



Office of
the Schools
Adjudicator

Determination

Case reference:	ADA3913
Objector:	A parent
Admission authority:	The governing body of Wanstead Church School, in the local authority area of the London Borough of Redbridge
Date of decision:	13 July 2022

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2023 for Wanstead Church School, determined by the governing body of Wanstead Church School, Redbridge.

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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised 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 parent (the objector), about the admission arrangements (the arrangements) for September 2023 for Wanstead Church School (the school), a voluntary aided, coeducational primary school for children aged three

to eleven. The objection is that the admission authority has failed to make clear in its arrangements the process for requesting admission out of the normal age group, as required by paragraph 2.18 of the Code.

2. The local authority (LA) for the area in which the school is located is the London Borough of Redbridge. The LA is a party to this objection. Other parties to the objection are the governing body of the school (the admission authority) and the faith body for the school, the Church of England Diocese of Chelmsford (the diocese).

Jurisdiction

3. These arrangements were determined under section 88C of the Act by the school's governing board, which is the admission authority for the school, on 28 April 2022. Section 88C of the Act and Regulation 17 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 require that admission authorities determine admission arrangements by 28 February each year. Although this requirement was not met in this case, I am satisfied that the admission authority has now determined arrangements for the school and that they are within my jurisdiction.

4. The objector submitted their objection to these determined arrangements on 4 April 2022. 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. 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. a copy of the minutes of the meeting of the governing board held on 28 April 2022, at which the arrangements were determined;
- b. a copy of the determined arrangements, which include a Supplementary Information Form;
- c. the objector's form of objection dated 4 April 2022;
- d. the admission authority's response to the objection and supporting documents;
- e. the LA's response to the objection;
- f. the diocese's response to the objection; and

- g. a copy of the guidance on admissions provided to the school by the diocese.

The Objection

7. The objector considers that the arrangements do not comply with paragraph 2.18 of the Code because they do not make clear the process for requesting admission out of the normal age group.

Other Matters

8. There were a range of aspects of the arrangements that did not appear to comply with the requirements of the Code, with particular reference to paragraphs 14 (clarity and fairness), 1.7 (looked after and previously looked after children), 1.8 (oversubscription criteria), 1.13 (distance from the school), and 2.15 (waiting lists).

Background

9. The school is a voluntary aided, coeducational primary school for children aged three to eleven. It has a published admission number (PAN) of 30 for admission to reception year in September 2023.

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

11. The school is located within the London Borough of Redbridge and the Church of England Diocese of Chelmsford.

Consideration of Case

12. Paragraph 2.18 of the Code requires admission authorities to ensure that their arrangements are clear about the process for requesting admission out of the normal age group. I have carefully examined the arrangements and have not been able to find any reference to the process for requesting admission to the school out of the normal age group. I invited the admission authority, the LA and the diocese to comment on this matter. They each declined to comment.

13. On the basis that the required information is missing from the arrangements, I find that the arrangements do not comply with paragraph 2.18 of the Code. I therefore uphold the objection.

Other Matters

14. Having examined the arrangements, I was concerned that there were a number of aspects which may not have complied with the Code. I invited the parties to comment upon these concerns. They each declined to comment. The diocese directed me to a page on its website, containing advice titled "Diocese of Chelmsford Schools Admissions guidance for

2021-22” (www.cdbe.org.uk/schools/school-admissions). As this advice appeared to relate to the admissions for a previous academic year, and not for admission in September 2023, I did not take it into account. The LA indicated that it would “work with the Governing Body of the school” to ensure that the arrangements were amended promptly should I require any changes to the arrangements.

15. The aspects of the arrangements in question are as follows:
- a. The arrangements refer to statements of special educational need. These have now been replaced by Education, Health and Care Plans (EHCPs). Using this obsolete term renders the arrangements unclear contrary to paragraph 14 of the Code. This aspect of the arrangements must be revised to ensure clarity;
 - b. The arrangements state that the admission authority will employ its oversubscription criteria “after the specific educational needs of any applicant are met”. It is not clear whether this means that the admission authority will employ its oversubscription criteria after the admission of all children whose EHCP names the school (as required by paragraph 1.6 of the Code) or only after the admission of children with specific educational needs, but not those with specific health or care needs. As such, this aspect of the arrangements is unclear contrary to the paragraph 14 of the Code and must be revised;
 - c. Oversubscription criterion (1) is for “Looked after” children and previously looked after children”. However, no definitions are provided for these terms. In particular, it is not clear whether children who appear to the admission authority to have been in state care outside England are included. The Code requires that they are. As such, the arrangements fail to employ the definitions required by paragraph 1.7 of the Code and lack the clarity required by paragraph 1.8 of the Code. This aspect of the arrangements must be revised;
 - d. In relation to oversubscription criteria (3), (4), (5) and (6), it is unclear from the arrangements whether or not the parent who worshipped regularly at the relevant church has to be the same parent who is a recorded member of the relevant church / parish. As such, this aspect of the arrangements is unclear contrary to paragraph 1.8 of the Code, and it must be revised;
 - e. After the section on “In-Year Admissions”, there is the statement “The above criteria are only applied when there are more applicants than places”. It is unclear whether this statement relates only to in-year admissions or also to admissions in the normal admissions round. As such, this aspect of the arrangements is unclear contrary to paragraph 14 of the Code and must be revised;
 - f. The definition of sibling, for the purposes of oversubscription criterion (2), is “This means brother or sister, whether whole, half, adopted or step [...]”. The definition does not include foster siblings or other children living permanently at the same address. Without any explanation as to why such an omission might be justified, I consider it to be unfair contrary to paragraph 14 of the Code and so this aspect of the arrangements must be revised;
 - g. The definition of parent, for the purposes of the definitions relating to oversubscription criteria (3), (4), (5) and (6), is “Parent is given its natural

