



## **DETERMINATION**

**Case reference:** ADA2774

**Objector:** The Fair Admissions Campaign

**Admission Authority:** The Academy Trust of Bishop Justus Church of England School, Bromley

**Date of decision:** 6 November 2014

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the academy trust of Bishop Justus Church of England School, Bromley for September 2015.**

**I have also considered the arrangements for September 2014 and those for September 2015 in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements.**

**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 as quickly as possible.**

### **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 the Fair Admissions Campaign, the objector, about the admission arrangements (the arrangements) for Bishop Justus Church of England School (the school), a mixed academy school for children aged 11 to 18 for September 2014 and September 2015.

2. The objection is to the absence from the school's website of the school's admission arrangements for September 2014, and to a number of aspects of its arrangements for September 2015. I shall set out in full below all the matters about which the objection which has been made.

### **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 Bishop Justus Church of England School are in accordance with admissions law as it applies to maintained schools. These arrangements were determined by the academy trust, which is the admission authority for the school, on that basis

4. The objector submitted the objection to these determined arrangements on 30 June 2014, and so after the last date on which objections can be submitted concerning admission arrangements for September 2014, and on the last day on which they can be made concerning admission arrangements for September 2015. However, the 2014 arrangements are still effective for the purposes of any in-year admissions and for the drawing up of waiting lists until at least the end of the autumn term 2014. I have therefore decided, having looked at them and having come to the view that they may not conform with the requirements concerning admission arrangements, to use the power available to me under section 88I(5) of the Act to consider them. I am satisfied the objection to the arrangements for admissions in 2015 has been properly referred to me in accordance with section 88H of the Act and it is within my jurisdiction.

5. When I looked at the admission arrangements, both those for September 2014 and those for September 2015, I was concerned that they contained matters which may constitute breaches of the School Admissions Code (the Code) and I decided to use my power under section 88I(5) of the Act to consider the arrangements as a whole.

### **Procedure**

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

7. The documents I have considered in reaching my decision include:

- a. the objector's letter of objection dated 30 June 2014 and emails dated 14 August 2014 and 1 September 2014;
- b. the school's response to the objection and supporting documents;
- c. confirmation of when consultation on the arrangements last took place;
- d. copies of the minutes of the meeting at which the academy trust of the school determined the arrangements;
- e. a copy of the determined arrangements for September 2014 and September 2015;
- f. the comments of the London Borough of Bromley council (the local authority, the LA) and of the Diocese of Rochester Board of Education (the diocese) concerning the objections;
- g. the LA's composite prospectus for parents seeking admission to schools in the area in September 2015;
- h. a map of the area identifying relevant schools, and
- i. a copy of the school's funding agreement with the Secretary of State.

I have also taken account of information received during a meeting I convened

with all the parties on 18 September 2014 at the school and in subsequent correspondence from the school and the LA.

### **The Objection**

8. The objector expressed the objection in the following terms:

- “1.47/2.14 (2014 admission policy no longer on website)
- 1.9b) (criteria B1 – feeder schools not named)
- 1.8/1.9e)/1.9i)/14 (“ A further 1 point will be awarded, regardless of frequency of attendance at worship, in recognition of contributions made by the pupil or the pupil’s parent(s)/guardians(s) to the life and mission of the church: eg. Serving on the Parochial Church Council (or equivalent); church cleaning; arranging flowers; giving administrative or pastoral assistance; leading a home study group; attendance at Sunday school; choir; or as a member of the church youth group.”)
- 1.7 (looked after children given priority above previously looked after children. In addition, some looked after/previously looked after children will get lower priority than other children, for example, those in criteria B2 will come below all others in criteria B1)
- 1.8 (there is no effective tie-breaker to separate two applicants living equidistant from the school)
- 1.9a) (there is an expectation that all students admitted will uphold the Christian ethos of the school and provide appropriate role models for younger students)
- 1.8/14/1.37 (the list of “Churches which are full members of Churches Together in England or the Evangelical Alliance” is partial)
- 1.8/14/1.37 (the worship criteria are ambiguous and could be interpreted by a priest as being satisfied by a child who has two parents/carers who alternate in attending worship. This puts children with two parents/carers at an advantage).”

