



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4131

Objector: A member of the public

Admission authority: Transforming Lives Educational Trust for Ashlawn School, Rugby

Date of decision: 10 August 2023

Determination

In accordance with section 88H(4) of the School Standards and Framework Act 1998, we uphold the objection to the admission arrangements for September 2024 determined by Transforming Lives Educational Trust for Ashlawn School, Rugby, which is in the local authority area of Warwickshire.

We have also considered the arrangements in accordance with section 88I(5) and find 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 adjudicators' decision is binding on the admission authority. The School Admissions Code (the 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 member of the public (the objector), about the admission arrangements (the arrangements) for Ashlawn School (the school), a partially selective co-educational academy school for pupils aged 11 to 18, for September 2024. The objection is that the arrangements were not published on the school website as is required by the Code and that there was no information available regarding the dates to register to sit the tests for selection, or regarding the dates of the tests themselves.

2. The local authority (LA) for the area in which the school is located is Warwickshire. The parties to the case are the objector, the governing board for the school, Transforming Lives Educational Trust (the admission authority) and the local authority.

Jurisdiction

3. 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 governing board of the academy trust, which is the admission authority for the school, on that basis. The objector submitted his objection to these determined arrangements on 21 April 2023. Tom Brooke and I were appointed as joint adjudicators in this case. I was appointed as lead adjudicator and have drafted this determination which I have agreed with Mr Brooke. We are satisfied the objection has been properly referred to us in accordance with section 88H of the Act and it is within our jurisdiction. We have also used our power under section 88I of the Act to consider the arrangements as a whole.

Procedure

4. In considering this matter we have had regard to all relevant legislation and the School Admissions Code (the Code).

5. The documents we have considered in reaching our decision include:

- a. evidence that the arrangements were determined;
- b. a copy of the determined arrangements for 2024;
- c. the objector's form of objection dated 21 April 2023;
- d. the school's response to the objection;
- e. the LA's response to the objection;
- f. further information provided by the parties at our request or invitation;
- g. information available on the websites of the school, the local authority and the Department for Education (DfE); and
- h. previous determinations for the school, case references ADA2988, ADA3261 and REF3885.

6. In response to our enquiries the school stated: "The current arrangements for Ashlawn School were drafted with considerable input from and in consultation with the Office of the Schools' Adjudicator (OSA) to bring together the previously separate arrangements for selective and non-selective places. This was a directive from the OSA because it was felt that two separate sets of arrangements were confusing for parents. You may wish to review the OSA's archive documents relating to Ashlawn School in order to

appraise yourself of the detail of this change.” There are two matters relating to this statement that we wish to address.

7. The first is that we have read the previous determinations for the school and have noted some similarities between this case and those that were considered previously, both in regard to the matters about which the objection was raised and to other aspects of the arrangements which were found in those determinations not to comply with the requirements relating to admissions. That being said, this case has been considered afresh and on its own merits because that is what we are required to do as adjudicators considering a lawfully made objection.

8. Secondly, we wish to correct the school’s assertion that “The current arrangements for Ashlawn School were drafted with considerable input from and in consultation with the Office of the Schools’ Adjudicator (OSA)”. The OSA has provided considerable feedback on the school’s previous arrangements via the determinations listed above and the school may have found it useful to use this to inform the 2024 arrangements, but the OSA does not provide input or consultation on arrangements in the way that the school has stated and had no sight of the current arrangements prior to the consideration of this case.

Background

9. The school is situated in Rugby, Warwickshire and has a Published Admission Number (PAN) of 256 for September 2024.

10. The school is a part of the Transforming Lives Educational Trust and is a partially selective, coeducational school for students aged 11-18.

11. The school allocates up to fifty-six places on the basis of selection. Thirty-one of these places are for applicants who meet the “required standard” in the 11+ selective test, and twenty-five for applicants who scored most highly in a modern foreign languages (MFL) aptitude test. If there are fewer than 56 applicants who meet the requirements set for the selective places, then the remaining places are offered as non-selective places.

