



## **DETERMINATION**

**Case reference:** ADA3284

**Objector:** A member of the public

**Admission Authority:** The Governing Body of Bournemouth School

**Date of decision:** 30 June 2017

### **Determination**

**In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2018 determined by a committee of the governing body, under delegated authority from the full governing body of Bournemouth School in the Borough of Bournemouth.**

**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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 1 September 2017.**

### **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 Bournemouth School (the school), a selective academy school for boys aged 11 to 18, for September 2018. The objection is to a change in the oversubscription criteria, the effect of which is to give greater priority to boys living in the Borough of Bournemouth.
2. The local authority for the area in which the school is located is Bournemouth Borough Council. The local authority is a party to this objection. Other parties to the objection are the governing body of the school and the objector.

### **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 body, which is the admission authority for the school, on that basis. The objector submitted his objection to these determined arrangements on 2 May 2017. The objector has asked to have his 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 his/her name and address to me. 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.

## **Procedure**

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

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

- a. the objector's form of objection dated 2 May 2017 and other documents submitted by the objector;
- b. the admission authority's response to the objection and supporting documents;
- c. the comments of the local authority on the objection;
- d. a map of the area identifying relevant schools;
- e. material used in the consultation on the arrangements;
- f. copies of the minutes of the meeting at which the governing body of the school determined the arrangements and of other meetings of the governing body and its committees; and
- g. a copy of the determined arrangements.

## **The Objection**

6. In its arrangements for 2018, the school has removed the priority given (immediately after that given to looked after children and previously looked after children) to the 120 boys who score most highly in the entrance tests. The effect of the change is that a greater degree of priority is now given to boys living within the Borough of Bournemouth. The objector considers that the arrangements are in breach of the Code for the following reasons:

- giving priority to boys living within the local authority area is contrary to the "Greenwich judgment" (referred to in footnote 23 at paragraph 1.14 of the Code) and is unfair to those boys living outside the local authority area who score more highly in the entrance tests;
- the altered priority unfairly limits parental choice for those living outside the local authority area, removing the grammar school option entirely for some eligible pupils (paragraph 14 of the Code requires the criteria used to decide the allocation of school places to be fair);

- the consultation on the changed arrangements was not unbiased and transparent so that objections were reduced and the results were not given sufficient weight, thereby failing to meet the requirements of paragraph 15 b) of the Code; and
- the arrangements unfairly disadvantage those from a particular social group, that is, “*ordinary working families*” from Hampshire and Dorset, contrary to paragraph 1.8 of the Code.

## Background

7. Bournemouth School is a selective (grammar) school for boys and is designated as such. It is the only grammar school catering for boys within the Bournemouth local authority area. Bournemouth School for Girls, which is the equivalent school for girls, is located on an adjacent site. The neighbouring local authorities are Poole and Dorset. The boundary between Dorset and Hampshire lies a few miles to the east of Bournemouth. Poole also has two grammar schools; Hampshire and Dorset have none. The Published Admission Number (PAN) for the school is 150. It received 301 applications for admission in September 2017, of which 212 made it the first preference. Of those allocated places, around 79 per cent live in Bournemouth, with the remainder coming principally from Hampshire and Dorset.

8. As a designated grammar school, the school is permitted to select its entire intake on the basis of high academic ability. The school refers to those who achieve the academic standard required in its entrance tests as “*eligible boys*.” The oversubscription criteria determined for September 2018 can be summarised as:

- i) Eligible boys who are looked after children or previously looked after children.
- ii) Eligible boys who live in the Borough of Bournemouth and are eligible for the pupil premium.
- iii) Eligible boys who live in the Borough of Bournemouth and are ineligible for the pupil premium.
- iv) Eligible boys who live outside the Borough of Bournemouth and are eligible for the pupil premium.
- v) Eligible boys who live outside the Borough of Bournemouth and are ineligible for the pupil premium.

Within each criterion, boys are ranked in order of their entrance test scores. Should it be necessary to distinguish between boys with the same test score within any category, distance from the school is used to allocate places. If distances are equal, the final places are awarded by drawing lots.

9. Changes were made to the arrangements for 2018 from those which

applied in 2017 and earlier years. The key change is the removal of an oversubscription criterion positioned between i) and ii) which gave priority for 120 of the 150 (or however many remained after the admission of eligible looked after and previously looked after boys) places solely on the basis of achieving the highest test score. No account was taken of where those 120 boys lived.

