



Office of
the Schools
Adjudicator

Determination

Case reference:	REF3976
Referrer:	A member of the public
Admission authority:	St John Southworth Catholic Academy Trust for The Cardinal Vaughan Memorial Roman Catholic School in the area of the Royal Borough of Kensington and Chelsea
Date of decision:	02 December 2022

Determination

I have considered the admission arrangements for September 2023 for Cardinal Vaughan Memorial Roman Catholic School, Kensington and Chelsea, London in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the supervision of the random allocation process, the arrangements conform with the requirements. I have also found that 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 this 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 Office of Schools Adjudicator (OSA) by a member of the public (the referrer), about the admission arrangements (the arrangements) for The Cardinal Vaughan Memorial Roman Catholic Academy (the school) for September 2023. The matters raised in the objection were substantially the same matters that the adjudicator had decided on for the school in a determination dated 3 August 2021. Since that date is within two years of the date on which that objection was made, regulation 22 of the School

Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (the regulations) precludes such an objection being made.

2. The objection related to the administration of a music aptitude test and the supervision of the random allocation process used in the arrangements. When the arrangements were brought to my attention, I considered that the supervision of the random allocation process may not conform with the requirements of paragraphs 1.34 and 1.35 of the Code, and that the following additional matters did not, or might not, conform with the requirements for admission arrangements:

- (i) the procedural fairness of combining the random allocation process set out in the arrangements with oversubscription criteria which give access to only a limited number of school places;
- (ii) the admission arrangements for Year 12 because:
 - a) they do not recognise that Year 11 students who meet the minimum academic entry requirements need not apply for a place, and do not provide a published admission number (a PAN) which is the number of places available to external candidates;
 - b) they use an unexplained abbreviation “EPQ”, and
 - c) they are not clear in explaining what the number of places for the different available courses of study is, or how these numbers are related to the total number of available places.

3. The parties to the case are the school, the academy trust, the Royal Borough of Kensington and Chelsea (the local authority, the LA), the school’s religious authority (the Archdiocese of Westminster) and the referrer.

Jurisdiction

4. The terms of the Academy agreement between the 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 trust, which is the admission authority for the school, on 9 February 2022 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. I therefore decided to use my power under section 88I(5) of the Act to consider them 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) the referrer's form of objection dated 15 May 2022, and subsequent correspondence;
 - b) copies of the minutes of the meeting of the trust board at which the arrangements were determined;
 - c) the adjudicator's decision in ADA3878, published on 3 August 2021;
 - d) a copy of the determined arrangements;
 - e) comments from the admission authority on the matters raised, supporting documents and subsequent correspondence, and
 - f) comments from the LA on the matters raised.

Background

7. The school is an 11 to 18 non-selective boys' school with a Roman Catholic religious character. Girls are admitted to the sixth form, and the school is heavily oversubscribed. There are 128 places for boys in Year 7, and for admissions in September 2022 there were 771 preferences expressed for a place there, of which 299 were first preferences.

8. The adjudicator upheld an objection made to the school's admission arrangements for September 2022 in a determination dated 3 August 2021. She found that the random number exercise used to allocate places was not transparent in nature and not appropriately and independently supervised, and that the arrangements for the supervision of the aptitude test could bring its objectivity into question. The admission authority for the school was therefore required to revise its admission arrangements.

9. The objector in this present case maintained that, notwithstanding changes which had been made to the arrangements as a result of this earlier determination, those for 2023 still suffered from the defects which the adjudicator had found in ADA3878 concerning both the supervision of the music aptitude testing and of the random number exercise.

10. The arrangements determined by the trust for admissions to the school to Year 7 in September 2023 can be summarized as follows:

- (i) Boys whose Education, Health and Care Plan names the school are admitted;
- (ii) All other applicants take an ability banding test. Those whose scores are in the highest 25 percent are assigned to the top band, those with the next 50 percent of scores to the middle band and the final 25 percent of scores defines the bottom band. The number of available places is distributed to the bands in these same proportions. So 32 places (25 percent of the total) are available to those boys whose scores place them in the top band, and so on.

