



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3837

Objector: An individual

Admission authority: Avanti Schools Trust for Avanti House School

Date of decision: 2 November 2021

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 2022 determined by Avanti Schools Trust, the admission authority for Avanti House School in Harrow.

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 an individual (the objector), about the admission arrangements (the arrangements) for September 2022 for Avanti House School (the school), a coeducational academy free school for children aged 11 to 18, within the multi-academy Avanti Schools Trust (the Trust). The school is designated as having a Hindu religious character. The objection is that the current oversubscription criteria represent a change from the previous year's arrangements and that no consultation was held in relation to that change.
2. The local authority for the area in which the school is located is the London Borough of Harrow (the LA). The parties to the case are the objector, the admission authority for the school, namely the Trust, the LA and the relevant representative body for the Hindu religion – the Hindu Education 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 academy 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. The objector submitted their objection to these determined arrangements on 11 May 2021. The objector has asked to have their 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 their 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.

4. At the time of the determination of the school's admissions arrangements and at the time the objection was made, the School Admissions Code 2014 (the 2014 Code) was in force. A revised School Admissions Code (the Code) came into force on 1 September 2021, which means that the 2014 Code no longer has any effect. I shall therefore use references to the new Code throughout this determination as it is that Code which is now in force. The arrangements for the school as set out in this determination were determined on 25 February 2021. At that date the 2014 Code, which was then in force, provided that children previously looked after in England and then adopted or made subject to a child arrangements or special guardianship order should have equal highest priority with looked after children in school admission arrangements (subject to certain exemptions in schools with a religious character). The new Code which came into force on 1 September 2021 extended the same level of priority for looked after and previously looked after children to children who appear (to the admission authority) to have been in state care outside of England and ceased to be in state care as a result of being adopted. All admission authorities were required to vary their admission arrangements accordingly by 1 September 2021. There was no requirement for this variation to be approved by the Secretary of State and no reason for the school to send me its varied arrangements. I have made my determination in this case on the basis that the admission authority will have varied its arrangements in order to comply with the new requirements set out above.

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 dated 11 May 2021 and further correspondence dated 29 September 2021 and 15 October 2021; and
- d. the Trust's response to the objection dated 7 October 2021.

I did not receive any response to the objection from the LA or the Hindu Education Authority.

The Objection

7. The objection is that the current oversubscription criterion 2 represents a change from the previous year's arrangements and that no consultation was held in relation to that change, contrary to the requirement at paragraph 1.45 of the Code. The objector asserts that the previous year's arrangements for the school included an oversubscription criterion 2 which read "Children with a sibling attending Avanti House Secondary School, Krishna Avanti Primary

School (Harrow) or Avanti House Primary School at the time of the application”, whereas the equivalent oversubscription criterion for the current arrangements now reads “Children with a sibling attending Avanti House Secondary School at the time of application” and no consultation was held in relation to the removal of “Krishna Avanti Primary School (Harrow) or Avanti House Primary School” from that criterion.

Background

8. The school is a coeducational academy free secondary school for children aged 11 to 18 situated in Harrow. The Trust is a multi-academy trust comprising 11 schools across England.

9. The school is a popular school and has a published admission number (PAN) of 180 for pupils entering Year 7 in September 2022.

10. The school has been designated by the Secretary of State for Education as having a Hindu religious character.

11. The oversubscription criteria for entry in September 2021 were, in summary:

- a. Oversubscription criterion 1 - Looked after and previously looked after children;
- b. Oversubscription criterion 2 - Children with a sibling attending Avanti House Secondary School;
- c. Oversubscription criterion 3 - Children who attend Avanti House Primary School or Krishna Avanti Primary School (Harrow);
- d. Oversubscription criterion 4 - Children of staff;
- e. Oversubscription criterion 5 - Up to 10 places for Hindu children with a practising Hindu parent who worships at the ISKCON Bhaktivedanta Manor temple;
- f. Oversubscription criterion 6 - All other children.

