



Office of
the Schools
Adjudicator

Determination

Case reference: REF4392

Admission authority: Lewisham Borough Council for Community Schools in the Borough

Date of decision: 12 November 2024

Determination

I have considered the admission arrangements for September 2024 for all community schools in the London Borough of Lewisham in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the matters set out below, the arrangements do not conform with requirements.

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 and jurisdiction

1. These arrangements were determined under section 88C of the School Standards and Framework Act 1998 (the Act) by the London Borough of Lewisham (the local authority) on 1 February 2023. They were brought to my attention when the local authority requested variations to the admission arrangements it had set for 2024 for two community primary schools in the Borough, Forster Park and Rangefield Primary Schools. My decisions on these two requests are recorded in determinations VAR2463 and VAR2464, published on 22 October 2024, and are independent of matters considered in this determination. When I considered the arrangements as a whole, it appeared to me that they may not be clear and may not conform with the School Admissions Code (the Code) in other ways. I decided to use my power under section 88I(5) of the School Standards and Framework Act 1998 (the Act) to consider these matters.

Procedure

2. In considering this matter I have had regard to all relevant legislation and the Code.

3. The documents I have considered in reaching my decision include:
 - a) the arrangements published on the local authority's website;
 - b) a copy of the minutes of the meeting of the local authority at which the arrangements were determined;
 - c) correspondence with the local authority on these matters; and
 - d) information found on the Department for Education (DfE) database "Get Information About Schools" (GIAS).

Clarity of the arrangements

4. 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." The request for variations to the admission arrangements for Forster Park and Rangefield Primary Schools referred me to the arrangements published on the following page of the local authority's website: <http://lewisham.gov.uk/myservices/education/schools/school-admission/school-admissions-policies>

5. This page of the local authority's website did not appear to have been kept up to date, containing as it did links to consultation on the 2025 arrangements which ended in January 2024 and information about the 2023 admission arrangements which ceased to have effect at the end of August 2024. While unnecessary clutter on a webpage may make it more difficult to find important information, I was concerned with two portable document files (pdf) found through links on the page, labelled: "Determined admission arrangements 24-25" and "Determined Admissions Policy 24-25".

6. The first page of the document "Determined admission arrangements 24-25" was labelled "Appendix I" above a heading "PAN-LONDON CO-ORDINATED ADMISSION SYSYEM". Schemes of co-ordination are not admission arrangements. Schemes of co-ordination must be formulated and published annually by local authorities before 1 January each year as described in paragraph 2.22 of the Code. Admission arrangements must be determined by admission authorities annually by 28 February and published by 15 March each year as set out in paragraphs 1.49 and 1.50 of the Code.

7. Schemes of co-ordination are not within my jurisdiction, which is limited to admission arrangements. However, labelling a document as "Determined admission arrangements", when it is not a set of admission arrangements, could prevent parents from understanding easily how school places will be allocated as required by paragraph 14 of the Code.

8. When I raised this matter with the local authority it replied, "The website has been updated and no longer contains the 2023/24 arrangements and the pan-London co-ordinated admission system has been relabelled and taken out of the admissions

arrangements.” When I looked at the local authority’s website on 7 November 2024, I noted that the 2023 arrangements had been removed from this page as had the outdated reference to consultation on the 2025 arrangements.

9. However, the local authority also said, “When the documents are placed on the website it is [sic] accompanied with a short introductory passage on what is being consulted on”. This document is not a consultation document and there is no short introductory passage. The document is labelled as being determined admission arrangements when it is in fact the scheme of co-ordination. I find this makes the arrangements unclear and so the arrangements do not conform with paragraph 14 of the Code.

10. The second document was labelled “Determined Admissions Policy 24-25”. Section 88(2) of the Act says that a school's admissions policy is part of its admission arrangements, it is not the entirety of them. Containing no introduction, this document is presented as a series of appendices.

Appendix	Description of the information contained in the appendices
Appendix A	Lewisham's determined admissions criteria for nursery schools and nursery classes in community primary schools (children starting nursery during the academic year 2024/25)*
Appendix B	Lewisham's determined admissions criteria for community primary school reception classes (children born between 1 September 2019 and 31 August 2020) and who will start school in September 2024
Appendix C	Lewisham's determined admissions criteria for community secondary schools for pupils (born between 1 September 2012 and 31 August 2013) transferring from primary to secondary school in September 2024
Appendix D	Lewisham's determined admissions arrangements for community school's (sic) sixth form
Appendix E	Lewisham's determined arrangements for In Year Admissions to Lewisham community schools
Appendix F	Determined generic protocols for admitting children under the in Year Admissions Arrangements
Appendix G	Generic admissions arrangements
Appendix H	DETERMINED ADMISSIONS LIMITS 2024/25 FOR MAINSTREAM COMMUNITY SCHOOLS IN LEWISHAM

11. I questioned whether this presentation of the document allows parents to easily understand the arrangements as required by paragraph 14 of the Code. The local authority’s comment on this matter was:

“Admissions policy 2024–2025

Attached are the consultation documents for Lewisham's admissions arrangements for the academic year 2024/24 [sic], the policy includes:

Parents are also directed to read the Admissions criteria for secondary schools, which states:

Find out what the admissions criteria are at schools across the borough.