- (iii) Places are allocated, in each band, using the following oversubscription criteria:
- A. Catholic (as defined) looked after and previously looked after boys including those previously in state care outside England (as defined)
 - B. Catholic boys with a Certificate of Catholic Practice (a CCP, as defined) in the order:
 - B1. Up to 12 boys eligible (having achieved a minimum qualifying score) for a musical aptitude place (split 3:6:3 across the bands and allocated in each band on the basis of the highest scores in the aptitude test)
 - B2. Brothers of current or former pupils (as defined)
 - B3. Boys whose parents/carers are members of staff (as defined)
 - B4. Up to 12 boys attending one of two named feeder primary schools (although not stated, presumably in split 3:6:3 across the bands)
 - B5. Other boys
 - C. Other Catholic boys
 - D. Other looked after and previously looked after boys
 - E. Any other boys

The arrangements state:

“If there are more boys in any group, A-E above, than places available, remaining places will be offered by random allocation.”

11. For reasons which will become apparent, it will be helpful to the reader if I state here that the oversubscription criterion B4 was not present in the arrangements for 2022 which were considered by the adjudicator in ADA3878.

12. Paragraph 8.3 of the arrangements for 2023 gives details of the procedure used in the allocation of musical aptitude places. It states: “The test will be conducted by a member of the school’s music staff in the presence of another adult who is independent of the school...”. In ADA3878, the adjudicator had found that the arrangements for 2022, which did not include the presence of a second adult in the test environment, risked compromising the objectivity of the test. It was clear to me that the trust had made a change to the arrangements for September 2023 by including the need for “a second adult independent of the school with the musical background necessary to understand the test and its assessment” to be present in response to that determination of the adjudicator. Although this did not accord with the more substantial additional supervision arrangements recommended by the objector in their form of objection, it did not seem to me when I saw

them that the arrangements for 2023 failed, or were likely to fail, to comply with the requirements concerning them in this matter.

13. The arrangements for 2023 also give, at paragraph 8.7, the process which is followed if places are offered on the basis of random allocation. This process had not been set out in detail in the arrangements for 2022 as considered by the adjudicator in ADA3878, but the trust had provided information about the process in response to the adjudicator's enquiries, and it was described in her determination. When I saw the arrangements for 2023, it seemed to me that what was there appeared to conform to the description of the process the school had told the adjudicator was in place in 2022. The objector had complained that the arrangements for 2023 continued to fail to comply with the requirement that any random allocation process is supervised independently, one of the faults which the adjudicator had said was present in the 2022 arrangements. The objection concerning the 2023 arrangements was therefore the same as the objection considered by the adjudicator in ADA3878, and as a result not capable of being brought as an objection under section 88H of the Act about the arrangements for 2023. When I wrote to the parties explaining this, I also said that as the arrangements had been brought to my attention, and since it seemed possible that they may continue to fail to meet the requirement concerning the need for transparency, and that the random allocation process be independently supervised, I was using my power under section 88I of the Act to consider this aspect of the arrangements.

14. I shall set out in below the detail of the random allocation process described in the arrangements and what the trust, and the person who made the objection (who is a party to this case) has said to me about them.

15. The arrangements also include the following concerning admissions to Year 12 in September 2023:

(i) The statement is made that:

"There are 195 places in Year 12. 120 for existing pupils and 75 for external applicants, boys and girls. If fewer than 120 of the school's existing pupils transfer into Year 12, additional external applicants will be admitted until Year 12 meets its capacity of 195 places."

(ii) The arrangements then set out minimum levels of attainment at GCSE which are required for a student to be admitted to each of the four courses of study offered in Year 12. In the course descriptions, three of the four say that one of the subjects studied "may be an EPQ". The arrangements do not state what is meant by the term "EPQ".

(iii) The arrangements state that:

"If there are more external applicants who meet the minimum level of attainment than there are places available, places will be offered conditionally (subject to an applicant meeting the minimum level of attainment in their actual GCSE results) by course [my emphasis] in the following order of priority.....".

The arrangements do not provide students or their parents with any information about the number of places available in the four courses of study.

Consideration of Case

The random allocation process

16. The adjudicator in ADA3878 was concerned that the random allocation process described to her by the trust was not evidently being supervised by someone independent of the school in its entirety, which is a requirement of paragraph 1.35 of the Code, or that it was transparent in nature, as required by paragraph 1.34. These paragraphs say:

“1.34Admission authorities that decide to use random allocation when schools are oversubscribed **must** set out clearly how this will operate, ensuring that arrangements are transparent, and that looked after children and previously looked after children are prioritised.

1.35 The random allocation process **must** be supervised by someone independent of the school, and a fresh round of random allocation must be used each time a child is to be offered a place from a waiting list.”

