



## Determination

<b>Case reference:</b>	<b>REF4073</b>
<b>Referrer:</b>	<b>A parent</b>
<b>Admission authority:</b>	<b>Every Child, Every Day Academy Trust for Grey Court School, Richmond upon Thames</b>
<b>Date of decision:</b>	<b>7 October 2022</b>

### Determination

I have considered the admission arrangements for September 2023 for Grey Court 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 Grey Court 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 Every Child, Every Day Academy Trust (the trust), a multi-academy trust responsible for the school, 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 trust, which is the admission authority for the school, 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 matters 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) a copy of the determined arrangements;
- b) comments from the headteacher of the school, on behalf of the trust, on the matters raised; and
- c) comments from the local authority on the matters raised.

## The Referral

6. The referrer drew my attention to the following two matters:

- non-academic oversubscription criteria are applied to internal applicants, that is, pupils in year 11 (Y11) at the school, who achieve the minimum academic entry requirements. In his view, this is contrary to paragraph 2.6 of the Code; and
- the arrangements imply that 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.

## Other Matters

7. Within the oversubscription criteria giving priority to looked after children and previously looked after children for admission to year 12 (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

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

“Existing Grey Court School students have priority over external applicants. Where there are more internal applicants than places, places will be offered using the oversubscription criteria below. We will accept a minimum of 20 students from external academic institutions in each cohort.”

9. The oversubscription criteria for admission to Y12 can be summarised as:

- (i) Looked after children and previously looked after children.
- (ii) Children of staff.
- (iii) Students living nearest to the school.

## Consideration of Case

10. 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.”

11. 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.

12. The arrangements refer to the possibility of there being “more internal applicants than places.” The number of “places” is not specified in the arrangements and there is no requirement that such a figure should be given. The Code, in paragraph 1.2, does require a Published Admission Number (PAN) to be set for external applicants to the sixth form. The arrangements state that a minimum of 20 external applicants will be admitted. I take this to be the PAN for Y12, although it would be helpful if the arrangements stated this specifically.

13. 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.

14. This means that, in order to conform with the requirements relating to admissions, references in the arrangements to internal applicants being subject to the oversubscription criteria must be removed. The only ground on which a child in Y11 at a school can be refused admission to that school's sixth form is if he or she does not meet any specified academic entry requirements. It must be made clear that the oversubscription criteria apply only to external applicants.

15. In his response, the headteacher reported that no internal applicant who reached the academic threshold had been refused a place in any of the past three years. This is helpful information, but does not, of course, remove the requirement that the arrangements must be amended.

16. I turn now to the second of the matters to which the referrer drew my attention. In 'notes' that appear below the oversubscription criteria, the following statement is included:

"Student's [sic] attendance, punctuality and behaviour records will also be taken into account when assessing suitability for courses applied for."

The headteacher confirmed that the notes form part of the arrangements.

17. 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".

The note is therefore in direct contravention of this requirement of the Code and must be removed.

18. The headteacher informed me that,

"Grey Court School has never not issued an offer or refused an admission of a year 12 on account of a student's past behaviour and attendance. This is applicable for both external and internal students."

Again, this re-assurance does not mean that the note does not need to be removed.

19. In its response, the local authority confirmed that it agreed that the arrangements appeared not to conform with the Code in the three ways set out above, that is, the two matters raised by the referrer and the other matter (the incorrect reference to "residence orders").

## Determination

20. I have considered the admission arrangements for September 2023 for Grey Court 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.

21. 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