If there are more applications to a school than places available, we use the schools' [sic] admissions policy to decide which children qualify for a place.

A new introductory paragraph has been added to the arrangement [sic] clearly setting out what is being presented."

12. I find this response perplexing as this is clearly not a consultation document, nor did I ask about consultation on the 2024 arrangements. The "admissions criteria", or more correctly, oversubscription criteria, for secondary schools, and all other schools, should be included in the admission arrangements. Indeed, oversubscription criteria for community schools for all age ranges are included in this document. I could find no introductory paragraph to this document when I looked at the website on 7 November 2024.

13. What makes it difficult for parents to easily understand how places are allocated at community schools in the Borough, is presenting the document as a series of appendices with no contextual information. This leads to the arrangements not conforming with paragraph 14 of the Code.

Other Matters

Primary school admissions

14. Appendix B of the Admissions Policy document concerns admission to primary schools. My first concern with this document is the third oversubscription criterion for siblings which states, "If the school is over-subscribed entirely with siblings, priority will be given to: i) those with an exceptional social or medical need (see 2 above) and then to ii) those who are permanently living nearest to the school (see 4 below)." If a child had exceptional social or medical needs as set out in the second oversubscription criterion, they would be offered a place on those grounds before being considered for admission as a sibling. This part of the third criterion appeared to be spurious. Paragraph 1.8 of the Code requires that oversubscription criteria are clear.

15. When I raised this matter with the local authority, it said, "The third oversubscription is incorrect and should have read: those who are permanently living nearest to the school." I therefore find that this oversubscription criterion is not clear and so does not conform with paragraph 1.8 of the Code.

16. My second concern in respect of Appendix B was that the requirements of paragraph 2.15 of the Code did not appear to have been met. That paragraph says, ""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. Priority **must not** be given to children based on the date their application was received, or their name was added to the list. Looked after children or previously looked after children allocated a place at the school in accordance with a Fair Access Protocol **must** take precedence over those on a waiting list."

17. The arrangements say the waiting list will be kept "for the first term", not until 31 December. They do not state that each added child will require the list to be ranked again, or that the list will be ranked in line with the oversubscription criteria. The local authority did not comment on this matter, and I find that the arrangements do not conform with paragraph 2.15 of the Code.

Junior School Admission

18. Appendix B states it covers admission to reception classes and gives dates of birth of children eligible to start school in reception classes in September 2024. Within the section of the appendix on sibling priority, reference is made to Stillness Junior School. I interpret this as giving priority for admission to reception at Stillness Infant School where there is a sibling at the junior school. I can find no part of this appendix or the document which sets out admission arrangements for a junior school beyond what is said in Appendix H which lists "admission limits" for community schools. The entry for Stillness Junior school says, "children automatically transfer from the infant school".

19. Paragraph 1.6 of the Code requires that admission authorities must set oversubscription criteria for all its schools. While the Code, in paragraph 1.15, allows an infant school to be named as a feeder school to a junior school, thereby giving priority for places at the junior school to children attending the infant school, paragraph 1.7 requires that looked after and previously looked after children must be given highest priority. This means that it is possible for a junior school to be oversubscribed before all children attending a named infant school have been offered places. Oversubscription criteria are also required to cover applicants to a school who may not have attended a named feeder school.

20. Stillness Junior School is the only community junior school in the Borough and in response to these concerns, the local authority sent me some oversubscription criteria for it. However, no evidence was provided that these criteria had been formally determined by the local authority. My jurisdiction is only for determined arrangements and so I cannot comment on these new criteria and find that the determined arrangements which I was referred to do not conform with paragraphs 1.6 and 1.7 of the Code.

Secondary School Admission

21. Appendix C concerns secondary schools. This fails to conform with paragraphs 1.8 and 2.15 of the Code in the same ways as Appendix B does for primary schools.

Admission to Sixth Form

22. Paragraph 2.6 of the Code concerns admission to sixth form. If students are admitted to the school into Year 12 as a relevant age group, paragraph 1.2 requires that there is a PAN for that year group. This PAN only applies to external applicants; students in Year 11 can remain on the school's roll into the sixth form providing they meet any academic requirements. No admissions process is necessary for these students, so there is no PAN and no oversubscription criteria for them.

23. GIAS lists two community schools in Lewisham with an age range that goes beyond 16, Forest Hill and Sydenham. Appendix D of the arrangements refers to "Sydenham and Forest Hill Sixth Form (SFH6)". This is not listed on GIAS as a community school, but as a sixth form centre with a different DfE number to either of the schools. From information found on SFH6's website it does not appear to have a separate governing body to the schools' governing bodies. I have concluded that students attending SFH6 must be on the roll of either Sydenham or Forest Hill Schools. The local authority is the admission authority for these schools. The following analysis is based on that understanding; I invited the local authority to let me know if my understanding was incorrect and it did not do so.