12. The oversubscription criteria for entry in September 2022 are identical to the arrangements for 2021.

Consideration of Case

13. The focus of this objection is oversubscription criterion 2 which gives priority to children with siblings attending Avanti House Secondary School at the time of the application. The objector asserts that the the previous year’s arrangements included an expanded version of the this criterion, referring not only to siblings attending Avanti House Secondary School but also siblings attending Avanti House Primary School and Krishna Avanti Primary School (Harrow). He alleges that the reference to siblings attending these two primary schools was removed by the Trust without consultation as is required by paragraph 1.45 of the Code.

14. Paragraph 1.45 of the Code requires that “When changes are proposed to admission arrangements, all admission authorities must consult on their admission arrangements (including

any supplementary information form) that will apply for admission applications the following school year. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there has been no change during that period”.

15. The Trust provided me with a helpful chronology of events, as follows:

- a. The school’s arrangements for September 2018, 2019 and 2020 each included an identical oversubscription criterion 2 that read “Children with a sibling attending Avanti House Primary School or Avanti House Secondary School at the time of the application”;
- b. In November 2019, the Trust held a consultation on its proposed arrangements for September 2021. There was a proposal to expand oversubscription criterion 2 so that it would read “Children with a sibling attending Avanti House Secondary School, Krishna Avanti Primary School (Harrow) or Avanti House Primary School at the time of the application”. The LA objected to the inclusion of siblings attending the two primary schools based on a concern about fairness to those children living close to the school;
- c. When the Trust published its consultation report, it explained that due to the concerns expressed by the LA and legal advice that the Trust had received, it had decided to remove reference to any primary school from its siblings oversubscription criterion (oversubscription criterion 2); and
- d. The school’s arrangements were therefore amended for September 2021 removing any reference to primary schools from oversubscription criterion 2 so that it read “Children with a sibling attending Avanti House Secondary School at the time of the application”.

16. The Trust has asserted that the relevant consultation was undertaken in compliance with the requirements of the Code.

17. The objector, noting that the Trust consulted with the LA and a legal adviser, has queried whether the relevant consultation was a public consultation that also involved the wider parents community. Although the objector has queried the extent to which the consultation held by the Trust in 2019/20 was fully compliant with the requirements of the Code, it is not appropriate for me to investigate or make any findings on that matter. I have jurisdiction to consider the arrangements for September 2022 and those alone. The school’s arrangements for September 2021 and any associated consultation are outside of my jurisdiction.

18. The school’s arrangements (including oversubscription criterion 2) did not change from the arrangements for September 2021 to the current arrangements for September 2022 and, as there was at least one consultation held within the previous seven years (in 2019/2020), there was no requirement to consult on the arrangements for September 2022.

19. On the basis of the information provided, it would appear to me that the objector is mistaken about the content of the school's 2021 arrangements. The premise of his objection is that the arrangements were changed between 2021 and 2022. However, on the basis of the information I have seen, that is not the case. There was a proposal to expand oversubscription criterion 2 for the 2021 arrangements to include reference to siblings of children who attended an additional primary school – Krishna Avanti Primary School – but the Trust decided not to go ahead with that change. In fact, it decided to remove reference to any primary school from its siblings oversubscription criterion, leaving priority under that criterion only to those with siblings attending the school itself.

20. As there was no change in the school's arrangements between 2021/22 and its current arrangements for 2022/23 (and a consultation had been undertaken in the previous seven years), no consultation was required. For that reason, I do not uphold the objection.

Summary of Findings

21. I do not uphold the objection. As no change had been made to the school's arrangements for entry in September 2022 (and because a consultation had been held in the previous seven years), there was no requirement under paragraph 1.45 of the Code to hold a consultation for this year's arrangements.

Determination

22. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I do not uphold the objection to the admission arrangements determined by Avanti Schools Trust, the admission authority for Avanti House School in Harrow.

Dated: 2 November 2021

Signed:

Schools Adjudicator: Jane Kilgannon