



Determination

Case reference:	ADA3979
Objector:	A parent
Admission authority:	The governing board for Christ's Church of England Comprehensive Secondary School, Richmond upon Thames
Date of decision:	7 October 2022

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2023 determined by the governing board for Christ's Church of England Comprehensive Secondary School, Richmond upon Thames.

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 parent (the objector), about the admission arrangements (the arrangements) for September 2023 for Christ's Church of England Comprehensive Secondary School (the school), a voluntary aided school with a Church of England religious character for pupils aged 11 to 19. The objection is to the arrangements for admission to the school's sixth form.
2. The local authority (the LA) for the area in which the school is located is the London Borough of Richmond upon Thames. The LA is a party to this objection. Other parties to the objection are the governing board of the school, the objector and the Diocese of Southwark (the diocese), which is the school's religious authority.

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. The objector submitted his objection to these determined arrangements on 13 May 2022. The objector has asked to have his 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 his 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

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. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
- b. a copy of the determined arrangements;
- c. the objector's form of objection dated 13 May 2022;
- d. the school's response to the objection; and
- e. the LA's comments on the objection.

The Objection

6. The objector argues that the arrangements do not comply with the Code in the following respects, all of which relate to the admission of pupils to the school's sixth form:

- the admission authority takes into account reports from previous schools about students' past behaviour and attendance, contrary to paragraph 1.9 g) of the Code;
- the arrangements do not specify that the priority given to children of staff only applies to staff employed at the school for two or more years and/or staff recruited to fill a vacant post for which there is a demonstrable skill shortage, as set out in paragraph 1.39 of the Code;
- there is no Published Admission Number (PAN) for external applicants, contrary to paragraph 1.2 of the Code, which states that a PAN must be set for each "relevant age group", that is, an age group at which pupils will normally be admitted to the school;

- internal applicants, that is, pupils seeking to move from year 11 (Y11) at the school into its sixth form, appear in the oversubscription criteria, implying that they need to apply for a place at the school. Paragraph 2.6 makes clear that they are not required to do so; and
- the arrangements state that “the Governing Body expects that all students will take part in the Christian worship at the School”, contrary to paragraph 1.8 of the Code which reads: “Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group.” The social group that is disadvantaged comprises sixth form applicants who may wish to exercise their right to withdraw from Christian worship under Section 55 of the Education and Inspections Act 2006, because the statement above discourages them from applying for a place.

Background

7. The school, in its response to the objection signed by the headteacher and chair of governors, describes its sixth form as “relatively new.” The number of pupils allocated a place in year 12 (Y12) has increased from 62 in 2020 to 97 in 2022, 83 of whom were internal applicants and 14 external. The arrangements for admission to the sixth form specify academic thresholds for the range of courses available.

8. The oversubscription criteria for admission to the sixth form can be summarised as follows (the third criterion is quoted in full):

- (i) Looked after children and previously looked after children.
- (ii) Applicants whose social or medical circumstances require attendance at the school rather than any other school.
- (iii) “Priority will be given to students from Year 11 at Christ’s School who wish to transfer to the Sixth Form over those who wish to apply from another school, provided they meet the academic entry requirements”.
- (iv) Applicants with a sibling attending the school at the time of admission.
- (v) Applicants with a sibling attending the school at the time of application.
- (vi) Applicants with a parent employed by the school at the time of application.
- (vii) Applicants living closest to the school.

Consideration of Case

9. I will consider each of the aspects of the objection in turn, in the order that they appear on the objection form.

Reports from previous schools

10. The arrangements include the following sentence:

“Please note that student attendance, punctuality and behaviour records will also be taken into account (via reference for external applicants) when assessing suitability for courses applied for.”

11. Paragraph 1.9 g) of the Code states that admission arrangements **must not**,

“take account of reports from previous schools about children’s past behaviour, attendance, attitude, or achievement”.

With respect to external applicants, the arrangements are therefore in direct contravention of this requirement of the Code. I uphold this aspect of the objection. The sentence quoted above must be removed. The school acknowledges this to be the case. I have more to say about internal applicants below.

Priority for children of staff

12. In a section of the arrangements headed “Clarification of Terms”, “Staff” is defined thus:

“a member of staff is someone who has or has been offered a permanent contract with the school at the time at which the application is made.”

13. Paragraph 1.39 of the Code sets out the two circumstances in which admission authorities may give priority to children of staff, as follows:

“a) where the member of staff has been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or

b) the member of staff is recruited to fill a vacant post at the school for which there is a demonstrable skill shortage.”

The arrangements do not specify that it is only in these circumstances that priority can be given to children of staff. They are therefore unclear, contrary to paragraph 14 of the Code and, as the objector argues, do not comply with paragraph 1.39 because the sixth oversubscription criterion potentially gives priority to applicants who are not entitled to it, if their parent’s employment at the school does not meet one or both of the two circumstances in which priority can be given. I uphold this aspect of the objection. The school has undertaken to make the necessary amendments to the arrangements.

PAN for external applicants

14. The arrangements state that “90 places are available in Year 12 and 90 places are available in Year 13.” I take this to mean that the school expects to accommodate a total of 90 pupils in each of the two year groups. At no point do the arrangements indicate a PAN for Y12.