12. In the event of oversubscription, priority for places at the school is determined by application of the following criteria (in summary):

- a. Looked after, and previously looked after children;
- b. Up to fifteen places for applicants who meet the “automatic qualifying score” in the 11+ selective test and who live in “the Eastern Area of Warwickshire”, allocated first to those children who are eligible for pupil premium and then to other applicants;
- c. Up to sixteen places for applicants who meet the “automatic qualifying score” in the 11+ selective test and who live in “the priority circle”, allocated first to those children who are eligible for pupil premium, secondly to other applicants and finally to pupils who “have been considered by the Committee of Reference as having met the minimum academic standard for admission and placed on a reserve list”. The

arrangements do not explain what is meant by “the minimum academic standard for admission” or “the reserve list”;

- d. Any remaining places for pupils living “outside the priority areas” who achieve the automatic qualifying score;
- e. Up to twenty-five places for applicants who have met the required standard in the MFL aptitude test, with applicants being prioritised on the basis of their score;
- f. Same year siblings of a child admitted for a selective place within the application cycle;
- g. Children living within the “Ashlawn School priority area” who will have a sibling at the school at the time of admission;
- h. Children “outside the priority area” who will have a sibling at the school at the time of admission who was also on roll in the academic year 2021-22;
- i. Children living in the “priority area”;
- j. Children of permanent members of staff who have been employed for more than two academic years at the time of application, where the child will have a sibling at the school at the time of admission;
- k. Children of a permanent member of staff who has been employed for more than two academic years at the time of application;
- l. Other children “outside the priority areas” who will have a sibling at the school at the time of admission;
- m. Other children living “outside the Ashlawn School priority area”.

The Objection

13. The objection has two parts. We have identified the relevant paragraphs of the Code here, but not set them out. The relevant paragraphs are set out in full when we come to our detailed consideration.

14. First, the objector asserts “admissions policy not uploaded on website”. It seems to us that this relates to paragraph 1.50 of the Code, which details the responsibilities placed upon admission authorities to publish their determined arrangements.

15. Secondly, the objector asserts that “no idea of registration or test dates for 11+ or MFL tests”. It seems to us that this relates to paragraph 1.17 of the Code, which requires the admission authorities of selective schools to publish the process for selection.

Consideration of Case

16. The first part of the objection is that the arrangements were not published online.

17. Paragraph 1.50 of the Code states, as far as is relevant here: “Once admission authorities have determined their admission arrangements, they **must** notify the appropriate bodies and **must** publish a copy of the determined arrangements on the school’s website or their own website (in the case of a local authority) by **15 March** in the determination year and continue displaying them for the whole offer year (the school year in which offers for places are made).” It was, therefore, a statutory requirement for the 2024 arrangements to have been published by 15 March 2023.

18. We looked at the school website when the objection was received and confirmed that the objector was correct; the arrangements were not published as required.

19. We asked the school why the arrangements were not published and were told, “At the time when the admissions arrangements were due to be approved by the Trust Board and published on the academy’s website, the academy was experiencing a time of significant change, including the abrupt departure of the Principal and a number of resignations from the local governing body. This led to an unfortunate administrative oversight which meant that the 2024-25 admissions arrangements were not published within the required timeframe. I can confirm that the arrangements currently online were published on 15 May 2023 and this includes all the above documents, except for the sixth form application form, which will be published when the window for applications opens in the autumn term. These replaced the 2023-24 admissions arrangements on the academy’s website, and except for the date, no changes were made to this document for the 2024-25 arrangements.”

20. The failure to publish the arrangements is undisputed and we uphold this part of the objection.

21. The second part of the objection is that registration and test dates for 11+ and MFL tests were not available. The school has confirmed that no part of its arrangements was published until 15 May, and so the objector is correct that neither the registration nor the test dates for the 11+ and MFL tests were not available at the time at which he submitted his objection.

22. We will consider what an admission authority should publish regarding registration and tests dates in order to comply with the Code, and what is now available to parents. Paragraph 1.17 of the Code states: “The admission authorities for all selective schools **must** publish the entry requirements for a selective place and the process for such selection in their admission arrangements.”