### **Other Matters**

9. Having been provided with a copy of the admission arrangements for the school for September 2014 and September 2015, and having looked at them, I was concerned that both contained, in addition to those matters raised by the objector concerning the arrangements for 2015, further matters which may have constituted breaches of what the Code requires. I therefore wrote to the school, saying this and seeking its comments on these matters, which were that:

(i) the arrangements did not contain the statement required in paragraph 2.14 of the Code concerning the re-ordering of the waiting list;

(ii) the existence of three forms, an application form, a clerical reference form and a form entitled “information about family involvement with a church” may introduce unnecessary complexity for parents who will also have completed the authority’s common application form (CAF). Paragraph 2.4 of the Code says that additional forms must only be used if they are required to obtain information which has a direct bearing on decisions about oversubscription criteria; and

(iii) the school’s admission arrangements for its sixth form contained no oversubscription criteria to determine admissions in the event of more than 10 external students meeting the school’s academic requirements.

## **Background**

10. Bishop Justus Church of England School is a non-selective school for boys and girls from the ages of 11 to 18. Its status converted to that of an academy school on 1 March 2011. It is a school with the designated religious character of the Church of England, in the Diocese of Rochester. It is popular and heavily oversubscribed. Information provided by the LA shows that in both September 2013 and September 2014 the school filled the final available Year 7 places from the group of applicants who were not given a higher priority on the grounds of their religious commitment or because they had attended a nearby Church of England primary school. In 2014, all of the 67 children admitted to the school within this final group lived within 2.7 miles of the school.

11. The school was described as “good” when last inspected by Ofsted in May 2012. The school data dashboard published by Ofsted shows that the school’s GCSE results in 2013 (five GCSEs grade A\* to C including English and mathematics) placed it in the top 40% of all schools nationally.

12. The school’s admission arrangements for Year 7 for both September 2014 and September 2015:

(i) set a published admission number (PAN) of 180;

(ii) state that up to 90 foundation places will be offered on the basis of Christian commitment and at least 90 without reference to religious commitment (community places);

(iii) divide the 90 Foundation places into:

a. **category A1**: 60 places which are offered to pupils who are, or whose parent(s)/guardian(s) are members of a Church of England church within three named Deaneries, and

b. **category A2**: the remainder of the 90 places are offered to pupils on the same basis but where the church in question is located in this area and is a member of Churches Together in England or of the Evangelical Alliance;

(iv) state that if there are more applicants than places in either category,

places will first be offered to “Children in Care who fulfil the criteria”, followed by children in the order of points scored on the school’s “church membership” scale, and if equal points are scored, priority will be given using “tie-break” rules in the order:

- a. looked after children (as defined);
- b. previously looked after children (as defined);
- c. children of staff at the school (as defined);
- d. siblings (as defined);
- e. children living nearest to the school; and

(v) divide the community places into:

- a. **category B1**: up to 60 places which are offered to pupils who attend a Church of England voluntary or foundation primary school with the three named Deaneries, with the “tie-break” rules used to prioritise applications if there are more applicant than this number;
- b. **category B2**: the remainder of the 90 places are offered to pupils who “do not qualify” under the above categories, prioritised according to the “tie-break” rules if this category is oversubscribed.

13. The arrangements say that “church membership” is defined as “attendance at worship and involvement in the life and work of the church on the part of the pupil or one or both of the pupil’s parent(s)/guardian(s) during the two years prior to application”.

14. An application form, a clerical reference form and a form for parents to use to evidence membership and involvement in a church belonging to Churches Together in England or the Evangelical Alliance are all provided.

15. The arrangement for admissions to Year 12 in both years state that students, both those from the school’s Year 11 and those applying from outside, will be admitted provided they meet the entry requirements for the course they wish to study, and that there will be a minimum of 10 places for those applying to join the school.

### **Consideration of Factors**

16. The objector states that the school’s admission arrangements for September 2014 were not displayed on its website when it submitted its objection on 30 June 2014 and has cited paragraph 1.47 of the Code which requires admission arrangements to be displayed on the website of the admission authority for the whole offer year (the academic year immediately preceding the academic year in which pupils are to be admitted under the admission arrangements), and paragraph 2.14 which concerns the use of the arrangements to maintain waiting lists for at least the first term of the academic year. I looked at the website on 6 August 2014 and could not find these arrangements. The school has helpfully accepted that it had not met this

requirement, and has now rectified the situation. However, the arrangements were not displayed as they should have been, and I uphold this part of the objection.

