



Office of
the Schools
Adjudicator

Determination

Case reference: ADA3868

Objector: A member of the public

Admission authority: Avanti Schools Trust

Date of decision: 06 October 2022

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 2023 determined by the Avanti Schools Trust for Krishna Avanti Primary School, Harrow.

By virtue of section 88K(2) the adjudicator's decision is binding on the admission authority.

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 member of the public, the objector, about the admission arrangements (the arrangements) for September 2023, for Krishna Avanti Primary School (the school), an academy school for boys and girls aged 3 to 11. The school is designated as having a Hindu religious character.
2. The local authority (LA) for the area in which the school is located is Harrow Council. The LA is a party to this objection. Other parties to the objection are the objector, the school and the Hindu Education Board, the faith body for the school

Jurisdiction

3. The terms of the Academy agreement between the multi-academy 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 academy trust, which is the

admission authority for the school, on that basis. The objector submitted their objection to these determined arrangements on 14 May 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.

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 trust at which the arrangements were determined;
 - b. a copy of the determined arrangements, which include a Supplementary Information Form (SIF);
 - c. the objector's form of objection dated 14 May 2022;
 - d. the school's response to the objection; and
 - e. the LA's response to my queries.
6. The Office of the Schools Adjudicator wrote to the school and to the Hindu Education Board seeking information and comments on the objection but no response had been received from either at the time of writing. However, I consider that I have sufficient information to reach the conclusion set out in this determination.

The Objection

7. The objection is to the reduction of the number of places given priority for "Hindu children with a practising Hindu parent" from 30 in 2022 to 15 in 2023. I have considered whether the oversubscription criteria for entry to the school in 2023 are fair and reasonable in accordance with the provisions of the School Admissions Code paragraphs 14 and 1.8.

Background

8. The school converted to academy status in 2012; it was not a new academy or Free School. Consequently, it was not restricted to a maximum intake of 50 per cent with reference to faith. It is part of the Avanti Education Trust which includes a number of other primary schools, some of which are new academies, or Free Schools, which would have been so restricted by the terms of their funding agreements. The Trust consulted on changes to the admission arrangements at some of those primary schools between

November 2021 and January 2022. The admission arrangements for Reception Year 2022 are, in summary, as follows. I have highlighted the relevant criteria in bold.

“1. Children Looked After, previously looked after children and 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.

2. Children with a sibling attending the School at the time of admission.

3. Children of a member of the School’s staff who:

a. Has been employed at the School for two or more years at the time of application; and/or

b. Was recruited to fill a vacant post[at the School or Nursery for which there was a demonstrable skill shortage.

4. Up to 15 places to Hindu children with a practising Hindu parent who worships at the ISKCON Bhaktivedanta Manor temple in the following order of priority:

4.1 Hindu children with a practising Hindu parent who has taken initiation (diksha) and attends Sanga;

4.2 Hindu children with a practising Hindu parent who attends Sanga6;

5. Community places: Ten children per year group based on distance criterion alone, irrespective of their faith or of no faith at all.

6. Up to 30 Hindu children with a practising Hindu parent.

7. All other children.”

8. The oversubscription criteria changed, following the consultation, for September 2023 entry, The “community places”, criterion 5 above, were removed and the number of places for “Hindu children with a practising Hindu parent”, criterion 6 above, was reduced from 30 to 15. The oversubscription criteria for entry in 2023 are, in summary, set out below. I have highlighted the relevant criterion in bold.

“1. Children Looked After, previously looked after children and 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.

2. Children with a sibling attending the School at the time of admission.

3. Children of a member of the School’s staff who:

a. Has been employed at the School for two or more years at the time of application; and/or

b. Was recruited to fill a vacant post [at] the School or Nursery for which there was a demonstrable skill shortage..

4. Up to 15 places to Hindu children with a practising Hindu parent who worships at an ISKCON Temple in the following order of priority:

4.1 Hindu children with a practising Hindu parent who has taken initiation (diksha) and attends Sanga ;

4.2 Hindu children with a practising Hindu parent who attends Sanga.

5. Up to 15 Hindu children with a practising Hindu parent.

6. All other children.

Consideration of Case

9. The objection is to the priority given in the 2023 oversubscription criteria to only 15 “Hindu children with a practising Hindu parent” (Criterion 5) reduced from 30 “Hindu children with a practising Hindu parent” in the 2022 criteria (criterion 6 in the 2022 criteria). The school’s PAN is 60. For entry in 2022, when criterion 4 is taken into account, 75 per cent of places were potentially allocated with reference to faith. For entry in 2023 this had reduced to 50 per cent.