23. We regard the dates by which applicants must register to sit selective tests as a vital part of the process for selection, without which applicants may lose out on their opportunity to be considered for a selective place. Although it may not be possible to provide exact

dates for the tests themselves, an accurate indication should be given, such as whether tests are on a weekday and the weeks when they may occur.

24. We asked the school how and when parents wishing to register their child for the 11+ test would know when they were able to do so and were told “Parents are informed by Warwickshire Local Authority regarding how and when to register their child for the test and section 15 of the 2024-25 Admissions Arrangements explain this”. It is the responsibility of the school to provide this information to parents, not that of the LA.

25. We found the following in the arrangements: “Parents will be able to register for the test from 8 May 2023... The closing date for registrations is 23.59 on 30 June 2023.” This information does provide dates for registering to sit the tests, although of course it was not available on the school website until 15 May, some weeks after the statutory deadline by which arrangements must be published. The school has failed to provide, in a clear and timely fashion, the dates for registration to sit the 11+ selection tests.

26. We asked the school how and when parents wishing to register their child for the MFL test would know when they were able to do so and were told: “Please see Section 16 of the 2024-25 Admission Arrangements which details how and when parents are able to register their child for the MFL aptitude test.”

27. Section 16 of the arrangements states, “Parents and carers who wish their children to be considered for Ashlawn's ML places must submit a completed application form by noon on the deadline stated within the terms and conditions on the school website. This form will be available on the website from 1 June 2023”. We consulted the school website and found a clear closing date of 7 July on the page regarding the MFL test and within the terms and conditions document referred to in the arrangements. The date when registration opened is not given either on the webpage or in the terms and conditions document. Therefore, in order to know the full registration period it seems that a parent would need to consult both the main arrangements document and either the webpage or the terms and conditions. In any case, the school did not provide any indication of the dates to register for the tests before 15 May. The school has failed to provide, in a clear and timely fashion, the dates for registration to sit the MFL selection tests.

28. We will now consider how parents would be aware of test dates. We asked the school whether the 11+ test dates are published on the school website; if so when this is done, and if not why not; and how and when parents are informed of test dates. The school responded: “Warwickshire Local Authority set the test dates for the 11+ test and as such fall outside of the control of the admissions authority. Test dates are not published on the academy website because this process is set and managed by Warwickshire Local Authority who contact parents directly regarding test dates. The responsibility for informing prospective parents of test dates lies with Warwickshire Local Authority.” Again, we must note that providing parents with information on the process for selection is a responsibility of the school, not of the LA, and although it may not be possible to publish exact dates an indication should be given.

29. The arrangements state: “The main test session date will be in September 2023. Warwickshire reserves the right to conduct these tests over a weekend. In exceptional circumstances, Warwickshire reserves the right to conduct tests at another time in the autumn term... Parents whose child is not able to sit the test on a Saturday for religious reasons must tick the appropriate box on the registration form and enclose a supporting letter from their religious leader. A further date will be confirmed for the testing of these children”.
30. The arrangements go some way towards providing parents with the relevant information, but it would be helpful if they also explained how and when parents will be notified of exact dates. We are also unsure that the references to “Warwickshire” in regard to testing explains fully the role of the LA as the body which is utilised by the school in administration of its arrangements.
31. We asked the school how and when prospective parents are informed of dates for the MFL tests. The school told us, “Following registration, parents are contacted by the academy with further information regarding the test, including test dates.” We note that the arrangements state, in the document “Admissions Policy Academic Year 2024-25” that “The Ashlawn ML Aptitude Test will be administered in September 2023. We reserve the right to conduct testing on a weekend day.”
32. There are two further documents which form part of the arrangements and refer to dates for the MFL test. First, the document “Modern Foreign Languages (MFL) Aptitude Test for entry into Ashlawn 2024-2025 Terms and Conditions” states: “The deadline for applying for the MFL Aptitude Test is Friday 7th July 2023. Upon submission, applicants will receive a receipt confirming the completed application form was received. In the weeks following, an email detailing the date and time of the test and a declaration sheet entitled Fit and Well will be sent via email...The test date will be advised with at least 2 weeks’ notice”. Secondly, the document “The Modern Foreign Languages Aptitude Test”, an information leaflet for parents, states “The test date will be on Saturday 23rd September 2023”. We note that the policy document refers to the terms and conditions document, but not to the information leaflet specifically.
33. The information now available to parents is confusing in that the main policy document, and the terms and conditions document this refers to, do not state a definite test date but the information leaflet does. Importantly, no part of the arrangements and therefore no information regarding MFL test dates was published until 15 May despite the statutory deadline of 15 March. The school has failed to provide the required information in a clear and timely fashion.
34. We are of the view that in order to comply with the Code the school should publish exact registration dates and at a minimum an indication of testing dates, with information as to how and when exact testing dates will be confirmed, as part of its arrangements. No part of this was published by the statutory deadline of 15 March and we uphold this part of the objection.

