



Office of
the Schools
Adjudicator

Determination

Case reference: ADA4202

Objector: A parent

Admission authority: The governing board of Christ Church CofE Primary School, Chelsea

Date of decision: 7 September 2023

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 2024 determined by the governing board of Christ Church CofE Primary School, Chelsea.

I 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 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 has been referred to the adjudicator by a parent (the objector), about the admission arrangements (the arrangements) for Christ Church CofE Primary School, Chelsea (the school), a voluntary aided school for 4 to 11 year olds for September 2024. It is one of two schools in the Federation of Christ Church and Holy Trinity Church of England Primary Schools (the Federation). It has a Church of England religious character and the religious authority for the school is the Diocese of London (the diocese). The local authority (LA) for the area in which the school is located is The Royal Borough of Kensington and Chelsea.

2. The objection is to aspects of the consultation carried out by the school prior to determining the arrangements.
3. Parties to the objection are the objector, the LA, the diocese and the school.

Jurisdiction

4. These arrangements were determined under section 88C of the Act by the school's governing board, which is the admission authority for the school. The objector submitted her objection to these determined arrangements on 15 May 2023.
5. The objector has asked to have her 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 her name and address to me.
6. 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.
7. I have also used my power under section 88I of the Act to consider the arrangements as a whole and to determine whether or not they conform with the requirements relating to admissions and, if not, in what ways they do not so conform. I will refer to these as 'Other Matters' and these are covered in the sections of the determination under that name.

Procedure

8. In considering this matter I have had regard to all relevant legislation and the School Admissions Code (the Code).
9. The documents and information I have considered in reaching my decision include:
 - a. a copy of the minutes of the meeting of the governing board at which the arrangements were determined;
 - b. a copy of the determined arrangements, which include the Supplementary Information Form (SIF);
 - c. the objector's form of objection dated 15 May 2023;
 - d. responses to the objection and supporting documents from the school, LA and the diocese;
 - e. confirmation of when consultation on the arrangements last took place and the comments made by the diocese during the consultation;
 - f. a copy of the guidance from the LA on conducting consultation processes for its maintained schools;
 - g. a copy of the guidance on admissions provided to the school by the diocese;

- h. Google Maps; and
- i. information available on the websites of the school, trust, LA, the Department for Education (DfE) (particularly the 'Get Information About Schools' (GIAS) site) and Ofsted.

10. I have also had sight of a determination by an adjudicator (case reference number: ADA2937), dated 18 November 2015. The objection dealt with in that determination related to the priority which the school gave, at that time, to children from Church of England families and those of other Christian denominations, and the means which it used to do so, which resulted in few other children being admitted to the school. I note here that previous determinations do not set precedents and that I have considered the arrangements on their merits against the requirements set out in legislation and the Code and in the light of the facts and circumstances as they are now.

The Objection

11. The objector expressed three concerns about the arrangements:

- A. The timing of the school's recent consultation and the subsequent announcement of the change to the school's admission arrangements for 2024/25 leaves parents with little time to make alternative arrangements before the application window starts in October 2023. The objector would like the process to afford parents more time by having changes made through this process introduced for admissions in 2025/26.
- B. The email address for contacting the adjudicator provided in the public consultation material by the school was not the correct one.
- C. There were 'inaccuracies' in the school's 'admission criteria' which were pointed out to them in April 2023, but which have since been corrected in May 2023.

12. I have determined that I only have jurisdiction to consider whether the school followed the statutory process when making changes to its arrangements for 2024/25. I do not have jurisdiction to consider whether the statutory process itself should or should not be different.

13. I will not be looking further at concerns B and C. Whilst it is unfortunate that there have been inaccuracies in the information provided by the school for contacting the adjudicator in its consultation materials and in the subsequently published arrangements on its website, I make the following points:

- The Code does not require admission authorities to have to provide details to consultees about how to contact the adjudicator. The school appears to have done so out of good faith, following the LA's guidance (which is the source of the

incorrect contact details for the adjudicator). The LA may wish to update its guidance in this regard.

- The objector has told me that the school was told about the inaccuracies in the published arrangements on its website and has since made the necessary corrections. The school is permitted to do so under paragraph 3.6 of the Code (where an admission authority can vary its arrangements, without applying to the adjudicator, when correcting “any misprint in the admission arrangements”).

