allocated a place. I therefore believe that the choice of feeder school was made on transparent and reasonable grounds in line with paragraph 1.15 of the Code.

48. I agree that the school should have included the SAF with the arrangements during the consultation phase but I am satisfied that once the error had been drawn to the attention of the LGB and the SAF was published with the consultation papers then the extension of the period of consultation was sufficient to comply with the Code. The LGB discussed the submissions from the consultation and responded in writing to them. I believe that this too was sufficient.

49. Under 88I of the Act, I drew the attention of the school to the non-conformity of the SAF and the concerns about elements of the banding process. The SAF requires amendment. The arrangements must also

be varied in order to deal with the breaches of the Code I identified in relation to the banding arrangements and I note that the LGB has proposed to do this by removing the banding process from the arrangements. .

### **Determination**

50. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements for September 2019 determined by the Local Governing Board for Colston's Girls' School, Bristol.
51. 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.
52. 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: 16 August 2018

Signed:

Schools Adjudicator: Ann Talboys