Other Matters

35. As we considered the arrangements a number of other matters came to our attention which appeared not to comply with the Code.

36. Before considering the specific areas in which the arrangements do not comply with the Code, we pause to consider the overall effect of the arrangements. Paragraph 14 of the Code states: “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.”

37. The arrangements for the school contain an inevitable level of complexity due to the use of two methods of selection, more than one catchment area and other oversubscription criteria, plus tie-break by distance from home to school. However, the way that the arrangements are written and presented makes them unnecessarily complex. The arrangements are difficult to understand, confusing and contradictory. Examples of this are set out in the detailed discussion of the arrangements which follows. It is our view that the arrangements do not comply with the requirement in paragraph 14 of the Code that arrangements must be sufficiently clear that parents should easily be able to read and understand them.

38. The specific aspects of the arrangements which may not comply with the Code are listed below. These relate to compliance with paragraph 14 of the Code unless otherwise specified.

39. A document with the title “Admissions Policy- Academic Year 2024-25”, the cover page of which states that the document will be reviewed in September 2023, forms the main body of the arrangements. The use of a review date may be misleading as the arrangements for a particular school year, once determined, cannot be revised except in very specific circumstances, as stipulated in paragraph 3.6 of the Code.

40. The arrangements refer, on page 4, to students with a “Statement of Educational Needs”. Statements of special educational needs no longer exist, and arrangements should therefore only refer to Education Health and Care Plans (EHCPs) as in paragraph 1.6 of the Code.

41. The arrangements prioritise, in criterion 1, looked after and previously looked after children as required by paragraph 1.7 of the Code. However, the arrangements are not compliant with the Code in that they refer to residence orders, which were replaced by the Children and Families Act 2014 with child arrangements orders. The reference to this incorrect terminology may render the criterion unclear. Also, it is not clear that the criterion includes, as specified by the Code, those 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.

42. The arrangements refer variously to a “Modern Foreign Languages Aptitude Test” and to a “Modern Languages Aptitude Test”. At the time at which we consulted the school website there were also two versions of the information leaflet concerning the test. It appears that these relate to different years of admission, but this is not immediately obvious. We note that the document which seems to relate to entry into the school in 2024, as it refers to selection tests in September 2023, advises readers that “The full admission criteria is available in the document Ashlawn Admissions Policy 2023-24”, which is the policy document for entry in 2023. This may well lead to difficulties for parents, as some are likely to access the documents for the incorrect year without realising that they have done so. Together with the inconsistent terminology used, this means that the arrangements lack the clarity required.