Other Matters

14. The aspects of the arrangements which I identified as not or possibly not conforming with the requirements relating to admissions have been identified in detail towards the end of this determination.

15. In summary, I raised issues in respect of the arrangements: the definition of ‘looked after children’ does not entirely reflect the Code; there is a lack of information on how an applicant’s home address is defined when a child lives for part of the week with different parents after the breakdown of their relationship; there is repetition of the same information throughout the arrangements which, as each version is worded slightly differently, would therefore cause confusion for parents; and the need to explain that waiting lists are ranked again when a child is added to the list.

16. In relation to the SIF, I raised the following: information is repeated on the form from the arrangements which need not be and which is not consistent with that in the arrangements; the SIF has not been updated with the changes implemented in the arrangements as a result of the consultation; and the form does not explain why it requires the priest / minister, in their section of the form, to unnecessarily repeat the same information the parent will already have completed earlier in the SIF.

Background

17. According to GIAS, the school is a voluntary aided primary school for 4 to 11 year olds, located in Chelsea in London. It is a non-selective and co-educational school. Ofsted rated the school as ‘Outstanding’ in 2013. The number of pupils at the school is 204, out of a capacity of 210. The Published Admission Number (PAN) for Reception (YR) is 30. The federation, of which the school is a part, also includes the Holy Trinity CofE Primary School in Sedding Street, Sloane Square, London, SW1X 9DE. According to Google Maps, the two schools are 0.9 miles away from each other by road.

18. The arrangements for 2024 were determined by the governing board on 7 February 2023 after a consultation period which took place between 14 November and 25 December 2022. The consultation was in respect of three proposed changes:

- A priority to be added for children of staff.

- The provision added to the arrangements some years ago by way of a variation agreed in Autumn 2020 in response to the COVID pandemic and concerning the approach to be taken when churches were closed for public worship to be removed from the arrangements.
- The oversubscription criteria will no longer use parish boundaries to determine priority for admission.

19. The arrangements set out that children with Education, Health and Care Plans (EHCPs) will be admitted first. Then, in times when oversubscribed, children will be prioritised according to the oversubscription criteria. These can be summarised as follows:

- Children who are ‘looked after’ by the LA [I have raised with the school an issue with how ‘looked after children’ are defined in the arrangements in the ‘Other Matters’ sections in this determination].
- Children having brothers or sisters at the school at the time of entry.
- Children of staff.
- Foundation places (70 per cent of remaining places):
 - a. Children of families who regularly attend St Luke’s or Christ Church in the Parish of Chelsea.
 - b. Children whose families are regular worshippers in a neighbouring parish or in a church of another Christian denomination (as defined by Churches Together in Britain and Ireland and the Evangelical Alliance).
- Open places (30 per cent of remaining places):
 - a. Children of other (non-Christian) faiths whose parents desire them to attend the school because of its religious tradition.
 - b. Children who live in closest proximity to the school, by the shortest walking route.

If the number of applicants in any category exceeds the number of available places in that category, places will be offered in order according to closest proximity to the school by shortest walking distance.

Consideration of Case

20. I have determined that I only have jurisdiction to consider whether the school followed the statutory process when making changes to its arrangements for 2024/25.

21. The admission authority was required to consult because it wished to change the arrangements to be different from those which had applied for 2023. The requirements for consultation when admission arrangements are changed are detailed in paragraphs 15 b) and 1.45 to 1.48 of the Code.

22. The statutory requirements (as set out in the aforementioned paragraphs of the Code) govern when consultation on any changes to school admission arrangements must take place and when arrangements must be determined. The combined effect of these requirements is that a school that wished to determine for its September 2024 arrangements that which was different from those that applied in September 2023 had to consult for at least six weeks between 1 October 2022 and 31 January 2023. Such a school would then (as would all admission authorities) have had to have determined its arrangements by 28 February 2023.

23. From the information provided to me, including from the objector himself, I find that the school has followed what is laid down in statute in respect of the timing of the consultation and the determination of the arrangements for 2024/25. Indeed, I have had sight of the minutes of the full governing board from 7 February 2023 when those arrangements were properly determined.