## Consideration of Case

### *The “Greenwich judgment”*

10. The objector draws attention to a decision of the Court of Appeal in 1989 that is referenced in a footnote to the Code in its section about catchment areas. In *R v Greenwich London Borough Council, ex parte John Ball Primary School* (1989) 88 LGR 589 [1990] Fam Law 469, it was held that pupils should not be discriminated against in relation to admission to a school simply because they reside outside the local authority area in which the school is situated. The objector points out that the removal of the criterion giving priority to the 120 boys who score highest in the test means that applicants living within the Bournemouth local authority area will be prioritised above those living outside Bournemouth, even if they do not score as highly in the entrance tests as boys from outside the local authority area. A document published by the school during the consultation period confirms this. It is headed *“Frequently Asked Questions about the Proposed Policy for September 2018”*. Part of the answer to one of the questions reads, *“...under the proposed policy, students who are eligible for a place at the school from the Borough of Bournemouth will be offered a place before eligible students from outside the Borough of Bournemouth.”* This, the objector says, *“would appear to be a very clear breach of the case law.”*

11. The school was aware during the period of consultation that its proposed arrangements for 2018 might be considered to be in breach of the Greenwich judgment. Minutes of the meeting of the Bournemouth Schools Admission Forum in December 2016, supplied by the Headmaster (who was present), indicate that the school had received advice from the Education Funding Agency (now the Education and Skills Funding Agency) that the proposed policy contravened the Greenwich judgment. However, in its response to the objection, the school refers to advice received and an adjudicator determination made in relation to the grammar schools in Poole in 2009 and 2010 respectively. Poole Grammar School (also a school for boys) uses oversubscription criteria that are in all material respects identical to those Bournemouth School is proposing to introduce in 2018 with the obvious exception that priority is given on the basis of living in Poole rather than Bournemouth. One of the reasons given by the school for making the change to its arrangements is to align its criteria with its neighbour. The two schools use the same entrance tests, but the difference in priority for admission, the school says, *“was causing confusion, lacked clarity and was unfair.”* The reference to unfairness relates to the fact a boy in Poole who scored sufficiently highly in the entrance test, would, under the 2017 arrangements, have a high priority for a place at both Poole Grammar School and Bournemouth School. A boy from Bournemouth who achieved the same score would have a lower priority at Poole Grammar than those living in Poole.

12. It is not necessary for me to comment in any detail on the material from 2009 and 2010 submitted by the school, although I do note that the determination strongly recommended a review of the use of the local authority boundary for priority for admissions as a matter of urgency. That advice and determination were made when an earlier version of the Code was in place. The existence of a similar set of arrangements for another school is also not directly relevant to my consideration. My responsibility is to consider the objection to this set of arrangements, determined for use in 2018, and their compliance with the current version of the Code and the law on admissions.

13. The Borough of Bournemouth is roughly triangular in shape. It is defined to the south by the sea and on the northern/eastern side (the boundary with Dorset), it largely follows the River Stour, which for much of this part of its course flows through a semi-rural area beyond the edge of the urban part of Bournemouth. By contrast, the western boundary, which is with Poole local authority, runs through an urban area. A "*Catchment Area Gazetteer*", provided by Bournemouth local authority, lists more than 20 residential roads in which houses fall either side of the boundary between the Poole and Bournemouth local authority areas. Here in particular, I can see no other justification for the school to use the boundary line as the edge of its catchment area and the school has not advanced any. In my view, the boundary is used simply because it is the boundary of the local authority area and that is what the Greenwich judgment forbids.

14. It is my conclusion that the arrangements in so far as the catchment edge follows the boundary between Poole and Bournemouth do not comply with Code and the law on admissions. Priority for eligible boys within the oversubscription criteria is clearly given solely because they reside in the Borough of Bournemouth, both for those who are eligible for the pupil premium and for those who are not. Necessarily, those who live outside the Bournemouth local authority area are discriminated against because they live on the far side of the borough boundary. All oversubscription criteria give priority to some groups over others. While catchment areas are permitted by the Code, footnote 23 to the Code explains that pupils "*should not be discriminated against simply because they reside outside the local authority area in which the school is situated.*" The school's arrangements do discriminate against pupils on exactly these grounds and are directly at odds with the Greenwich judgment. The school has not sought to deny this; rather, it has attempted to suggest that the judgment might not apply to circumstances such as theirs. I can see no reason why this might be so. The Greenwich judgment is an important piece of case law, to which the current version of the Code draws direct attention. Therefore, I uphold this aspect of the objection.