17. The school's admission arrangements for September 2014 are the same as those for September 2015, and the following matters which have been raised either by the objector or by myself relate to both sets of arrangements.

18. The objector has complained that the arrangements take account of previous schools attended but that the arrangements do not name the schools. The arrangements do this in order to determine the priority for the first 60 "community" places. The objector cites paragraph 1.9b of the Code which says that

*"admission authorities...**must not**....take into account any previous school attended, unless it is a named feeder school"*.

The school has, again helpfully, stated that it is content that it should name the eight schools in question, but that it does not see them as feeder schools. It has not named them hitherto and however the school thinks of them, the schools in question are given the status of feeder schools within its arrangements, and so must be named if the school wishes to continue to give priority for attending them. The school is therefore in my view in breach of what the Code requires, and I uphold this part of the objection.

19. The objector has drawn attention to the description of "church involvement" set out in the arrangements, and to the final section of this description, which follows the explanation of how frequency of attendance at church is used to give priority. Credit is given, in addition to that for church attendance, in recognition of participation in listed activities, and the objector cites paragraph 1.9e of the Code which refers to practical or financial support to an associated organisation of the school, paragraph 1.9i of the Code which refers to religious activities which have not been laid out by the religious body or person representing the religion, and paragraphs 1.4 and 1.8 which refer to the clarity, objectivity and fairness of arrangements. Paragraph 1.9e of the Code forbids admission authorities from giving priority to children based on *"any practical or financial support parent may give to the school or any associated organisation, including any religious authority"*. Paragraph 1.9i forbids the prioritisation of children *"based on their own or their parents' past or current hobbies or activities (schools with a religious character may take account of religious activities, as laid out by the body or person representing the religion or religious denomination)."*

20. The Code provides in paragraph 1.38 that schools with a religious character may give priority to children using faith-based oversubscription criteria, and that such a school *"**must** have regard to any guidance from the body or person representing the religion when constructing"* such criteria. In other words, the school must consider what the religious body says, and have good reason if it chooses to depart from that guidance. The effect of paragraph 1.9i is, however, that if religious activities are used by such a school for this purpose, these must be religious activities that are "laid out" by that body. I take the term "laid out" to mean "explicitly authorised", and that

this would normally be done formally and in writing. This means that if activities are not so laid out they may not be used. This is a different requirement than that imposed by paragraph 1.38 concerning faith-based oversubscription criteria generally.

21. I have therefore considered what the diocese has said to the school on these matters and have looked at its written guidance to the schools for which it is the relevant religious authority. This guidance is clear, and says that schools may take account of the religious practice of the child or their parent(s), that membership of the Church of England (or the other permitted Christian denominations) *“should include baptism or thanksgiving for the birth of a child at least, and may extend to regular, frequent attendance at worship ....over a period of time”*. None of the activities set out in the school’s arrangements are mentioned.

22. Some of the activities which the school lists in its arrangements would in my view fall foul of the prohibition in paragraph 1.9e concerning practical support. The objector referred in an email to the adjudicator dated 14 August 2014 to the inclusion of cleaning and flower arranging, which are activities which would in my view do so. The objector also clarified its reference to paragraphs 14 and 1.8 of the Code, saying that it believed that the activities for which the school’s arrangements give credit are not reasonable, as required by paragraph 1.8 and not fair, as required by paragraph 14. I am of the view that some of the activities listed would fall foul also of these requirements. However, none of the activities have been laid out by the diocese and so the school may not use any of them to give priority to children in its admission arrangements. I therefore uphold this part of the objection on these grounds. Again, the school has helpfully indicated that it is willing to dispense with this part of its arrangements.

23. The objector says that the arrangements fail to give equal priority to looked after and previously looked after children and also mean that some looked after or previously looked after children will have a lower priority than others. The objector refers to paragraph 1.7 of the Code which says that *“the highest priority **must** be given, unless otherwise provided in this Code, to looked after children and previously looked after children”*.