meaning but shall include adoptive parents or any person with 'parental responsibility' as defined by the Children Act 1989, the Children and Families Act 2014 (or any subsequent substitute legislation) or a recognised guardian". The decision by the admission authority to refer to "or any subsequent legislation" rather than providing the name of any such legislation makes it very difficult for parents to understand the full scope of the arrangements. The imprecise definition requires the reader to undertake their own legal research in order to ascertain the full, current meaning of 'parent' in the arrangements. Without any explanation as to why such an approach might be justified, I find that this aspect of the arrangements does not comply with the requirement at paragraph 14 of the Code that "parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated". For that reason, this aspect of the arrangements must be revised;

- h. It is not clear from the arrangements whether "Wanstead and St. Gabriel's" is one parish or two. Oversubscription criteria (3) and (4) give the impression that they are two parishes (with Christ Church and St. Mary's church in the parish of Wanstead and St. Gabriel's church in the parish of Aldersbrook). However, the definition of "The parish of Wanstead and St Gabriel's" refers to them as a singular parish, giving the impression that they form one parish. The admission authority and the diocese have declined to provide an explanation for this apparent discrepancy. I find that this aspect of the arrangements lacks clarity contrary to the requirements of paragraphs 1.8 and 14 of the Code and must be revised;
- i. A definition is provided for the term "Those who have recently moved" even though the term does not appear anywhere in the arrangements. It is unclear to me whether the term is superfluous or, rather, is intended to form part of the definition of "families who have worshipped regularly" or "recorded members". The admission authority has not provided any explanation. Therefore, without any satisfactory explanation having been provided as to the intended meaning of the term, I find this aspect of the arrangements to be unclear contrary to the requirements of paragraphs 1.8 and 14 of the Code and therefore require that it be revised;
- j. Within the definition of "Those who have recently moved" there is reference to "long enough" without any indication as to how long is "long enough". I consider this aspect of the arrangements to be unclear contrary to the requirements of paragraphs 1.8 and 14 of the Code and therefore require that it be revised;
- k. Within the definition of "Those who have recently moved" there is reference to "this is verified by a reference from the ministers of both churches the family has attended". It is not clear to me whether the requirement is one reference (completed by both ministers together) or two references (with one completed by each minister). The admission authority has not provided any clarification in relation to this point. I find that this aspect of the arrangements is unclear contrary to the requirements of paragraphs 1.8 and 14 of the Code and must be revised;
- l. In the definitions section, there are two references to "a qualifying church" being "defined by its address and postcode". I do not understand what this means. For example, how will the admission authority decide whether an address and postcode falls within a particular London Borough? I find that this

aspect of the arrangements is unclear contrary to the requirements of paragraphs 1.8 and 14 of the Code and must be revised;

- m. In the definitions section, there is an explanation that “In order of geographical proximity to the school” means “Proximity will be given to those living closest to the school as measured by the London Borough of Redbridge using the system in operation at the relevant time”. No indication is given as to the system in use for the relevant admissions year (for example, straight line, shortest walking route, etc.) nor how a parent can access that system to find out for themselves (for example, a link to the local authority website providing a full details of how distance is calculated). As such, I find this aspect of the arrangements to be unclear contrary to the requirements of paragraphs 1.8, 1.13 and 14 of the Code and it must, therefore, be revised;
- n. Although the definition for “In order of geographical proximity to the school” refers to those “living” closest to the school, there is no explanation of how the admission authority will decide where the applicant lives for this purpose. For example, for how much of the week, month, year, does the child have to live at the address in order for it to count as the address where they live under this definition? In particular, where a child lives for part of the week with one parent, and for part of the week with another parent, which address will count as the address where they live under this definition? Without this detail, I find that that this aspect of the arrangements is unclear contrary to the requirements of paragraphs 1.8, 1.13 and 14 of the Code and must be revised;
- o. The “Important Information” section refers to “References”. It is not clear whether this means Supplementary Information Forms or some other type of ‘reference’. On that basis, I find that this aspect of the arrangements is unclear contrary to the requirements of paragraph 14 of the Code and must be revised;
- p. In the section on “References”, there is the statement “Further references and records of attendance can and may be requested”. The meaning of this statement is unclear. For example, in which circumstances will further such documentation be requested, from whom and for what purpose? Without that further detail, this aspect of the arrangements is unclear contrary to the requirement of paragraph 14 of the Code. It also creates a risk of procedural or substantive unfairness contrary to the requirements of paragraphs 14 and 1.8 of the Code. For these reasons, this aspect of the arrangements must be revised;
- q. The “Important Information” section includes reference to “Waiting list”. It states that “Where the school is oversubscribed the governors will, at a parent’s written request to the Head Teacher, hold such unsuccessful applications on file and allocate places should they become available on the basis of the admissions criteria set out above”. This gives the impression that entry to the waiting list is not automatic, but requires an additional action by the applicant’s parent – submitting a request in writing to the Head Teacher. I find that this aspect of the arrangements is contrary to the requirement at paragraph 2.15 of the Code that the admission authority must “maintain a clear, fair and objective waiting list until at least 31 December of each school year of admission”. For that reason, this aspect of the arrangements must be revised;