### *Unfairness*

15. Paragraph 14 of the Code requires admission authorities to ensure that "the criteria used to decide the allocation of school places are fair, clear and objective." The objector puts forward two arguments that the arrangements are unfair. First, the objector says, "*It is fundamentally unfair to ask children to sit an entrance test, then use location in a preferred LA to trump their test performance.*" I take the objector to mean that it is unfair that boys who score

more highly in the entrance tests should have a lower priority for admission than others with lower scores, on the basis of where they live.

16. I have already determined that the particular catchment area used by this school breaches the Code. However, I do not agree with the objector that it is unfair, as a matter of principle, to use location as a means of giving priority for admission to a grammar school. Paragraphs 1.19 and 1.20 of the Code describe two methods grammar schools use in their admission arrangements. They may either provide wholly for those pupils who score highest in a selection test or they may apply oversubscription criteria to those who meet a pre-set standard in the test. Distance from the school and the use of catchment areas are both potential oversubscription criteria, provided the requirements of the Code are met. In fact, Bournemouth School's arrangements combine the two methods, using location within a catchment area as an oversubscription criterion for those who meet the academic standard required and performance in the test as a means of ranking pupils within each criterion. The Code does not prohibit grammar schools from using catchment areas. As it is entirely consistent with the options laid out in the Code, I do not see how it can be regarded as unfair of itself to use location within its oversubscription criteria, although, of course, the approach to catchment used by the school falls foul of the Greenwich judgment .

17. Second, the objector argues that the arrangements are unfair as a possible outcome of them is that the option of a selective school would disappear for children living in Dorset and Hampshire. He says, "*This cannot be considered fair or consistent with the aim that parents should have a wide choice of types of school.*" In response, the school refers to its stated intention not to alter significantly the proportions of students admitted from the Borough of Bournemouth and from further afield. I accept that this is the school's intention, but it is not a matter over which they have control. If sufficient eligible boys living in Bournemouth applied for a place, the order of the oversubscription criteria means that boys from further afield would not be admitted.

18. I do not accept the objector's argument that this is, in principle, unfair. As an academy, the school's responsibilities in respect of admissions are laid out in its Funding Agreement with the Secretary of State for Education. This requires the school to provide "*education for pupils who are wholly or mainly drawn from the area in which the school is situated.*" The school says that it is not its responsibility to "*ensure that parents living some distance from the school have a 'wide choice of types of school'*". I agree. As is the case for any type of school, grammar schools can choose to use catchment areas as an oversubscription criterion, provided, of course, the catchment area chosen meets the requirements of paragraph 1.14 and the arrangements are fair. There is no additional responsibility in the law on admissions for grammar schools to ensure that pupils from a wide area will be admitted. Grammar schools are not spread evenly across the country with the simple result that some children can reasonably apply for a place at a grammar school whereas others cannot. The effect of a school using a catchment area is often that applicants living a longer distance from the school have little chance of obtaining a place there. This may be very disappointing but it is not unfair. I do

not uphold this aspect of the objection.

### *Consultation*

19. I turn now to the consultation that the school undertook prior to making its decision to alter its admission arrangements for 2018. I have already concluded that the arrangements do not comply with the requirements relating to admissions, but concerns about the consultation are described at considerable length by the objector, so in considering the objection I must address this matter. The objector's concerns appear to me to refer to three elements of the consultation: its extent, its content and the use of the responses to the consultation by the admission authority in informing its determination of the arrangements. I shall consider these elements in order.