For schools with a religious character this requirement is expanded on in paragraph 1.37 of the Code, which states that

*“Admission authorities for faith schools may give priority to all looked after and previously looked after children whether or not of the faith, but they **must** give priority to looked after children and previously looked after children of the faith before other children of the faith. Where any element of priority is given in relation to children not of the faith they must give priority to looked after and previously looked after children not of the faith above other children not of the faith.”*

24. There are a number of matters that need to be examined here. First, the school’s arrangements are set out with defined categories of place and a list of “tie-break” rules that are to apply to these categories if any of them is oversubscribed. The arrangements say that these rules are applied in the

order given, with separate bullet points for looked after children, previously looked after children, children of staff at the school, siblings and finally a distance criterion. Paragraph 1.7 of the Code clearly sets out the intention that looked after children and previously looked after children should be treated as a single group of children, not as two groups given sequential priority. The arrangements do not treat all these children as a single group and I therefore uphold this part of the objection.

25. The objector qualified the second aspect of this part of the objection in correspondence dated 1 September 2014, having accepted that the arrangements mean that there will be at least 60 available places at the point when admissions of children without reference to faith start and that there would also be 30 remaining places when the final group of admission are made. This means, the objector says, that in the highly improbable situation that there were more than 30 looked after or previously looked after children seeking to be admitted under the final category, while at the same time fewer than 60 looked after or previously looked after children were seeking admission in the group given preference because of attendance at a Church of England primary school, some looked after and previously looked after children not of the faith would not be admitted ahead of children not of the faith generally. In such an unusual situation, the objector says, there would be a breach of the requirement of paragraph 1.37.

26. I accept the objector's analysis, but there is more to say. The reference in paragraph 1.37 of the Code to looked after and previously looked after children of the faith is a reference to regulation 9 of the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, where the more explicit wording "*whether or not they are of the same faith as that of the school in accordance with its designation*" is used. The import of this is that the distinction which needs to be made for the school is not between children given priority on the grounds of their faith and children not so prioritised, but between children who are members of the Church of England and children who are not.

27. The LA has taken the view that what the school does is to have four categories of school place and that it then does what schools which band applicants do, which is to give the highest priority in each category to looked after or previously looked after children. But banding is a distinct and specific approach which attempts to ensure "a proportionate spread of children of different abilities" through a permitted selection process, and has nothing to do with the school's approach to admissions. Furthermore, looked after and previously looked after children must be admitted whether or not they take the test, and no impression must be created that this is required of them.

28. What the school does is to give priority for a limited number of the available places to three groups of children followed by a fourth group for children not so prioritised. It does not however have completely distinct categories, and it cannot be said that it admits children to them in parallel as under banding arrangements, since the arrangements state that "*applicants who qualify under more than one category will be considered first under the highest category for which they qualify in the order A1, A2, B1, B2*". This means that children who are not admitted as one of the 60 children prioritised

on the grounds of their membership of the Church of England can still be given priority if they attend one of the relevant Church of England primary schools, but on these different grounds. The school therefore allocates the 60 Church of England places first it seems to me, and will have allocated all of them before considering the admission of children who have attended the relevant Church of England primary schools, including any looked after or previously looked after children for whom this is the case. Such a child might very well be a member of the Church of England and would have had to have been given priority within the first group if paragraph 1.37 were not to be breached. It is more likely however that not all looked after and previously looked after children who are not members of the Church of England will be given priority over children who are not of the faith generally, since they are admitted within the three remaining categories of place, separately, and not as a group. The school's arrangements therefore fail to achieve the requirements concerning looked after and previously looked after children which are in paragraph 1.37 of the Code, and I therefore uphold this part of the objection.

29. In common with many schools that find themselves habitually oversubscribed, the school's arrangements assume that this will always be the case. The arrangements do not reflect fully in my view the context provided by the Code and legislation for all admission arrangements, which is that parents select schools for their children, because they tend to give the impression that the process taking place is one of selection by the school. They define groups of places and apply oversubscription referred to collectively as "the tie break" to each if they are oversubscribed. However paragraph 1.36 of the Code requires all schools, including schools with a religious character, to admit all applicants unless oversubscribed overall. The schools arrangements make no such statement, only that the categories of place it defines apply when it is oversubscribed. The arrangements however assume that each category will be oversubscribed in practice because they have nothing to say about what would happen to any unfilled places from an undersubscribed category. Even if the school is oversubscribed overall, some categories of place may not be oversubscribed.

30. The school needs to be mindful that the Code requires there to be a single PAN (paragraph 1.2) to which a set of oversubscription criteria are applied in sequence (paragraph 1.7) if the school is oversubscribed. Schools that choose to give priority for admission to a stated number of the available places on a defined basis when oversubscribed do so as one of their oversubscription criteria. A final criterion which allocates all remaining places without reference to the criteria giving preference to earlier groupings is the means by which such schools have found it possible to have arrangements which meet the requirements of the Code. There is a further consequence of the school's overall approach which I will consider below when dealing with the way in which it keeps its waiting list.

