



Office of  
the Schools  
Adjudicator

## Determination

**Case reference:** ADA3647

**Objector:** A parent

**Admission authority:** The Charter Schools Educational Trust for The Charter School East Dulwich

**Date of decision:** 2 April 2020

### 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 2021 determined by the Charter Schools Educational Trust for The Charter School East Dulwich in the area of Southwark Council.**

### 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 parent (the objector) about the admission arrangements (the arrangements) for The Charter School East Dulwich (the school), an academy school for children aged 11 to 18 for September 2021. The objection is to a priority in the oversubscription criteria for admission to year 12 (Y12) for those attending The Charter School North Dulwich.
2. The parties to this objection are:
  - a. the objector;
  - b. the Charter Schools Educational Trust (the trust); and
  - c. Southwark Council which is the local authority for the area in which the school is located (the local authority).

## Jurisdiction

3. The terms of the academy agreement between the trust and the Secretary of State for Education require that the admissions policy and arrangements for the school are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the trust, which is the admission authority for the school, on that basis.

4. The objector submitted her objection to these determined arrangements on 28 February 2020. The objector has asked to have her 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 her 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.

## 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. a copy of the minutes of the meeting of the trust at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection;
- d. the trust's response to the objection; and
- e. information available on the websites of the school and the Department for Education.

## The Objection

7. The objection is that the oversubscription criteria for Y12 at the school state

*"it will give priority to "children enrolled in Year 11 at The Charter School North Dulwich" (after looked after children and siblings). Under article 1.9.b of the Schools Admissions Code, admission authorities shouldn't take into account any previous schools attended, unless it is a named feeder school.*

*There is no reference to The Charter School North Dulwich being a feeder school to The Charter School East Dulwich in any of the school's documents or on its website. In addition, in article 21 of the Charter School East Dulwich's admissions policy for academic year 2021-2022, the school itself states that The Charter School East Dulwich and the Charter*

School North Dulwich are “entirely separate and have independent admissions arrangements.” I can only conclude that The Charter School North Dulwich is not a named feeder school under the Schools Admission Code and that its new admissions policy for entry into sixth form is in breach of the Code.”

## Background

8. The school opened in September 2016 and admitted children to year 7 (Y7) in 2016 and each following year so that currently the school has year groups from Y7 to Year 10 (Y10). In September 2020 there will be students in Year 11 (Y11) and the academic year beginning in September 2021 is the first year when the school will have students in Y12. These students will comprise those moving up from Y11 in the school itself and others joining from elsewhere.

9. The current Y10 will be of an age to enter Y12 in 2021. A published admission number (PAN) for Y12 is for external applications only as students already at a school have already been admitted. As paragraph 2.6 of the Code says, “*Children and their parents applying for sixth form places may use the CAF, although if they are already on the roll they are not required to do so in order to transfer into year 12.*” The trust has set the PAN for Y12 at 30.

10. The oversubscription criteria for external applicants to Y12 at the school are, in summary:

- 1) Looked after and previously looked after children
- 2) Siblings of those already at the school
- 3) Y11 students at The Charter School North Dulwich
- 4) Children with exceptional medical, psychological or social needs
- 5) Children of staff employed at the school
- 6) Children living closest to the school.

## Consideration of Case

11. The basis of the objection is that paragraph 1.9b of the Code says that in formulating their admission arrangements admission authorities **must not**, “*take into account any previous schools attended, unless it is a named feeder school.*” The objector argues (as above) that there is no mention in any of the documentation available saying that The Charter School North Dulwich is a feeder school.

12. In fact, as outlined above, school's admission arrangements for entry to Y12 do name The Charter School North Dulwich in criterion 3. The Code's requirement at paragraph 1.9 b) that attendance at previous schools can only be taken into account where the school or school is named is clearly satisfied. I have considered also the other requirements relating to feeder schools set out in paragraph 1.15 of the Code, namely that the selection of a feeder school **must** be transparent and made on reasonable grounds. The trust explained in its response to the objection that it recognised it was unusual to name a feeder school for entry to Y12 but that the two schools were members of the same trust and so this meant that there was a *"consistency of vision, ethos and curriculum between our schools"* and that the existing joint working meant *"greater capacity to support transition arrangements from a pastoral perspective than is the case with external candidates."*

13. The trust also explained that the two schools *"afford reciprocal priority to students of our sibling schools when it comes to sixth form admissions."* The fact that The Charter School North Dulwich had similar admission arrangements to those for the school with priority given to those in Y11 at The Charter School East Dulwich was mentioned in the objection.

14. Furthermore, the trust told me that giving priority to those attending other schools within a trust is, *"a conventional arrangement practised in many multi-academy trusts."* I am aware that objections to such arrangements in other instances have been made to the adjudicator and some determinations have upheld these objections. I am considering this case based on its particular circumstances and other cases do not set a precedent. That said, I am satisfied that the selection of the Charter School North Dulwich as a feeder school to the Charter School East Dulwich for admission to Y12 is transparent and has been made on reasonable grounds. The requirements in paragraph 1.15 are thus met.

15. Finally, I have considered the objection against the overall requirement of the Code that admission arrangements must be fair and reasonable. The objector has not told me that she thinks that the naming of a feeder school is unfair or unreasonable in this case. The two schools are located reasonably close to each other with roughly one mile by walking route separating them and so local children are unlikely to be unfairly disadvantaged by the arrangements. I have been provided with no evidence that any unfairness to other children will arise from the inclusion of the Charter School North Dulwich as a feeder school.

16. I have therefore concluded that the trust has named a feeder school in its oversubscription criteria for admission for external candidates to Y12 and that it has complied with the Code in doing so. On these grounds I do not uphold the objection.

## Determination

17. 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 2021 determined by the Charter Schools Educational Trust for The Charter School East Dulwich in the area of Southwark Council.

Dated: 2 April 2020

Signed:

Schools Adjudicator: Deborah Pritchard