20. Paragraph 15 b) of the Code requires admission authorities proposing to make a change to their admission arrangements to consult on those arrangements for a minimum of six weeks between 1 October and 31 January of the school year before those arrangements are to apply. The subparagraph makes clear the purpose of the consultation, "*This consultation period allows parents, other schools, religious authorities and the local community to raise any concerns about proposed admission arrangements.*" Paragraph 1.44 lists the groups and bodies with which admission authorities must consult, the first of which is, "*parents of children between the ages of two and eighteen.*" The objector says that the extent of the consultation was insufficient as it did not "*target parents of primary school children outside the Borough [of Bournemouth] who are the ones most affected.*"

21. The local authority hosted on its website a co-ordinated consultation process for schools in Bournemouth from 4 November to 16 December 2016. The school used the same six-week period for its consultation and the proposed changes to its arrangements were included in the local authority's consultation. In addition, letters from the headmaster were sent to the headteachers of all primary schools, maintained and independent, from which the school had admitted pupils at the age of 11 in the past three years, both within and outside the Borough of Bournemouth. Five secondary schools from outside Bournemouth were also on the distribution list. The letter draws attention to the change in the oversubscription criteria, which are listed in full. It also gives a "rationale" for the changes, stating that,

*"Bournemouth School is clearly signalling its intention to serve principally the Borough of Bournemouth and prioritise developing relationships with the Borough's primary schools to encourage all able students, but especially those from disadvantaged backgrounds, to apply for a place at the school."*

The letter concludes by asking that the change be publicised to "*any interested party.*" The school has also provided me with evidence that articles appeared in a local newspaper, the Bournemouth Echo, reporting the proposed changes. This was prior to the beginning of the six-week consultation period.

22. I recognise the difficulties faced by secondary schools that draw pupils from many primary schools over a wide area in ensuring that a consultation is effective. In this case, the school made some attempt to convey its proposed changes to its arrangements in accordance with the Code's requirements, but I consider that it could and should have done more. The children to whom this change relates are those currently in Year 5, that is, the group that will be applying for admission to secondary school in September 2018. It is clear from its rationale that I have quoted above, and from the proposed changes themselves, that the school is seeking to prioritise admission from children living within the Borough of Bournemouth. It follows, therefore, that those most likely to be affected in a negative way, are children living outside Bournemouth. These children currently make up about 30 per cent of the school's roll.

23. Where there is the possibility that a proposed change will deprive a group of a benefit they currently enjoy, it is particularly important that the proposer engages this group in its consultation. Writing to headteachers of schools from which pupils have been admitted within the past three years and making a general request that the proposed change be publicised is, in my view, insufficient. I would have expected the school to have made a specific request that the proposed arrangements are drawn to the attention of parents of children in Year 5, at all schools both in Bournemouth and within the parts of the neighbouring local authority areas from which it has historically admitted pupils. Publicity in local newspapers and other media outlets outside Bournemouth would also have helped to ensure that parents were aware of the change and had the opportunity to respond to the consultation. In short, not enough was done to ensure that the parents most likely to be affected knew about the proposal. In this respect, I do not believe the requirements of the Code have been met.

24. The objector also expresses concern about the information provided by the school during the consultation period. He alleges that the consultation was "*not full and frank*" and was "*not an unbiased process*." In particular, he says that the issuing of a 'Frequently Asked Questions' (FAQ) document part of the way through the consultation period unfairly influenced the responses. He also says that one of the answers to the questions is misleading and that all of the reasons for making the change were not made clear.

25. Information about the proposed change to its admission arrangements had been provided in the school's newsletter and in press reports prior to the six-week consultation. However, no formal consultation document was published by the school at the beginning of the period, other than the letter that was sent to local schools. The school says that during the early stages of the consultation, parents made a number of enquiries and the decision was made, in the interests of transparency, to publish a FAQ document on the school's website. This took place on 16 November 2016.

26. The school argues that rather than seeking to influence the outcome of the consultation, the publication of the FAQ document aimed to give all parents accurate information. I accept this. Although I would have expected some of the questions to have been foreseen and addressed at the beginning

of the consultation period, I am in no doubt that it was better to ensure that all consultees had access to the same information, rather than answers being restricted to those parents who contacted the school. I regard the publishing of the document as a means of improving the flow of information about the proposed changes and not of itself an attempt to introduce any bias into the process.

