



Determination

Case reference: REF3981

Referrer: A parent

Admission authority: The academy trust for Orleans Park School, Richmond upon Thames

Date of decision: 7 October 2022

Determination

I have considered the admission arrangements for September 2023 for Orleans Park School, Richmond upon Thames, in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that the arrangements do not conform with the requirements 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.

The referral

1. Under section 88H(2) of the School Standards and Framework Act 1998 (the Act), an objection was referred to the adjudicator by a parent (the referrer), about the admission arrangements of another school in Richmond upon Thames. Within the objection, the referrer drew attention to, but did not object to, the admission arrangements (the arrangements) for Orleans Park School (the school), an academy school for pupils aged 11 to 18, for September 2023, specifically the arrangements for admission to the school's sixth form, which he believed did not, or might not, conform with the requirements relating to admissions.
2. The parties to the case are the academy trust for the school (the trust) and the London Borough of Richmond upon Thames (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 academy school 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, which is the admission authority for the school, on 8 December 2021, on that basis. When they were brought to my attention it appeared that the arrangements did not, or might not, conform with the requirements for admission arrangements, both in respect of the matter brought to my attention by the referrer and other matters. I therefore decided to use my power under section 88I(5) of the Act to consider them as a whole.

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) the minutes of the meeting of the trust at which the arrangements were determined;
- b) a copy of the determined arrangements;
- c) comments from the trust on the matters raised; and
- d) comments from the local authority on the matters raised.

The Referral

6. The referrer notes that internal applicants, that is, pupils in year 11 (Y11) at the school, appear within the oversubscription criteria for admission to the school's sixth form. In his view, this is contrary to paragraph 2.6 of the Code.

Other Matters

7. Looked after children and previously looked after children are not given the highest priority for admission to year 12 (Y12), that is, the sixth form. This breaches paragraphs 1.7 and 2.6 of the Code.

8. Within the oversubscription criteria giving priority to looked after children and previously looked after children, for admission both to year 7 and to Y12, reference is made to "a residence order". Residence orders were replaced by child arrangements orders in 2014. The oversubscription criteria are therefore unclear, contrary to paragraph 1.8 of the Code.

Background

9. The arrangements for admission to the school's sixth form state,

"The anticipated capacity for Year 12 for September 2023 entry is 140 students, the minimum number of external students the school will admit is 5."
10. The first oversubscription criterion for admission to Y12 reads as follows:

"**Students already attending the school at the time of application** (internal applicants). (If this criterion is oversubscribed, the following criteria will be used to determine allocations within this criterion).
11. The following oversubscription criteria can be summarised as:
 - (ii) Looked after children and previously looked after children.
 - (iii) Students with an exceptional family, medical or social need.
 - (iv) Siblings.
 - (v) Children of staff.
 - (vi) Students living nearest to the school.

Consideration of Case

12. Paragraph 2.6 of the Code reads as follows:

"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. Admission authorities can, however, set academic entry criteria for their sixth forms, which **must** be the same for both external and internal places. School sixth form admission arrangements for external applicants must be consulted upon, determined, and published in accordance with the same timetable as for admission arrangements for other entry points. As with other points of entry to schools, highest priority in oversubscription criteria for sixth form places **must** be given to looked after children and previously looked after children who meet the academic entry criteria."
13. This paragraph makes clear that internal applicants wishing to move from Y11 at the school into the sixth form are not required to apply or to express a preference to continue at the school. Internal applicants are not seeking to be admitted to the school; they have already been admitted. They are entitled to move into the sixth form, provided they meet the academic entry requirements.
14. Although the arrangements refer to the "capacity" of the sixth form as being 140, this figure is not a Published Admission Number (PAN). 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”. The PAN for Y12, therefore, relates only to external applicants, who are being admitted to the school for the first time. The school’s arrangements state that this figure is five. The “non-academic” oversubscription criteria in the arrangements, that is, criteria (ii) to (vi) listed at paragraph 11 above, can relate only to external applicants.

15. This means that the first oversubscription criterion in the arrangements for admission to Y12 must be removed as it does not conform with admission requirements. Removing this criterion will also ensure that looked after children and previously looked after children have first priority to be admitted to the sixth form (as external applicants), which the Code says they must.

16. In its response, the local authority expressed a similar view. The trust has accepted the need to make this change to its arrangements and also to remove and update the references to residence orders. This must be done so that the arrangements conform with the requirements for admissions in these respects.

Determination

17. I have considered the admission arrangements for September 2023 for Orleans Park School, Richmond upon Thames, in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that the arrangements do not conform with the requirements 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.

Dated: 7 October 2022

Signed:

Schools Adjudicator: Peter Goringe