17. The trust has confirmed that the arrangements for 2023 do contain an additional process as part of the random number exercise used in the allocation of places which was not present in the arrangements for 2022 as set out in the originally determined arrangements, and as explained to the adjudicator in ADA3878. This had not been evident to me, as the papers in that case are not available to me, and my initial consideration that there had been no evident change in this process was based on a reading of what is available to me, namely the determination in ADA3878 and the description which it contained of the process operating for admissions in 2022 as explained to the adjudicator by the trust.

18. The 2023 arrangements say the following:

“8.7.1. We use random allocation as the means of deciding between applicants who have an equal entitlement to place on the basis of the oversubscription criteria A – E. The local authority, which is independent of the school, generates a random number electronically for all on-time applications in the normal admissions round and for those on reserve and allocation lists if vacancies occur. The process is as follows:

- a. The school provides the local authority (LA) with an electronic file containing applicant unique record identification numbers (automatically generated when an application is added to the school admissions database). The file contains no other data.
- b. The LA returns the file to the school having randomly allocated a unique number (the random number) to each record. The LA uses an automatic numbering function to do this.

- c. Admissions staff use the returned file as the source to upload random numbers electronically on to the school database. Applicants' record identification numbers, which are unique, are used to make sure the right random number is attached to the right applicant.
- d. The school ranks applications by random number within each oversubscription criterion (A-E).
- e. Ranked offer lists are then reviewed and agreed by the Admissions Sub-Committee.
- f. Before offers are made, the LA will cross-reference random numbers on the school's ranked lists against those originally assigned.
- g. Offers are then made by random number in ascending order (i.e. the lower the number, the better the chance)."

19. The trust has confirmed that the check described in f. above was added to the process in response to the adjudicator's decision in ADA3878, a full description of which it then set out in its revised arrangements for 2022, which I have seen. The same wording (that set out above) was then used for the 2023 arrangements.

20. The objector referred to this additional check saying that, in isolation, it did not deal with his concern that the school might "manipulate" the correspondence between the identity of candidates and the random numbers assigned to them. His view was that unless the correspondence between the name of candidates and their application reference number (see a. above) was independently verifiable at the beginning and end of the process described above, then it would still be possible for the link between the identity of candidates and their assigned random number (which is then used in the allocation of places) to be "manipulated".

21. When the LA commented on these matters, it told me that:

"When the LA carried out the randomisation this year for the 2022 intake, the school included their own internal candidate ID, but also included was the unique original application number (i.e. the one assigned by eAdmissions/the LA), so it is not possible for CVNS [the school] to manipulate the randomisation process in the manner that is suggested by the objector.

The LA carried out the randomisation on 6th January. On return of the ranking of applicants, we then undertook a verification process on 30th January to ensure no changes had been made to the randomised numbers we had produced earlier in the month.

The LA has no other comments and is satisfied that the changes made in the previous OSA determination have been fully addressed."

22. This helpful contribution from the LA seems to me to show evidence of a secure correspondence in practice between the identity of candidates, their application number as

assigned by the trust, and the random number allocated to them by the LA. The objector has seen what the LA has had to say and has not commented further.

23. I am content that the possibility of manipulation (of which, I emphasise, there has never been any suggestion), which was the basis of the objector's concerns, does appear to have been eliminated by what the LA does, and that in practice this amounts to independent supervision of the random allocation process, since it is now clear that the LA is able to oversee, independently of the school, its efficacy from start to finish. The arrangements do not fail to comply with paragraph 1.35 of the Code.

24. However, it was also my concern that the random allocation process failed to comply with paragraph 1.34 of the Code concerning the transparency of the random allocation process in arrangements. The school has set out in the arrangements for 2023 a more detailed description of the random allocation process than in the arrangements for 2022, as originally determined. As I have explained above, this description does not itself provide the reader with all of the information that is necessary for it to be seen that there is independent supervision of the process, since it does not include the information provided to me by the LA and referred to above. As a result, the arrangements still fail to comply with the requirement of paragraph 1.34 concerning their transparency.