27. Of course, it is imperative that the answers with the FAQ document are accurate. The objector contends that one of the answers is not. The question is, *“If we live outside Bournemouth, what is the chance of my son being allocated a place at the school in September 2018?”* The answer given reads as follows,

*“The chance will be similar to that under the current policy. It does, however, depend upon the number of students who are considered eligible for a place who reside in the Borough of Bournemouth. In the short term, that number is unlikely to change significantly. The proportion of students joining us from outside the Borough of Bournemouth in September 2018 is likely to be broadly similar to that in 2014-2016.”*

The objector says that this answer fails to take into account the increase in pupil numbers within the Borough of Bournemouth. He provides forecasts made by the borough council in 2015 that show that the number of Year 7 students requiring places at schools in Bournemouth is set to increase by seven per cent between 2017 and 2018. Whilst forecasts are always subject to a margin of error, it is not disputed by the school that in future years there will be more secondary age students in Bournemouth. In an answer to an earlier question in the FAQ document, the school reports that the proportion of students who reside in Bournemouth is as shown in the following table:

Year 9	Year 8	Year 7	Year 7 from Sept 2017
69 percent	72 percent	74 percent	79 percent (provisional)

The objector considers that these figures demonstrate a *“steady reduction”* in the number of places offered to pupils living outside Bournemouth and that this is set to continue in 2018.

28. The figures in the table above show only a relatively small change in the proportion of pupils admitted from within the borough and may not be considered statistically significant, but I do agree with the objector’s conclusion for other reasons. Although the school says its intention is not to reduce the proportion of pupils admitted from outside the borough, the proposed oversubscription criteria mean that this is not something that it can control; increasing pupil numbers in Bournemouth may well have the effect the objector predicts. I would add that the rationale given for the change in the headmaster’s letter suggests that the school will make a positive effort to increase the number of applications from Bournemouth, particularly from

pupils from disadvantaged backgrounds. This is confirmed by an extract from Hansard, provided by the school, in which the local member of parliament commends the school for prioritising Bournemouth pupils, which he says will be combined with “*an ambitious programme of outreach to primary schools to raise the aspiration of pupils and their parents to send their children to grammar schools.*”

29. The objector argues that the answer given in the FAQ document may have allayed fears and reduced the number of objections to the new arrangements received by the school during the consultation period. It is impossible to know if this is so. I simply find it to be inconsistent with other information and statements made by the school and therefore potentially misleading for parents.

30. The objector also claims that one of the main reasons for the school proposing to change its arrangements was not stated in the consultation. Following a request made under freedom of information laws, he obtained a copy of a document entitled, “*Vision for 2018 and beyond*”, prepared by the chair of governors in 2015. This document says that the local authority has made clear that it will only support capital investment at the school if the school provides more places for pupils living in Bournemouth. The document proposes both an increase in the school’s PAN to 180 in September 2018 and the changes to the oversubscription criteria that were, in the event, proposed. The objector says that more “*palatable*” reasons than the potential advantage in obtaining capital investment were made public and that this may have reduced objections to the proposed changes.

31. As it happened, the subject of capital investment was mentioned during the consultation period. The school was questioned by a local newspaper from outside Bournemouth as to whether there was a financial incentive for making the proposed changes to its admission arrangements. The headmaster gave a full answer along the lines of the statement made in the 2015 vision document. He emphasised that there was no immediate financial incentive for the school to change its arrangements, but that if the school wished to increase its roll in the future, the local authority was less likely to be supportive if the increase did not address the demand for school places in the local area.

32. I do not believe the school can be criticised over this matter. It was not proposing an increase in PAN for September 2018, as envisaged in the 2015 document. No direct connection can be made between the change in the oversubscription criteria and the securing of capital investment as there is, as yet, no firm proposal to increase the roll of the school. When asked about this matter, a straightforward and accurate answer was given. The details were in the public domain at a relatively early stage in the consultation period. I do not see that, in this respect, there was any defect in the consultation process for the 2018 arrangements. Arrangements for future years will be determined and subject to scrutiny at that time.

33. The objector concludes his submission relating to the consultation by arguing that the school did not give sufficient weight to the responses

received. A report on the consultation was made to the committee of the governing body with delegated responsibility to determine the arrangements. This indicated that only 32 responses were received, of which 50 per cent expressed opposition to the proposed change. All of those opposing the change lived in the Christchurch and New Forest areas outside the Borough of Bournemouth. The headmaster describes the response as “*disappointing*”. He says that the school believes that had a significant proportion of those consulted objected to the policy, the number of responses would have been far higher. In contrast, the objector takes the view that the responses objecting to should be considered as significant. They all come from those likely to be affected by the change. Had the consultation process been more effective, the objector claims, there may have been a larger number of objections.