24. If either school admits students from other schools into Year 12, the Code requires that each must have a PAN for Year 12. A PAN is a specific number. Appendix D says "For SFH6 it is expected that a maximum of 10 places per school (20 in total) will be available to children attending other schools." If the PAN at each school is 10, then that is what the arrangements should say. No PAN for Year 12 is referred to in Appendix H.

25. Appendix D sets out six oversubscription criteria for admission to community school sixth forms. The first is, as it should be, for looked after and previously looked after children. The second is for applicants with exceptional social or medical needs. The third is for applicants who are on the roll of Forest Hill or Sydenham schools. As explained above, students on roll at a school remain on roll into the sixth form without any admission process beyond meeting any academic requirements.

26. Paragraph 1.8 of the Code requires that oversubscription criteria are objective. The fourth oversubscription criterion reads "Applicants who can best demonstrate their suitability for the course involved (factors taken into account will be attendance and previous academic performance)." This did not appear to me to be an objective criterion.

27. The fifth oversubscription criterion refers to feeder schools. Paragraph 1.9b of the Code requires any feeder school to be named. Sydenham and Forest Hill cannot be feeder schools as the students are already on roll at them and the oversubscription criteria are to determine who is offered a place if the number of external applicants exceeds the PAN.

28. The fifth oversubscription criterion also states, "If the school is over-subscribed with applicants from the feeder schools only, priority will first go to applicants from those schools with professionally-supported social or medical cases (see above), and then to those who can best demonstrate their suitability for the course involved". Any applicant with

exceptional and social needs would have been offered a place in the second criterion, no matter what previous school they attended. This part of the criterion is therefore redundant and again there is no objective measure of “suitability for the course”.

29. The sixth criterion gives priority on the basis of home to school distance and random allocation in the event of a tie.

30. In response to my concerns arising from Appendix D, the local authority said it would include Year 12 PANs of 10 for both schools in Appendix H. It also said the fourth criterion would be “Applicants who meet the academic requirements”. As before, without evidence that the local authority has formally determined this as a criterion, I cannot comment on it. However, I reiterate that the oversubscription criteria are only applied to external applicants who meet the academic requirements.

31. The local authority did not comment on the other matters I raised on Appendix D and I find that the arrangements for admission to sixth form do not conform with paragraphs 1.2, 1.8, 1.9b and 2.6 of the Code.

Generic Admission Arrangements

32. Appendix G is headed “Generic Admission Arrangements”. In the section of this appendix about deferred admission it says, “the child must be admitted to school during the reception year and not beyond it.” In paragraph 2.17b the Code says deferred entry cannot be “beyond the beginning of the final term of the school year.” The local authority agreed to amend the wording of this part of the arrangements to meet this requirement.

Omissions from the arrangements

33. The Code requires certain things to be stated or made clear in the admission arrangements. Paragraph 1.6 requires that all children with an Education, Health and Care Plan (EHCP) must be admitted before the application of oversubscription criteria if the EHCP names the school. The arrangements did not appear to make this clear. The local authority accepted that suitable wording was missing from the arrangements.

34. The arrangements say “lots will be drawn” as a final tie-breaker. Paragraph 1.34 of the Code requires that when random allocation is used admission authorities “**must** set out clearly how this will operate”, while paragraph 1.35 requires independent supervision of random allocation. Again, the local authority said it would add wording to the arrangements to meet these requirements.

Summary of Findings

35. I have found that the way in which the arrangements are labelled and presented on the local authority’s website makes the arrangements unclear and difficult for parents to understand. Consequently, the arrangements do not conform with paragraph 14 of the Code.

36. I have found that individual oversubscription criteria are not clear, requirements concerning waiting lists are not met in the arrangements and there are some omissions from the arrangements. There are no oversubscription criteria included in the arrangements for the community junior school in the Borough. The arrangements for admission to the sixth form at the two community schools with post-16 provision do not conform with the requirements set out in the Code in many ways.

37. This determination requires the local authority to revise the arrangements. While revisions intended to address some of the issues of non-conformity noted above have been sent to me, I have seen no evidence that they have been formally approved by the local authority. I therefore have no jurisdiction to comment on them. The local authority will want to study the Code carefully before making the required revisions. It may also consider whether a review of its determined arrangements for 2025 may be necessary in the light of this determination and use the power set out in paragraph 3.6 of the Code for admission authorities to revise arrangements to give effect to mandatory requirements of the Code. I note that consultation on arrangements for 2026 is currently taking place and this determination may also inform that process.

Determination

38. I have considered the admission arrangements for September 2024 for all community schools in the London Borough of Lewisham in accordance with section 88I(5) of the School Standards and Framework Act 1998 and find that in relation to the matters set out above, the arrangements do not conform with requirements.

39. 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: 12 November 2024

Signed:

Schools Adjudicator: Phil Whiffing