- r. The “Deferred Entry” and “Part-time attendance” sections of the “Important Information” section each include reference to “compulsory school age” without providing a definition of that term. I am concerned that some parents may not know the meaning of that term and therefore the lack of a definition renders the arrangements unclear contrary to the requirements of paragraph 14 of the Code. For that reason, this aspect of the arrangements must be revised;
- s. In the “Important Information” section there is reference to “In-year admissions”. It is stated that “If more applications are received than there are places available then applications will be ranked by the governing body in accordance with the oversubscription criteria using the information provided on the SIF”. I am concerned that the admission authority would also need the information included on the child’s application form in order to properly rank the application, whereas this statement gives the impression that only the information provided on the SIF will be drawn upon. For that reason, I find that this aspect of the arrangements is unclear contrary to the requirements of paragraph 14 of the Code and must be revised;
- t. The terms criterion and category appear to be used inter-changeably throughout the arrangements (for example, pages 1 and 2 refer to criteria, page 3 refers to categories and criteria, and the SIF refers to category). I find that this could lead to a misunderstanding for parents reading the arrangements and so it renders this aspect of the arrangements unclear contrary to the requirements of paragraph 14 of the Code. It must be revised;
- u. The SIF begins with the following statement “There is no requirement for you to complete this form if you have applied to the London Borough of Redbridge under category 1 (children with a Statement of Special Educational Needs or an Education and Health Care Plan (‘EHCP’) naming the school or looked after children)”. This appears to mis-reference oversubscription criterion (1), mistakenly referring to it as including children with an EHCP that names the school. This could lead to a misunderstanding for parents reading the arrangements and so it renders the arrangements unclear contrary to the requirements of paragraph 14 of the Code. It must be revised;
- v. The SIF includes a direction “Tick here if you are on the electoral roll of an Anglican church or are on the membership list of a church of another denomination”. This aspect of the form does not appear to envisage the possibility that the person completing the form may not be the parent that is the recorded member of the relevant church/parish. This could give rise to confusion for those completing the form and so it renders this aspect of the arrangements unclear contrary to the requirements of paragraph 14 of the Code. It may also give rise to procedural unfairness contrary to paragraph 1.8 of the Code where a child has a parent that meets the worship and recorded member requirements of oversubscription criteria (3), (4), (5) or (6) but because that parent is not the parent completing the form, the child is ranked lower than they otherwise would be. For these reasons, this aspect of the arrangements must be revised;
- w. The SIF asks for the names and dates of birth of any sibling “who will be attending THIS SCHOOL ON THE DATE OF ADMISSION”, whereas the definition of “sibling” refers to the sibling attending the school “at the time of the admission application”. This discrepancy renders this aspect of the

arrangements unclear contrary to the requirements of paragraph 14 of the Code and must therefore be revised; and

- x. Part 2 of the SIF asks the “Parish Priest / Minister” to “Please tick the category which most closely describes the family’s circumstances”. It then provides the following two options: (1) “The family has attended worship at least twice a month for at least the two years immediately preceding the date of application”; and (2) “The family is not known to me”. These two statements are not binary options. It will be possible for a minister to know a family but for that family not to meet the twice monthly worship requirement. I am concerned that the way in which this part of the form has been set out could well lead to misunderstanding on the part of parents or ministers completing the form. For that reason, I find that this aspect of the arrangements does not meet the requirements of clarity at paragraph 14 of the Code. It must be revised.

Summary of Findings

16. The admission authority failed to comply with the requirement at paragraph 2.18 of the Code that its arrangements must be clear as to the process for requesting admission out of the normal age group. On that basis, I upheld the objection. There were a number of other ways in which the arrangements failed to comply with the Code. I required that these be revised.

Determination

17. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2023 for Wanstead Church School, determined by the governing body of Wanstead Church School, Redbridge. 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.

18. 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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised within two months of the date of this determination.

Dated: 13 July 2022

Signed:

Schools Adjudicator: **Jane Kilgannon**