24. I have established that the admission authority complied with all the statutory requirements and conducted a fully compliant consultation exercise. The objector has also accepted that this was the case, stating to me in an email dated 3 July 2023, "We are now satisfied that statutory requirements for changes in admission arrangements have been followed accurately".

25. I do not uphold the objection.

Other Matters

26. Having considered the arrangements as a whole it appeared to me that the following matters do not conform with the requirements of the Code and so I brought them to the attention of the school. These matters are (paragraphs of the Code are indicated where relevant):

- The definition of 'looked after children' under note i. in the arrangements does not entirely reflect that which is set out under paragraph 1.7 of the Code and is therefore not compliant.
- Paragraph 1.13 of the Code (in part) states: "[...] This **must** include making clear how the 'home' address will be determined [...]. This should include provision for cases where parents have shared responsibility for a child following the breakdown of their relationship and the child lives for part of the week with each parent. [...]". The arrangements do not include this information and are not compliant.

- There are a number of places in the arrangements where the information about the same aspect of the arrangements appears and this causes the arrangements to be unclear for parents (paragraph 14). This is most apparent in respect of the following:
 - a. The section entitled 'HOW TO APPLY' provides the same or slightly different information to the relevant opening paragraphs.
 - b. The information provided about the admission of children with Education, Health and Care Plans (EHCPs) does not make clear that they are admitted before other children. Therefore, the fact that the same information on the admission of children whose EHCP names the school can be found both near the beginning of the arrangements and towards the end, makes it unclear that they will always be admitted if the school is named on the child's EHCP.
 - c. In respect of information about waiting lists, there is information in the opening paragraphs of the arrangements as well as under a section entitled 'Waiting List'. The information is slightly different in both places which is likely to render the arrangements unclear in this regard. For example, paragraph 2.15 of the Code (part) states: "Each admission authority **must** maintain a clear, fair, and objective waiting list until at least 31 December of each school year of admission, [...]". The school have not put a date until when they will maintain the waiting list. Where the waiting list information first appears, it says 'through the year', but not where it appears under the section about waiting lists. Is it not clear whether the school maintains this all year, therefore.
- Also with respect to waiting lists, paragraph 2.15 goes on to require of admission authorities: "[...] stating in their arrangements that each added child will require the list to be ranked again in line with the published oversubscription criteria. [...]", the arrangements do not state that when children are added to the waiting list it will be ranked again. This is not compliant with the Code.
- In respect of the supplementary information form (SIF) for 2024/25:
 - a. Information has been repeated on the form about the arrangements generally which is the same or similar to the information provided in the arrangements. It is not clear why some of the information has to be repeated here as because it is not entirely the same, consequently, it is not clear for parents. (Paragraph 14)
 - b. The section on the front page of the SIF which is entitled 'ENTRY TO RECEPTION CLASS' does not reflect the change that the school has implemented in its arrangements for 2024/25. For example, it states:

“In addition, if you are applying for a foundation place (Category 3a-d) you should also complete this Supplementary Information Form so that the Governors may consider your application fully.”

Whilst this was true in arrangements for previous years, because of the changes implemented in the arrangements for 2024/25, foundation places are now dealt with under oversubscription criteria 4a and b. This is, therefore, not consistent with the arrangements and is not clear for parents. (Paragraph 14)

- c. It is not clear why, if the parent is instructed to pass the entire SIF to the minister / priest completing the form, why the minister / priest is being asked to write all of the child’s details again on the third page when that has already been completed by the parent on the second page.

27. The school has told me that it will address these matters, as permitted by paragraph 3.6 of the Code, which is welcomed. The Code requires that the arrangements be amended to address the points I have raised within the timescale set out in this determination.

Summary of Findings

28. The objector raised three concerns about the school’s arrangements. I had jurisdiction only for the statutory consultation process. That process is set out in paragraphs 15 b) and 1.45 to 1.48 of the Code. I found that the admission authority carried out the consultation process as required. The objector agreed. I, therefore, do not uphold the objection.

29. I have found other matters in respect of the school’s arrangements which I have detailed in the ‘Other Matters’ section. The school has said it will address them and it must do so in the timescale set out in this determination.

Determination

30. 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 2024 determined by the governing board of Christ Church CofE Primary School, Chelsea.

31. I 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.

32. 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 September 2023

Signed:

Schools Adjudicator: Dr Robert Cawley