43. Page 3 of the arrangements states “Ashlawn School is a publicly funded, bilateral (containing both selective and non-selective [aptitude and community] streams), co-educational, secondary academy”. This statement, and other parts of the arrangements that refer to “aptitude non-selective places” are unclear, and contrary to the Code in that:

- a. selection by aptitude is a form of selection, as stipulated in paragraph 1.24 of the Code. The school’s use of the term “non-selective” to describe places for applicants who meet the required standard in the modern languages aptitude test is therefore inaccurate and confusing; and
- b. it is unclear what the terms “bilateral” and “community” refer to in the above statement. As adjudicators we are aware of the use of the term “bilateral school” to mean one which has both selective and non-selective places, but this term is unlikely to be familiar to most parents. So far as the term community school is concerned, this is a type of school under the Act. Ashlawn is not a community school. It is not at all clear what a community stream is (by inference it must be a non-selective stream but again this would be unclear to most parents). There is no reference to these terms in the Code other than to community schools in the sense described above. All in all, it seems unlikely that parents reading this will find it clear.

44. The section entitled “Waiting List” on page 7 does not comply with paragraph 2.15 of the Code. That paragraph states: “Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission, stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria.” In respect of this, parents are not expected to ‘request’ to be placed on the school’s waiting list as the arrangements state. However, it is permissible for the school to ask parents to confirm if they wish their child(ren) to stay on the waiting list. Also, the arrangements state that the waiting list will be held until the end of the autumn term, not until 31 December, which may be misleading for parents who regard the end of term as being the final day the school is open to students.

45. Paragraph 1.14 of the Code states that, in so far as is relevant here: “Catchment areas **must** be designed so that they are reasonable and clearly defined”. The arrangements refer variously to the: eastern area of Warwickshire; priority circle; priority

area; eastern area priority circle; eastern area; priority circle of the eastern area; and Ashlawn school priority area. Not all of these are defined in the arrangements, and we asked the school to “Please specify how many catchment areas are in use, their names and how they are defined, and explain the rationale for the use of the different areas.”

46. In response to our question the school stated, “The areas the arrangements cover is determined and named by Warwickshire Local Authority, with some areas referring to grammar entry, some to MFL entry, and others to non-selective entry. I would be grateful if you could tell me which of the areas listed ... are considered to be undefined.”

47. The school has failed to clearly define its catchment areas, and it is the role of neither the LA nor of the adjudicator to do so. The arrangements do not comply with the Code in this regard.

48. The arrangements refer, in several places, to “categories” and the need to “split a category”. We confirmed with the school that this refers to the prioritisation of applicants within a specific oversubscription criterion. The term “category” does not appear in the Code and is not explained in the arrangements, rendering them unclear.

49. The “Tie Break” section of the arrangements on page 7 refers to “applicants allocated the same criterion”. The term “allocated the same criterion” does not appear in the Code and is not explained in the arrangements, rendering them unclear.

50. Section 2.4 of the code states that when supplementary information forms are used, admission authorities “**must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability”. On the MFL Aptitude Test Application Form parents are asked for their child’s gender. This information does not have a direct bearing on oversubscription criteria and therefore may not be requested.

Admission to selective places under oversubscription criterion 2

51. There are several ways in which the arrangements regarding the allocation of selective places under oversubscription criterion 2 fail to meet the requirements of the Code and we outline these below. The relevant paragraphs of the Code are, unless otherwise stated, paragraph 14 and paragraph 1.17 which states: “The admission authorities for all selective schools **must** publish the entry requirements for a selective place and the process for such selection in their admission arrangements.”

52. The arrangements state, under “Admission to Selective school places” on page 9, that “a maximum of 31 pupils who successfully met the required standard in the 11+ selective test will be admitted”. In fact, a child who met the required standard may gain admission to the school other than through gaining a selective place, and so although there may be 31 ‘selective places’ more than 31 pupils who met the standard in the tests may be admitted to the school. This may cause confusion and lacks the required clarity for parents.

53. Regarding their description of eligibility for the selective places, the arrangements fail to comply with paragraph 1.14 of the Code which states, “Catchment areas **must** be designed so that they are reasonable and clearly defined. Catchment areas do not prevent parents who live outside the catchment of a particular school from expressing a preference for the school”. On page 9, the arrangements state that eligibility rests on three factors: returning the 11+ registration form by the specified date; naming Ashlawn School on the common application form; and achieving the qualifying score in the test. Meanwhile, page 10 states that selective applicants who meet the qualifying score will receive an offer of a place “subject to living within the priority circle”. It is not clear whether residence in this area is an absolute requirement for eligibility or a factor in the prioritisation of places; page 10 of the arrangements suggests the former whilst page 9, and the oversubscription criterion, suggest the latter.

