



Office of
the Schools
Adjudicator

Determination

Case reference: REF3629

Admission authority: The Gorse Academy Trust for Boston Spa, Bruntcliffe, Hillcrest, Morley Newlands, Richmond Hill, Ryecroft, Farnley, Morley and Ruth Gorse Academies Leeds.

Date of decision: 3 February 2020

Determination

I have considered the admission arrangements for September 2020 for the academies within the Gorse Academy Trust, Leeds in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that, in relation to the points listed below, the arrangements do not conform with the requirements:

- the clarity of the arrangements;
- the published admission number (PAN);
- the definition of feeder schools; and
- the deferred and part-time admission of children into reception (YR).

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 this determination or by 28 February following the determination, whichever is sooner, unless an alternative timescale is specified by the adjudicator. In this case, I specify that the arrangements must be revised by 28 February 2020.

Jurisdiction

1. The admission arrangements for academies within the Gorse Academy Trust for 2020 came to my attention while I was considering a request for advice from the Secretary of State under section 25(3A) of the School Standards and Framework Act 1998 (the Act). When I considered the arrangements as part of formulating my advice to the Secretary of State it appeared to me that the arrangements did not, or might not, conform with the

requirements for admission arrangements. I therefore decided to use my power under section 88I(5) of the Act to consider them as a whole.

2. The terms of the Academy agreement between the Gorse Academy Trust and the Secretary of State for Education require that the admissions policy and arrangements for the academy schools are in accordance with admissions law as it applies to maintained schools. These arrangements were determined under section 88C of the Act by the academy trust board which is the admission authority for the schools on 7 February 2019 on that basis.

3. The arrangements for two of the academies within the multi-academy trust do not fall within the jurisdiction of the adjudicator because they are not within the remit of the School Admissions Code (the Code). These are The Stephen Longfellow Academy which is an alternative provision academy and the Elliott Hudson College which is a provision for 16 to 18 year olds. It follows that nothing in this determination applies or is relevant to those schools.

Procedure

4. In considering this matter I have had regard to all relevant legislation and the Code.

5. The documents I have considered in reaching my decision include

- a) the admission arrangements for all those academies to which the Code applies within the trust;
- b) copies of the minutes of the meeting of the trust at which the arrangements were determined;
- c) comments from local authority on the matters raised and supporting documents;
- d) comments from the trust on the matters raised, supporting documents and subsequent correspondence;
- e) the local authority's composite prospectus for parents seeking admission to schools in the area in September 2020;
- f) information on the Department for Education website, and
- g) maps of the area identifying relevant schools.

6. I have also taken account of information received during a meeting I convened on 22 January 2020 at Stephen Longfellow Academy. The meeting was attended by the strategic lead officer for the trust and the admission officer for the local authority. I want to record here my gratitude for the constructive approach of all parties and to note the trust's

expressed desire to ensure its arrangements conformed with the requirements relating to admissions.

Background

7. During December 2019 I was the lead adjudicator for a case concerning a request made by the local authority for the Secretary of State to direct the admission of a student to one of the academies within the trust. As part of the research for that case I read the admission arrangements for 2020 for the academy and was concerned about a number of issues included in them. I realised that the arrangements were determined by the trust board and that the arrangements for all the other academies within the trust were very similar, with some differences as between primary and secondary academies which I return to later in this determination. I therefore decided to exercise my power under section 88I of the Act to consider the arrangements and to make a determination as to whether or not they conformed with the requirements relating to admissions and, if they did not so conform, in what respects they did not conform. My jurisdiction extends only to determined arrangements. This means that I can consider the arrangements for 2020 but not those for 2021 which have not yet been determined as the deadline for doing so is not until 28 February 2020. However, the process for determining the 2021 arrangements is well underway and I explained to the representative of the trust at the meeting on the 22 January 2020 that I expect the outcomes of this determination to be reflected in the admission arrangements for September 2021 which, according to the trust will be determined in February 2020.

8. The Multi Academy Trust is made up of eleven academies. There are five secondary, four primary, one alternative provision and one sixth form academy in the group. As noted above, the alternative provision and the sixth form academy do not fall within my remit. The admission arrangements are very similar for all the other academies in the trust, with some differences as between primary and secondary schools. The schools are spread across Leeds with some being in close proximity to one another and some much more distant.

Consideration of Case

9. I have considered the admission arrangements for the five secondary and four primary academies with specific reference to the following paragraphs in the Code;

- Paragraph 14; *“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 1.8; *“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 or a child with a disability or special educational needs”.

- Paragraph 1.2; *“As part of determining their admission arrangements, all admission authorities **must** set an admission number for each ‘relevant age group’.*
- Paragraph 1.12; *“Some schools give priority to siblings of pupils attending another state funded school.”*
- Paragraph 1.15; *“Admission authorities may wish to name a primary or middle school as a feeder school. Their selection of a feeder school or schools as an oversubscription criterion **must** be transparent and made on reasonable grounds”.*
- Paragraph 2.16; *“Admission authorities must provide for the admission of all children in the September following their fourth birthday. The authority must make it clear in their arrangements that, where they have offered a child a place at a school;*
 - a) *That child is entitled to a full-time place in the September following their fourth birthday*
 - b) *The child’s parents can defer the date their child is admitted to the school until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made; and*
 - c) *Where the parents wish, children may attend part-time until later in the school year but not beyond the point at which they reach compulsory school age.”*

10. I have read all sets of admission arrangements and at no point are the individual schools described in the arrangements, although the name of each school is given at the top. A parent reading a set of arrangements would not see clearly whether any particular school was a primary or a secondary school or which age range the school caters for. I am of the view that this is not clear and is therefore not in line with the Code at paragraph 14.