25. As I said above, I shared a further concern regarding the random allocation process with the parties, seeking their comments. The adjudicator in ADA3878 referred to the allocation of random numbers to candidates taking place "before the applicants have been assigned to oversubscription categories", basing her description (I assume) on correspondence with the admission authority concerning that case which I have not seen, since the arrangements for 2022 as originally determined did not state that that is what happens. However, the arrangements determined following the determination in ADA3878, and those for 2023, do so. The trust has added the wording: "The process is as follows....." followed by the seven sub-paragraphs shown above as part of paragraph 8.7.1., to the arrangements. As a result of my enquiries, the trust also explained to me the process which it uses, giving me the ranked offer lists (anonymised) which it produces for the LA (as stated in paragraph 8.7.1. d, above) for the 2022 entry. It is clear to me as a result that the trust does "assign" applicants to oversubscription criteria, and then ranks their application on the basis of the random number which has been given to it, returning these rankings to the LA. What it does is to rank each application under all the oversubscription criteria for which the applicant is eligible for priority, using the same initially assigned random number for each applicant to rank those who are equally qualified.

26. It is necessary for me to say something first about the trust's practice of "assigning" applicants to an oversubscription criterion (or criteria), since this would not generally be appropriate as a way of processing applications when a school is oversubscribed. Parents apply for a place at a school - not some of the places - although of course their application may give them priority under one or more oversubscription criteria which do not apply to other children. If that is so, the application does not relate only to the places which will fall to be allocated under such oversubscription criteria. Paragraph 1.7 of the Code makes it clear

that all oversubscription criteria are applied to all applicants in the order set out in a school's admission arrangements, and so all those who have applied for a place at the school must be considered under each successive oversubscription criterion, until no places remain. The trust in fact recognises this concerning unsuccessful applicants who have taken the music aptitude test. The arrangements say, quite correctly, that "Boys who are not offered a music place will automatically be considered for a place within their ability band under the other oversubscription criteria."

27. In the school's arrangements for 2022 and those for 2023, following the priority given to 12 boys on the basis of musical aptitude the next oversubscription criterion gives priority to boys with a CCP who have a brother who is a current or former pupil. There is no limit on the number of places available under this criterion and so all the boys to whom it applies are almost certain to be admitted, and so "assigning" them to it (and not to another) makes no practical difference. The same applies to the next oversubscription criterion, which is for boys with a CCP who are children of members of staff. Each boy to whom this applied could be considered for a place and offered one since the total number of places will not have been exhausted. The trust has provided me with data which show that in both 2021 and 2022 there were sufficient places for all such boys and that oversubscription in each of the three ability bands in each of these years was only reached under the oversubscription criterion "other boys" (with a CCP), when random numbers were used again to determine which boys were admitted. The same is very likely to occur under the 2023 arrangements and although it is evident to me from the information which the trust has supplied that boys not allocated a place under an earlier oversubscription criterion are in fact all considered again under the oversubscription criterion under which oversubscription as a whole occurred, it would be helpful I think to parents to understand that what the arrangements say about unsuccessful musical aptitude applicants applies generally, not least because in the 2023 arrangements there is a further oversubscription criterion under which a limited number of places is available, as I shall discuss below.

28. My real concern however, which I have set out above, is that the way in which the trust uses random numbers (that is, assigning them at the outset of the admission process and then using the same random numbers in ascending order throughout to rank applications) leads to a procedural unfairness in the presence of oversubscription criteria which give access to a limited number of places. Such oversubscription criteria engage the random numbers before oversubscription as a whole is reached and mean that the random numbers allocated to applications are as a result used more than once in the application of the oversubscription criteria.

29. I can illustrate how this process operates across the oversubscription criteria using data supplied by the trust for admissions in 2022. Places at the school were allocated against the oversubscription criteria in those arrangements, as follows:

Oversubscription criterion	Band 1	Band 2	Band 3
EHCP	1	3	1
Catholic LAC/PLAC	nil	1	nil
CCP + musical aptitude	3 *	6*	3
CCP + brother	10	18	9
CCP + staff	nil	nil	nil
CCP : other	16*	35*	19*
Twins/triplets	2	1	nil
TOTALS	32	64	32

*indicates where random allocation was used

30. Music aptitude places were assigned to the 12 most highly scoring qualified boys, and boys who achieved the same final qualifying score (in each band) were separated using the random numbers assigned to their cases. In the 2022 data given to me by the trust, in both bands 1 and 2 there were two boys who were not successful because of their higher random numbers. I shall refer to these cases again.