54. In the pursuit of clarity, we asked the school whether it is the case that an applicant for a place under oversubscription criterion 2 must reside within a specific area and if so, what that area is. The school’s response was: “The three factors for eligibility are determined by Warwickshire Local Authority and the arrangements reflect this. The allocation of selective places is determined and administered by Warwickshire Local Authority and, as such, they are best placed to provide the clarity you are seeking on this point.”

55. The trust is the admission authority and is solely responsible for determining the arrangements for admission to the school. Those arrangements must be clear and easily understood. The arrangements may conform with wider arrangements co-ordinated by the local authority, but it is for the admission authority to ensure that they are in all aspects compliant with the Code. As they stand, the arrangements do not provide clarity as to whether applicants for selective places must reside in a specific area and are in fact contradictory in this regard.

56. Paragraph 1.8 of the Code states, as far as is relevant here: “Oversubscription criteria **must** be reasonable, clear, objective [and] procedurally fair”. We find that the arrangements do not comply with paragraph 1.8 of the Code as the way that selective places are allocated is unclear.

57. On page 13 the arrangements state that: “Performance in the tests and the number of applications for the schools will be used by the Committee of Reference in each area to set the automatic qualifying score. Above and at that score a child will receive an offer from their highest named preference school. The Committee will consider the descending score order and the number of children applying for each school (living within the priority area and who registered before the closing date) and set the automatic qualifying score as close to the published admission number for the school as possible. Places will then be offered in accordance with the admission criteria”.

58. The references to “each area” and to “each school” are unnecessary as the arrangements are for entry to the school only, and this renders the arrangements unclear.

59. We understand that the committee of reference will endeavour to set the qualifying score in such a way as to make it likely that there will be 31 applicants meeting the qualifying score, to fill the 31 available places. It does not seem to be true that this exercise will always result in exactly 31 qualifying applicants, or indeed that the school expects this to be the case.

60. In stating that “above and at that score a child will receive an offer from their highest named preference school” the arrangements suggest that all first preference applicants who meet the qualifying score will be admitted, whilst stating that selective places will be offered “in accordance with the admission criteria” implies that oversubscription criteria 2a to 2c will be used to prioritise eligible applicants. This is contradictory.

61. Further, it is not clear how applicants are prioritised in the event of there being more qualifying applicants than selective places. The arrangements contain oversubscription criteria for this process, within criterion 2. However, in response to our enquiries the school stated, “The first selective place is offered to the pupil with the highest score in relation to the Automatic Qualifying Score and who has listed Ashlawn School as highest preference, the second selective place to the pupil with the next highest score in relation to the Automatic Qualifying Score and with Ashlawn School as highest preference, and so on until all 31 places are offered”. It cannot be true both that the selective places are offered in priority of test scores and that oversubscription criteria 2a to 2c are applied. It may be the case that applicants are prioritised by test score within each of 2a to 2c but this is not clear either in the arrangements or in the school’s explanation to us.

62. We note that the school, in common with all publicly funded schools, is part of the coordinated admission scheme within its area. The purpose of this scheme is to ensure that all children who need a school place are offered one, and that this is at their highest preference school at which a place is available. This may not always mean that a child is offered their first preference school. For example, an applicant for a selective place under oversubscription criterion 2 may list, say, a grammar school as their first preference and the school as their second preference. Such an applicant may not secure a place at the grammar school (perhaps because they did not score a high enough mark in the test or because they did but lived out of catchment and all places went to catchment children). It would still be possible for the applicant to score the highest mark of all applicants in the selection test for the school and then, if places at the school are offered in order of test scores as has been described to us, they would be offered a place at the school. This is because the school would be the highest preference that could be met, even though it was the second preference. The school’s assertion that places are offered to applicants if the school is their highest preference is incorrect, and the school may find it helpful to refer to paragraph 1.9 of the Code which states, as far as is relevant here: “It is for admission authorities to formulate their admission arrangements, but they **must not**: ...give extra priority to children whose parents rank preferred schools in a particular order, including ‘first preference first’ arrangements”.