11. Most of the arrangements state *“the academy has a published admission number of places per year”*. In some of the secondary arrangements this section reads; *“The academy has an admission number of ... in year 7, ... in years 8 and 9 and ... in years 10 and 11.”* Neither of these statements comply with the Code at paragraph 1.2. The PAN is defined as for a relevant year group only, that is to say the year or years in which children are usually admitted to the school; this would be YR in the primary academies in these cases and Y7 in the secondary academies and this should be made clear in the arrangements. PANs do not follow year groups through the school as they relate only to children who are joining the school at a normal point of entry for the first time.

12. The arrangements for all the academies include the following priority; *“Children with siblings who are on roll at an academy within the GORSE academy Trust at the time that the place was applied for.”* At the meeting the trust representative explained that this was meant to support local families so that siblings could be educated in the same school. It is

common for admission arrangements for a school to give priority to a sibling of a child already at that school. The Code addresses this at paragraph 1.11 under the heading “Siblings at the school”. However, this is not what the trust’s arrangements do. What the trust’s arrangements actually do is give priority to siblings of a child at one of its schools to be educated at any school in the trust. The Code again at paragraph 1.12 addresses the scope for schools to give “*priority to siblings of children attending another state funded school with which they have close links (for example, schools on the same site, or close links between two single sex schools). Where this is the case, this priority must be set out clearly in the arrangements.*” The trust’s arrangements go far beyond what is required to give effect to its intention in this matter (to enable siblings to be educated at the same school) as it was explained to me. The arrangements mean that a child with a sibling at a school on one side of the city could gain priority for a place at school on the other side of the city. This does not do anything to allow siblings to be educated at the same school and could also cause unfairness to other children. I emphasise that I have made no finding as to whether there is unfairness and go no further than to emphasise that what the trust says is its intention is not actually what the arrangements provide.

13. The arrangements for all the secondary academies include the following priority; “*Children who, at the time of the application are on the roll at any academy within the trust.*” Note 4 of the arrangements lists the academies and concludes with “*and any other academies who join the Trust during 2020/2021*”. Paragraph 1.9b of the Code prohibits taking account in admission arrangements of “*any previous school attended unless it is a named feeder school*”. Paragraph 1.15 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 trust has in note 4 listed the existing academies and so complied to that extent with the requirement to name feeder schools. However, it is not compliant with the Code to include the provision “*and any other academies who join the trust during 2020/2021.*” In the first place, the note falls foul of paragraphs 1.9b and 1.15 because all feeder schools must be named. If a new secondary school joins the trust during an admission year and changes to its admission arrangements were thought desirable then these would have to be consulted on in the normal way or, if the trust so wished, a variation sought to the existing admission arrangements in line with the process set out in paragraph 3.6 of the Code. If a new primary school were to join the trust and it was desired that it should be a feeder to the trust’s secondary schools, the trust would again either need to consult on changing the arrangements of the secondary schools or seek a variation. This note therefore requires amendment.

14. Moreover, what the arrangements do is give priority for a place at any of the trust’s secondary schools to children who have attended any of the trust’s primary schools. At the meeting I was told that the intention was that children who attended a trust primary school in close proximity to one of its secondary schools should have priority for a place at that secondary school. For example, Ryecroft Primary and Farnley Secondary are both in LS12 and less than a mile apart. Similarly, Morley Newlands is just under a mile from Morley Academy and under two miles from Bruntcliffe; all are in LS27. The arrangements go

beyond this, however, as the feeder priority applies equally to all the primaries and secondaries. Thus children attending Hill Crest Primary have priority for a place at Boston Spa secondary which is 11 miles distant and at Morley Academy which is seven miles distant. I should emphasise here that I make no finding as to whether these arrangements cause unfairness to children who do not attend a trust primary school and who in consequence might be unable to gain a place at a local secondary school because of priority given to those attending the trust's primaries. In this determination I go no further than to say that what the trust told me is its intention is not what the arrangements provide.

15. In the admission arrangements for the primary schools within the trust the following section appears; *"1.5.1 Parents can request that the start date for their child is deferred until later in the school year in the case of children who have not reached their 5th birthday. You can also request that your child attends part-time until he/she reaches compulsory school age."* The use of the term 'request' implies that the decision for deferred entry or part-time attendance rests with the school. Paragraph 2.16 of the Code is clear that these are parental decisions and the family has an entitlement to deferred entry or part-time attendance if they so wish. The arrangements are not clear on this matter, are contrary to paragraph 2.16 of the Code and require amendment.

Summary of Findings

16. By standardising the arrangements across the trust they are not compliant with some parts of the Code. The representative of the trust was keen to make sure that all the arrangements were compliant.

17. Amendments are required to the following parts of the admission arrangements;

- Description of the type and age range of each school
- The PAN being applied to the relevant school year
- The clarity of the criterion relating to siblings
- The removal of the 'any other schools' section in the notes on feeder schools
- The clarity of the entitlement of parents to decide deferred entry or part-time attendance in YR.

Determination

18. I have considered the admission arrangements for September 2020 for the academies within the Gorse Academy Trust, Leeds in accordance with section 88(5) of the School Standards and Framework Act 1998 and find that, in relation to the points listed below, the arrangements do not conform with the requirements:

- the clarity of the arrangements;

- the published admission number (PAN);
- the definition of feeder schools; and
- the deferred and part-time admission of children into reception (YR).

19. 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 for admission in September 2021 within two months of the date of the determination or by 28 February following the determination, whichever is sooner, unless an alternative timescale is specified by the adjudicator. In this case, I specify that the arrangements must be revised by 28 February 2020.

Dated: 3 February 2020

Signed:

Schools Adjudicator Ann Talboys