31. In the arrangements for 2023, which are those which I am considering, and which I have summarised above, the oversubscription criteria which provide access to a limited number of places are the 12 places available to boys eligible for a music aptitude places and the 12 places available to boys who have attended named feeder schools. As I have said, this latter oversubscription criterion was not present in the arrangements for 2022. So, in the 2023 arrangements, in addition to a comparable situation concerning musical aptitude places which will require the use of the random numbers, if more than 12 boys apply from the named feeder schools, as is very likely to be the case given that the school is heavily oversubscribed, random allocation will again be used to decide which 12 boys are admitted. The random allocation process set in the arrangements will be applied to determine the allocation of places for musical aptitude places, for the places for boys who have attended feeder schools, and finally for other boys with a CCP.

32. The arrangements say that when the random numbers which are attached to each application at the start of the process are used to determine which boys are given places under an oversubscription criterion, "Offers are made by random number in ascending order (i.e. the lower the number, the higher the chance)". In other words, the numbers used will be lower numbers, not just any numbers. The arrangements do not provide for the numbers

used to be chosen randomly, but the lowest numbers assigned to otherwise equally entitled boys result in a successful application, not just “any” numbers.

33. My understanding of the principle of random allocation is that it is intended to give an equal chance of selection from the group of children to whom it is applied. The Oxford English Dictionary provides as one of its definitions of “random” the following: “governed by or involving equal chances for each item.” I have considered whether the arrangements provide an equal chance of success for each boy, each time the random process used by the trust is applied.

34. When the random numbers assigned to candidates at the outset are used for the first time, the numbers act merely as labels attached to the applicants randomly. The fact that these labels are numbers is at that point immaterial. However, the act of using these randomly assigned numbers in ascending order to identify successful applicants means that some lower numbers (those which were assigned to the successful candidates) are then no longer “in play” when the originally assigned numbers are used again. Crucially, this will not be all the lowest numbers - only those which identified the successful candidates the first time the random allocation process was used under the particular oversubscription criterion. Using the numerical value of the initially assigned random numbers (that is, giving priority based on the numerical value of the random number) means that all the other numbers have been given a numerical value, and are no longer simply “symbols”.

35. The arrangements say that if random allocation is used for a second time, the same numbers which were originally assigned to applications will again be used, with the lowest (remaining) numbers again identifying the successful candidates. The data from the 2022 admissions process which the trust has shared with me confirms that this is what happens. Boys who were not allocated one of the limited number of places under a previous oversubscription criterion because their allocated random number was a high one will again have the same (high) number, and so their chance of being allocated a place under the next or subsequent oversubscription criterion which requires the use of the random numbers is not the same equal chance with all the other candidates that the principle of random allocation requires. In other words, because the arrangements repeatedly use the numerical value of the originally assigned random numbers (because they give priority to lower numerical values repeatedly) they do not provide for a random allocation of the available places (except for the first time the numbers are used in this way).

36. When the trust responded to my initial expression of concern about this aspect of the arrangements, it stated its view that “random allocation provides a fair and transparent way of deciding between applicants who have an equal entitlement within an oversubscription group.” This is indeed true, but it seemed to me that the trust had not fully appreciated the basis of my concern, and so I wrote to it explaining why I considered the analysis which I have set out above was relevant to the consideration of the procedural fairness of the arrangements. When I did so, I made reference to the requirement of the Code at paragraph 1.35 that when random allocation is used as a means of deciding which child is admitted from a school’s waiting list, a fresh round of random allocation must be used each

time that happens. I said that it was therefore my understanding that the Code, as illustrated by what it says concerning waiting lists, requires that there must be a process of randomisation amongst the remaining equally qualified candidates, and that a previous randomisation involving other candidates cannot be used. I expressed myself in this way because it was clear to me that the school's arrangements do not provide for there to be a fresh round of randomisation, as I have explained. The trust's response to me concerned only what its arrangements have to say about how it allocates places from waiting lists, which does in fact comply with paragraph 1.35 of the Code, but made no reference to the application of random allocation in the oversubscription criteria in its arrangements.

37. I have made reference above to the cases of boys who in the 2022 admission process were equally qualified with others under the priority given on the basis of musical aptitude, but who were not admitted under that oversubscription criterion following the application of the random allocation which the trust uses. There were four such boys across the three bands. Because of the helpful data which the trust has provided me with, I have been able to trace these applications through the remaining process of allocating places. My analysis shows that none of the boys was admitted through the random allocation process under the oversubscription criterion for "other boys with a CCP", precisely because the random number which had been allocated to their application at the outset was a high one.