63. There are also issues regarding the clarity of oversubscription criterion 2 itself. The overall criterion prioritises applicants “who have reached the Automatic Qualifying Score in the 11+

Selective Test”. Criterion 2b. iii., which is a subset of criterion 2, prioritises pupils “who have been considered by the Committee of Reference as having met the minimum academic standard for admission and placed on a reserve list”. The arrangements do not explain what the “minimum academic standard for admission” is, what is meant by a “reserve list” or how an applicant may be placed upon it. In response to our queries the school stated, “The minimum academic standard is the same as the Automatic Qualifying Score” but the lack of clarity provided by the arrangements render them contrary to the Code.

Arrangements for entry to sixth form:

64. Paragraph 1.6 of the Code states “All children whose Education, Health and Care Plan names the school **must** be admitted.” The arrangements for entry to the sixth form do not comply with the Code, as they impose further requirements for entry in stating, on page 16, “Students who have an Education, Health and Care Plan naming the academy, **who meet the required standard for entry**, must be admitted.” (my emphasis).

65. The arrangements contain a section on page 15 headed “An offer of places will be made on the following basis”, which includes, as the third point in a list, “Young people in the care of or provided with accommodation by a local authority who meet the qualifying standard for the school have priority”. There is also a list of oversubscription criteria on page 16, the first of which is for “Children who are in the care of, or provided with accommodation by, a local authority, and children who were looked after by a local authority but ceased to be so because they were adopted (or became subject to a residence order or special guardianship order)”. The arrangements may not be fully compliant with paragraph 1.7 of the Code, or the overarching requirement for clarity specified in paragraph 14, in that:

- a. the inclusion of “Young people in the care of or provided with accommodation by a local authority” in the section stating the basis on which offers are made seems unnecessary, as looked after and previously looked after applicants are prioritised under the oversubscription criteria and this additional reference may be confusing;
- b. the arrangements refer to residence orders, which were replaced by the Children and Families Act 2014 with child arrangements orders, which may render the criterion unclear; and
- c. it is not clear that the criterion includes those who, as specified by the Code, “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”.

66. Paragraph 2.4 of the code states that when supplementary information forms are used, admission authorities “**must** only use supplementary forms that request additional information when it has a direct bearing on decisions about oversubscription criteria or for the purpose of selection by aptitude or ability”. On the Sixth Form Application form parents are asked for the child’s gender. This information does not have a direct bearing on oversubscription criteria and therefore may not be requested.

67. We note also that the organisation of sixth form admission arrangements on the school website may be confusing for parents. The “Sixth Form” tab at the top of each webpage links to a page titled “Admissions policy” which contains policies for previous years of entry without any indication as to where arrangements for 2024 should be found. The general “Admissions Policies” page holds the main policy document; this includes arrangements for entry to the sixth form but this is not clear until reading the document. The application form is found on a different page from either of these, one accessed from the “Sixth form” tab, labelled “Applications Now Open 2023”.

Determination

- a. In accordance with section 88H(4) of the School Standards and Framework Act 1998, we uphold the objection to the admission arrangements for September 2024 determined by Transforming Lives Educational Trust for Ashlawn School, Rugby, which is in the local authority area of Warwickshire.**
- b. We have also considered the arrangements in accordance with section 88I(5) and find there are other matters which do not conform with the requirements relating to admission arrangements in the ways set out in this determination.**
- c. By virtue of section 88K(2) the adjudicators’ decision is binding on the admission authority. The School Admissions Code (the Code) requires the admission authority to revise its admission arrangements within two months of the date of the determination.**

Dated: 10 August 2023

Signed:

Schools Adjudicator: Jennifer Gamble / Tom Brooke