10. The Trust state in the consultation document:

“The proposed changes are as follows:

- Change from 30 Hindu places to 15 to allow for local places with consideration to the AST [Avanti Schools Trust] value on inclusivity and in alignment to other AST faith schools.
- Removal of criteria 5 from the 2022-23 policy to reflect the changes detailed above”.

11. The objector states:

“The school has proposed to reduce Hindu places by half. As of now, 30 places were available for children under Hindu faith criteria, school has reduced it by 50% to 15. This is a popular, long-established Hindu faith school & demand from Hindu faith community places is high. So it shouldn’t be reducing the faith based places”.

12. The local authority have provided data for 2022 admissions, which I have used to compile the table below. The table sets out the pattern of admissions in 2022 and the hypothetical position if exactly the same applications had been allocated using the 2023 oversubscription criteria. 94 applicants put the school as their first preference.

13.

Actual 2022			Hypothetical 2023		
Criterion 2022	Admitted 2022	First preferences not admitted 2022	Criterion 2023	Admitted 2023	First preferences not admitted 2023
1	0	0	1	0	0
2	20	0	2	20	0
3	0	0	3	0	0
4.1	6	0	4.1	6	0
4.2	8	0	4.2	8	0
5	10	34*			
6	16	17*	5	15	17
7	0	17*	6	11	17
Total	60			60	

*All applicants are considered under criterion 5 Community Places. Those who are not admitted under that criterion are considered under criterion 6 (if they meet the faith criteria) and all remaining applicants are considered under criterion 7. The total number of applicants who put the school as their first preference and were not admitted in 2022 was 34.

14. Under the 2022 oversubscription criteria all applicants who met criteria 1 to 4 were admitted. That would also be the case for 2023 in my hypothetical scenario. In 2022 the maximum allocation of 10 Community Places was filled. All applicants would inevitably meet criterion 5. Some of those admitted under criterion 5 may be Hindu children who would have also met criterion 6 “Up to 30 Hindu children with a practising Hindu parent”. So, the remaining 34 applicants were considered under criterion 6. 33 applicants met criterion 6. However only 16 places remained, so 16 applicants were admitted under that criterion. Consequently 17 applicants who met criterion 6 were not admitted under criterion 6. There were no places remaining, so no applicants were admitted under criterion 7.

15. In my hypothetical scenario the changes to the criteria for 2023 would make little difference to the profile of the applicants admitted. One fewer applicant who met 2023 criterion 5 would be admitted as the limit of 15 would be reached. One more applicant

would be admitted on distance under 2023 criterion 6. Some applicants who met criterion 5 but were not admitted under that criterion might be admitted under criterion 6.

16. In reality, the profile of applicants for places in 2023 will not be exactly the same in 2023. If there are more applicants for 2023 entry who meet criteria 1 to 4 then fewer places will be available under criterion 6. If the number of additional applicants who meet criteria 1 to 4 is greater than 11, then there will be less than 15 places available under criterion 5 as fewer than 15 places would remain. If the 2022 criteria were applied, then for each additional applicant who met criteria 1 to 4 there would be one less place available under 2022 criterion 6. If there were two or more additional applicants who met criteria 1 to 4 then the number of places available under 2022 criterion 6 would be less than 15.

17. If in 2023 there are fewer applicants who met criteria 1 to 4 then the number of places available under criterion 5 will remain at 15 (that being the maximum number of places available under that criterion) and a greater number of places will be available under criterion 6. In such circumstances if the 2022 criteria were retained more places would be available under the 2022 criterion 6.

18. Overall, I find that the changes to the criteria are unlikely to lead to any great reduction in the number of applicants admitted who are “Hindu children with a practising Hindu parent”. This is because in the 2022 criteria 10 community places took precedence over Hindu children with a practising Hindu parent (who do not meet criterion 4). That meant that there would not usually be 30 places available under 2022 criterion 6. In 2022 there were 16 places available under criterion 6. In some years that could be less. Under the 2023 criteria there are no community places and the 15 places available to Hindu children with a practising Hindu parent (who do not meet criterion 4) take precedence over children admitted on distance alone.

19. I find that the reasons given by the Trust for the changes are reasonable. They wish to align the admission criteria of their primary schools and the primary schools that are Free Schools are limited to a maximum of 50% of places awarded with reference to faith. I find (based upon my analysis of the evidence) that the changes to the criteria for 2023 will achieve the desired alignment without significantly limiting the places available to Hindu children with practicing Hindu parents. Consequently, I do not uphold the objection.

Determination

20. 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 2023 determined by the Avanti Schools Trust for Krishna Avanti Primary School, Harrow.

21. By virtue of section 88K(2) the adjudicator’s decision is binding on the admission authority.

Dated: 06 October 2022

Signed:

Schools Adjudicator: Tom Brooke