34. On the basis of the responses that were received, I think that the governing body committee followed an appropriate process. The responses were all provided to them and an analysis was undertaken. It concluded, as the number of responses was small and no significant new issues had been raised, that the proposed arrangements for 2018 should be determined. I do not need to speculate as to whether the objector is correct in his assertion that there would have been more responses had the extent and the content of the consultation been better, as I have already found that there were flaws in the consultation process.

35. While it does not add anything to my judgment that the arrangements do not comply with the law on admissions, I consider that consultation undertaken by the school did not sufficiently engage with all parents of children likely to be affected, as required by paragraph 1.44 a) of the Code. It also included some potentially misleading information. I therefore uphold this part of the objection.

#### *Unfair disadvantage of a social group*

36. The objector believes that the arrangements do not comply with paragraph 1.8 of the Code, which includes the following statement,

*“Admission authorities **must** ensure that their arrangements will not disadvantage unfairly, either directly or indirectly, a child from a particular social or racial group.”*

He says that the social group affected is the “*ordinary working families*” from Dorset and Hampshire who can afford the fare for their children to travel to school, but not “*the prep school fees of Bournemouth residents.*” He supports his argument with figures provided by the school that show that the proportion of children at the school who attended an independent primary school is significantly higher amongst those resident in Bournemouth than those who live in Dorset and Hampshire. He says that some independent schools specialise in preparing children for the grammar school entrance tests. In response the school says that the objector’s identification of “*ordinary working families*” as a group affected by the proposed change is based on only anecdotal evidence. It also believes that the travel costs of reaching the school from outside Bournemouth, said by the objector to amount to £300 per

term, would be “*well beyond the means of all but the most affluent parents.*”

37. In this case, the group that the change to the arrangements is likely to disadvantage are all of the Year 5 children who live outside the Borough of Bournemouth whose parents might like them to be admitted to the school. The objector appears to suggest that these parents form a ‘social group’ because they are in a similar financial position. The evidence he uses to support this suggestion is, however, very limited. He cannot, of course, provide any data about personal finances. The fact that a lower proportion of children attending the school from outside Bournemouth have previously attended an independent school may be a result of many factors, including parental perceptions of the quality of local independent and state-funded primary schools, maintaining social networks, journey times for younger children, and personal beliefs about education. It does not in any way require the conclusion to be drawn that all prospective parents share a common financial status. I am not at all convinced that the objector has identified a ‘social group’ that will be disadvantaged by the arrangements.

38. I would add that paragraph 1.8 prohibits arrangements that disadvantage a particular social group “*unfairly.*” I stated earlier that there is nothing inherently unfair for a grammar school to give priority to those who live nearer the school than those who live further away, provided they have met the required academic standard. Therefore, as the objector has failed to identify a social group that is disadvantaged by the arrangements and the school is not acting unfairly, I do not uphold this aspect of the objection.

### **Summary of Findings**

39. The admission arrangements for the school, determined for September 2018, give priority to pupils living with the Bournemouth local authority area solely because of their residence there. This is a breach of the law on admissions, as established in the “Greenwich judgment”, and for this reason I uphold the objection.

40. I also find that the consultation conducted by the admission authority did not meet the requirements of paragraph 1.44 a) of the Code as insufficient steps were taken to draw the attention of the proposed change to those likely to be disadvantaged by it. In one respect, information provided during the consultation was misleading.

41. I do not uphold the objection for any other of the reasons advanced by the objector, namely that the arrangements are inherently unfair, that the school did not provide sufficiently full reasons for the proposed change, that the governing body did not appropriately consider the responses to the consultation, or that they unfairly disadvantage a particular social group.

42. Parents have only until 31 October 2017 to submit Common Application Forms indicating their preferences for secondary schools for their children to attend in September 2018. For grammar schools, there is the additional process of testing to be undertaken beforehand. I consider that it would be extremely helpful if the arrangements are settled by the beginning of the academic year so that parents have clarity as to how places at the school

will be allocated. Therefore, I determine that the arrangements must be revised by 1 September 2017.

### **Determination**

43. In accordance with section 88H(4) of the School Standards and Framework Act 1998, I uphold the objection to the admission arrangements for September 2018 determined by a committee of the governing body, under delegated authority from the full governing body of Bournemouth School in the Borough of Bournemouth.

44. 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 unless an alternative timescale is specified by the adjudicator. In this case I determine that the arrangements must be revised by 1 September 2017.

Dated: 30 June 2017

Signed:

Schools Adjudicator: Peter Goringe