38. While it cannot be said that any of these boys in particular must necessarily have been allocated a place under a fresh round of randomisation, given the level of oversubscription of the school, it nevertheless seems to me that these cases are illustrative of the procedural unfairness in principle which has been, unwittingly, introduced into the arrangements. My view is that the process of random allocation which is set out in the arrangements is procedurally flawed, since it does not result in there being an equal (random) chance of those involved being successful at all stages when the oversubscription criteria are applied. Paragraph 1.8 of the Code says that:

"Oversubscription criteria **must** be reasonable, clear, objective, procedurally fair and comply with all relevant legislation"

The arrangements therefore fail to comply with paragraph 1.8 of the Code.

The arrangements for Year 12

39. The trust responded to my concern about the description in the arrangements of the relationship between the available places in Year 12 and the number of internal and external students who might access them by saying, firstly that the arrangements state that internal candidates transfer to Year 12 and secondly that the Code (at paragraph 2.6) allows academic entry requirements to be set, which must be the same for internal and external candidates, which is what the arrangements provide.

40. Paragraph 2.6 says:

“Children and their parents applying for sixth form places may use the CAF, 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.”

41. So both of the trust’s statements are correct, but I remain concerned that the description in the arrangements remains inadequate in the light of what the Code requires. Paragraph 2.6 of the Code says that students already at the school need not apply for a place, and so if they meet the minimum entry requirements, they will have a place. The PAN for Year 7 is 128, resulting in year groups of approximately that size moving through the school. It is therefore possible for that number of students to wish to transfer to Year 12, and to be qualified to do so. The arrangements cannot therefore limit the number of places available to them to 120, but do so.

42. Paragraph 1.2 of the Code says:

“.....all admission authorities **must** set an admission number for each ‘relevant age group’”

It is the case that the arrangements say that there are 75 places “available to external applicants”, but they also say that there are 195 places in total and it is possible for more than 120 pupils to transfer from the school’s Year 11. At no point is a published admission number referred to.

43. My view is that in order to comply with the provisions of the Code, it must be clear to students and their parents how many places are available in Year 12, and to whom. As the arrangements have been determined, I do not believe that that is the case, for the reasons I have given. The arrangements do not conform with what the Code requires at paragraph 1.2 because the Year 12 PAN is not clearly set out.

44. Paragraph 14 of the Code says:

“In drawing up their admission arrangements, admission authorities **must** ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. Parents should be able to look at a set of arrangements and understand easily how places for that school will be allocated.”

45. The trust has told me that the abbreviation “EPQ” in the arrangements stands for “Extended Project Qualification” and that this “should be included” in the arrangements, which is helpful. However, the arrangements as determined are not clear and so fail to comply with what paragraph 14 of the Code requires.

46. It has also helpfully told me that the number of places available on each of the four courses described in the arrangements should also be included in the arrangements. That is not the case in the arrangements as determined, and so it is not possible for those reading them to understand what their likelihood is of being allocated a place when the stated oversubscription criteria are employed if there more qualified (external) candidates than the number of places available to them on the course in question. The arrangements

are therefore in breach of the requirements of paragraph 14 of the Code for this further reason.

Summary of Findings

47. I have used my power under section 88I(5) of the Act to consider whether the arrangements comply with the requirements of the Code and the relevant legislation. I have set out above my reasons for coming to the view that:

- a. The arrangements for Year 7:
 - (i) do conform with paragraph 1.35 of the Code concerning the independent supervision of the random allocation process;
 - (ii) do not conform with paragraph 1.34 of the Code concerning the transparency of the description of the random allocation process; and
 - (iii) do not conform with the requirements of paragraph 1.8 of the Code concerning the procedural fairness of the random allocation process.
- b. The arrangements for Year 12:
 - (i) do not adequately describe the availability of places in Year 12 as a whole, in contravention of paragraph 1.2 of the Code; and
 - (ii) do not provide clarity concerning the number of places on the offered courses to which the stated oversubscription criteria are applied, in contravention of paragraph 14 of the Code.

Determination

48. I have considered the admission arrangements for September 2023 for Cardinal Vaughan Memorial Roman Catholic School, Kensington and Chelsea, London in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the supervision of the random allocation process, the arrangements conform with the requirements. I have also found that there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.

49. 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 this determination.

Dated: 02 December 2022

Signed:

Schools Adjudicator: Bryan Slater