31. The objector says that the school does not meet the requirement of paragraph 1.8 of the Code with respect to a final tie break. The school has said that it would "take advice from" the LA in the event of a tie-breaker being needed between equally qualified applicants who lived at the same distance from the school. The LA has said that its approach would be to give priority to those living in flats with lower numbers in the case of blocks of flats and to use

alphabetical order of surname in other cases. These do not form part of the arrangements which I am considering, however, and it is for the school as the admission authority to state in its arrangements what form of tie-breaker it would use and to ensure that it conforms with the requirements of objectivity and reasonableness as set out in the Code. It does not do so in its arrangements and for this reason I uphold this part of the objection.

32. The objector complains that the list of churches which are said in the arrangements to be those which are full members of Churches Together in England or the Evangelical Alliance is not a complete list. It refers to paragraphs 14 and 1.8 of the Code which require admission arrangements to be clear, and to paragraph 1.37 of the Code which concerns the ease with which parents can understand how faith-based oversubscription criteria will be satisfied. The school and the LA have stated that the list of churches that are in membership of Churches Together in England or the Evangelical Alliance which is contained in the arrangements differs from the full list of such churches because it is intended to name only those which have a presence in the three named Deaneries, together with national churches such as the Church of Scotland. The school was able to say at the meeting that I held with the parties that priority would be afforded to members of any church which was in membership, and so not necessarily only those listed. The arrangements themselves do not make this clear, and so the clarity called for in the Code generally and in particular concerning faith-based oversubscription criteria has not been achieved. I therefore uphold this part of the objection.

33. The objector says that the wording of the way in which worship is given credit within the arrangements is ambiguous and could be interpreted in a way which puts children with two parents or carers at an advantage, citing these same requirements of the Code. The school's arrangements have the following to say concerning the way in which church attendance is used to give priority to applicants:

*“Church involvement will be scored as follows with a maximum of 4 points:*

- If the pupil or one or both of the pupil's parent(s)/guardian(s) has attended worship at their church at least twice a month over a period of two years prior to application the pupil will be awarded 3 points.*
- If the pupil or one or both of the pupil's parents(s)/guardian(s) has attended worship at their church less frequently or for a shorter period, the pupil will be awarded 1 point.”*

34. The objector complains that these statements could be read to mean that the attendance of two parents who alternate in attending church could be counted as if there were a single parent attending, but more frequently and that this interpretation would place children with two parents at an advantage compared to those with one. The school told me at the meeting which I convened that it takes into account only the attendance of one parent, or of one student. But this is not what the arrangements say, and I accept the view expressed by the objector that the interpretation of the arrangements which it has described is possible. The arrangements are therefore insufficiently clear,

and in breach of what the Code requires. The school has, helpfully once more, indicated that it would seek to find clearer wording.

35. Paragraph 1.9a of the Code says that admission authorities

*“...**must** not place any conditions on the consideration of any application other than the oversubscription criteria published in their admission arrangements.”*

The objector has quoted the statement which is made as part of the school's arrangements for admissions to its sixth form that *“there is an expectation that all students admitted will uphold the Christian ethos of the school and provide appropriate role models for younger students.”* It has pointed in its email of 1 September 2014 to the Oxford English Dictionary definition of the word “expect”, which includes “require someone to fulfil an obligation”, saying that this most naturally fits the sentence in the arrangements, and that this amounts to a condition and is in breach of paragraph 1.9a. The school says that what is set out is a not a requirement, but an expectation. The LA says that nothing is used as a result of this statement that has any effect on the consideration of applications.

36. My own view is that it is perfectly acceptable for a school to make a statement of its own ethos, which is to say how it conducts itself in day to day matters, as part of its arrangements. In line with the principle that parents select schools and not vice versa, a parent, or in this case, a parent or a student, may then make an informed decision as to whether they wish to be considered for a place at the school. It is a different matter for a school, or any admission authority, to state an expectation placed on applicants which can at the least be read as a requirement. It does not matter that the applications seen by the school are not judged against this statement. It does matter that some parents and students are likely to consider the ethos statement as it appears in the arrangement a condition of application which must be met. Those who believe they cannot fulfil it may well decide not to apply for a place. I am of the view that this statement offends against paragraph 1.9a of the Code, and so I uphold this part of the objection.