15. Paragraph 1.2 of the Code requires PANs to be set for “each relevant age group.” Footnote 11 explains that these are the age groups “at which pupils are or will normally be admitted to the school”, including Y12 “where the school admits external applicants to the sixth form”. As the school admits external applicants to Y12, it is therefore necessary for it to set a PAN. The PAN relates only to external applicants, rather than the overall number of pupils it accommodates in its sixth form. I uphold this aspect of the objection. The school accepts that its arrangements do not comply with this requirement of the Code and will amend them accordingly.

Internal applicants appear in the oversubscription criteria

16. The third oversubscription criterion, set out in full above, indicates that internal applicants have priority over external applicants. The objector argues that the criterion implies that internal applicants must apply for a place in the sixth form, contrary to paragraph 2.6 of the Code, which begins,

“Children and their parents applying for sixth form places may use the CAF [common application form], although if they are already on the roll, they are not required to do so in order to transfer into year 12.”

17. In response, the school says,

“We recognise that the current wording of the policy may imply that internal applicants need to apply using the CAF, however this is not the case; internal applicants are only required to state their subject choices which information is required for planning and staffing purposes.”

18. I consider the school’s practice to be correct, but the objector is right that internal applicants should not appear in the oversubscription criteria. The purpose of oversubscription criteria is to establish priority for places when there are more applicants for admission to the school than the places that are available. As internal applicants for a place in the sixth form are not seeking to be admitted to the school, the oversubscription criteria do not apply to them. It is necessary only for them to attain the academic requirements for admission to the sixth form that are set out in the arrangements. The oversubscription criteria relate only to external applicants.

19. The school informed me that it has never not offered a place to an applicant who has reached the academic threshold. In other words, it has never had to apply its oversubscription criteria. Nonetheless, it is essential that they comply with the requirements

relating to admissions. I uphold this aspect of the objection in this respect. The third criterion must be removed.

Attendance at worship

20. The opening paragraph of the school's "Admission Policy" gives an explanation of the school's Christian ethos. It concludes as follows:

"Students applying for a place in the Sixth Form at Christ's School do so knowing that Christ's School provides an education based on Christian principles, and therefore the Governing Body expects that all students will take part in the Christian worship at the School."

The objector says that this statement breaches paragraph 1.8 of the Code.

21. The relevant part of Paragraph 1.8 reads as follows:

"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, and that other policies around school uniform or school trips do not discourage parents from applying for a place for their child."

The objector argues that the expectation that students will take part in Christian worship at the school "discourages" those who would wish to exercise their right to withdraw from worship from applying for a place. He says that such children constitute a social group.

22. In relation to discouraging applications for places, paragraph 1.8 specifically refers to "policies around school uniform or school trips." A requirement that children purchase an expensive school uniform or participate in potentially costly trips could well discourage less well-off parents from applying for a place at a school. I consider this to be a rather different matter to an expectation that children will attend Christian worship at a Church of England school. Schools with a religious character form part of the state-funded education system and express that character through worship and other religious activities. It is a well-known feature of Church of England schools that Christian worship takes place; indeed it is a requirement for such schools. As the school says,

"it is expected that by applying to a church school, parents understand the school's distinctive Christian character and recognise that Collective Worship is central to the life of the school."

It is not inappropriate for the governing board of a Church of England school to hope that all pupils will take part in worship, whilst recognising, as the school does, that there is a statutory right to withdraw from it. While the fact that the school hopes that its student body will attend worship may well discourage some parents and children from applying for a

place at such a school, this is not, in my view, the concern that paragraph 1.8 is addressing. I do not uphold this aspect of the objection.

23. However, before concluding, I should say that I am concerned that the statements quoted in paragraph 20 above appear in the “Admission Policy”. This policy constitutes the arrangements for admission to the sixth form, including key technical matters such as academic thresholds and oversubscription criteria. The school cannot know at the point of considering an application whether an applicant would or would not attend worship. Any steps it took to find this out would place it in breach of the requirements relating to admissions in one way or another. Including a reference to expectations could lead readers of the arrangements to think that that this might be taken into account. That too would be unlawful as all that can be taken into account is the oversubscription criteria. The school’s expectations about attendance at worship would, in my view, be better placed elsewhere, in a document such as a prospectus.

24. The LA expressed the view that the arrangements do not comply with the requirements relating to admissions in the four respects that I have upheld the objection. No response was received from the diocese.

Summary of Findings

25. The arrangements do not comply with the requirements relating to admissions in four of the five respects cited by the objector: taking into account reports about applicants’ behaviour and attendance; a wrong definition of ‘staff’; the lack of a PAN for external applicants: and the inclusion of internal applicants in the oversubscription criteria. The school’s expectation of attendance at Christian worship does not contravene the prohibition on discouraging parents from applying for a place. I partially uphold the objection.

Determination

26. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I partially uphold the objection to the admission arrangements for September 2023 determined by the governing board for Christ’s Church of England Comprehensive Secondary School, Richmond upon Thames.

27. 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: 7 October 2022

Signed:

Schools Adjudicator: Peter Goringe