37. Paragraph 2.14 of the Code says that

*“Each admission authority **must** maintain a clear, fair and objective waiting list for at least the first term of the academic 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.”*

The school has agreed that its arrangements do not contain the statement concerning the reordering of its waiting list that the Code requires, and has told me that it maintains a waiting list “against each category” which is “considered in accordance with the published oversubscription criteria”. At the meeting which I held, the school confirmed that all the places which it designates as “category B” are allocated without reference to faith. This means that all those children eligible for consideration for “category A” places are also eligible for consideration for “category B” places, since faith is not a consideration and an unsatisfied applicant for a “category A” place is still seeking a place at the school. The arrangements set out that when initial

consideration is given to applications, unsuccessful applicants will be considered for subsequent categories of place for which they also qualify, but this approach is not applied by the school to its waiting list, and children are considered against the category of place “under which they have applied”, and wait for a place in that category to become available. This is a further consequence of the school’s overall approach to its admission arrangements, as discussed earlier. While viewing applications in this way enables the school to maintain a single waiting list in four parts with one part for each category of place, the list is not kept in accordance with the school’s oversubscription criteria and so does not comply with what paragraph 2.14 requires.

38. The school provides three forms for parents to use in connection with applications. The first of these, which is titled “Application for Admission to Year 7”, requests the child’s gender and the name of the child’s current school, neither of which is needed to make a decision about the application of any of the school’s oversubscription criteria. The remaining information which the form provides is already available to the school from completed local authority CAFs. There is no need for the form and its use contravenes the requirement of clarity in paragraph 1.8 of the Code, since it introduces unnecessary complexity.

39. The school has accepted that its arrangements fail to make it clear that only those parents who wish their application to be given priority on the grounds of faith need to use the clerical reference form or the form which seeks information about the family’s church involvement. The arrangements are therefore insufficiently clear, and do not comply with paragraph 1.8.

40. The school’s arrangements make provision for a minimum of 10 admissions to its sixth form of external students who meet the entry requirements for the course they wish to study. The school has so far operated on the basis of exceeding this PAN when there have been more than 10 qualified applicants. However, Year 12 is a “relevant age group” for the school since it is one in which the school normally makes admissions. It is therefore subject to paragraph 1.7 of the Code, which requires that there be oversubscription criteria, as for any other “relevant age group”. The school’s arrangements therefore fail to comply with what paragraph 1.7 of the Code requires.

## **Conclusion**

41. I have explained that the school has failed to comply with paragraph 1.47 of the Code by failing to display its admission arrangements for 2014 on its website as required.

42. I have also explained my reasoning for coming to the view that the school’s admission arrangements for both September 2014 and September 2015 do not comply with the requirements of the Code:

(i) in paragraph 1.7, by failing to treat looked after and previously looked after children equally or to provide oversubscription criteria for admissions to the school’s sixth form;

(ii) in paragraph 1.8, by omitting to provide a final tie-breaker, by not stating with clarity those churches membership of which is used to prioritise applications, by not stating clearly how parental attendance at church is given credit and by being unnecessarily complex in the number of forms used and unclear as to who should complete them;

(iii) in paragraph 1.9a, in placing a condition on applications to the school's sixth form;

(iv) in paragraph 1.9b, in taking account of previous attendance at schools which are not named feeder schools;

(v) in paragraph 1.9i, in giving credit to those who participate in religious activities which have not been laid out by the relevant religious authority;

(vi) in paragraph 1.37, in failing to ensure that priority is given to looked after and previously looked after children as required; and

(vii) in paragraph 2.14, concerning the school's waiting list.

43. The arrangements for both September 2014 and September 2015 are not compliant with the requirements concerning admission arrangements in the ways described above. Those for September 2014 are still relevant to in-year admissions and the drawing up of the school's waiting list and the school should revise these arrangements as quickly as possible.

### **Determination**

44. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements determined by the academy trust of Bishop Justus Church of England School, Bromley for September 2015.

45. I have also considered the arrangements for September 2014 and those for September 2015 in accordance with section 88I(5). I determine that they do not conform with the requirements relating to admission arrangements.

46. 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 as quickly as possible.

Dated: 6 November 2014

Signed:

Schools Adjudicator: Dr Bryan Slater